

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

CASE NO. 08-81565-CIV-HURLEY//HOPKINS

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

CREATIVE CAPITAL CONSORTIUM,  
LLC, A CREATIVE CAPITAL  
CONCEPTS, LLC, and GEORGE  
L. THEODULE,

Defendant.

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DEPOSITION

OF

GABRIELLE ALEXIS

Genovese, Joblove & Battista  
National City Building  
200 East Broward Boulevard  
Suite 1110  
Fort Lauderdale, Florida

Tuesday, April 21st, 2009  
2:25 - 5:20 p.m.  
FERNANDEZ & ASSOCIATES

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1 APPEARANCES

2

3 For the Plaintiff:

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Suite 1800  
6 Miami, Florida 33131  
(Via telephone conference)

7

8 For the Defendant:

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CARMEN CONTRERAS MARTINEZ ESQ.  
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Fort Lauderdale, Florida 33301

11

12 For the Deponent:

13 BARRY WAX, ESQ.  
Law Offices of Barry Wax  
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Suite 1210  
Miami, Florida 33131

15

16 For Dolce Regency Suites, LLC:

17 BRADFORD PATRICK, ESQ.  
Law offices of Russell C.  
18 Weigel, III  
5775 Blue Lagoon Drive  
19 Suite 100  
Miami, Florida 33126  
(Via telephone conference)

20

21 I N D E X

22

23 Witness Direct Cross

24 Gabrielle Alexis  
(By Ms. Van Vliet) 4  
(By Mr. Wax)

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19 CERTIFIED QUESTIONS

20

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1 THEREUPON:

2 GABRIELLE ALEXIS,  
3 a witness named in the notice heretofore  
4 filed, having been first duly sworn, deposes  
5 and says as follows:

6 DIRECT EXAMINATION

7 BY MS. VAN VLIET:

8 Q. Miss Alexis, could you please  
9 state your full name and spell your last  
10 name for the record, please?

11 A. Gabrielle Alexis, A-L-E-X-I-S.

12 MS. VAN VLIET: Before we get  
13 started with the deposition, could we  
14 get appearances from other counsel for  
15 the court reporter please?

16 MR. WAX: Barry Wax on behalf  
17 of Miss Alexis.

18 MS. PAULOSE: Rachel Paulose  
19 with the S.E.C.

20 MR. PATRICK: Bradford Patrick  
21 from the Law Offices of Russell Weigel  
22 on behalf of George Theodule and Dolce  
23 Regency Suites, LLC.

24 BY MS. VAN VLIET:

25 Q. Miss Alexis, you've had your  
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1 deposition taken before, have you not?

2 A. Yes, I have.

3 Q. You understand that I'm going  
4 to be asking you questions here today on  
5 behalf of the Receiver for Creative Capital  
6 Consortium, LLC and a number of other  
7 entities?

8 A. Yes.

9 Q. Do you understand that?

10 A. Yes, I do.

11 Q. And do you understand that as  
12 the Receiver and as counsel for Creative  
13 Capital Consortium, LLC, we, in effect, are  
14 Creative Capital Consortium, LLC?

15 A. Yes.

16 Q. Do you understand that?

17 A. I understand that.

18 Q. In a prior meeting, which I  
19 can't exactly recall when it was, but it was  
20 probably about six weeks ago now, you  
21 provided some documentation in response to a  
22 subpoena that was issued out of the United  
23 States District Court for the Southern  
24 District of Florida, and that was a subpoena  
25 for production of documents.

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1 Do you remember that?  
 2 A. Yes.  
 3 Q. Were those all of the documents  
 4 that you presently possess or have access to  
 5 that are responsive to the subpoena?  
 6 A. I refuse to answer that  
 7 question on the grounds that it may tend to  
 8 incriminate me. I hereby invoke my Fifth  
 9 Amendment right to remain silent.  
 10 Q. Now, the documents that are  
 11 called for in that subpoena include  
 12 documents of corporations. Corporations do  
 13 not have Fifth Amendment privileges.  
 14 Are you continuing to assert  
 15 your Fifth Amendment privilege with regard  
 16 to any documents that pertain to  
 17 corporations that you are a member of?  
 18 MR. WAX: For the record, Miss  
 19 Alexis was not subpoenaed in any  
 20 corporate capacity. She has been  
 21 subpoenaed solely in her individual  
 22 capacity.  
 23 She therefore retains a Fifth  
 24 Amendment right in her individual  
 25 capacity and she will be invoking the  
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1 Fifth Amendment as to all questions  
 2 with respect to her as an individual.  
 3 If she is going to be  
 4 questioned in her corporate capacity  
 5 or in any perceived corporate  
 6 capacity, then she's going to have to  
 7 be subpoenaed in that capacity.  
 8 MS. VAN VLIET: I really wish  
 9 that you had told me this earlier,  
 10 Barry, since we have been talking for  
 11 probably weeks and weeks and weeks  
 12 regarding this deposition, including  
 13 having had some discussions regarding  
 14 this issue, and you never indicated to  
 15 me at that time that you were going to  
 16 go that route, but that's fine.  
 17 MR. WAX: Theresa, I did advise  
 18 you that you were invoking the Fifth  
 19 Amendment in the deposition and I did  
 20 tell Carmen that we were not producing  
 21 any additional documents.  
 22 MS. VAN VLIET: That's a little  
 23 different from answering questions  
 24 regarding corporations that she's a  
 25 member of, but that's all right.  
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1 We'll just have to subpoena her in her  
 2 corporate capacity as to some of the  
 3 corporations that she's involved in,  
 4 as well, and we'll just have to do  
 5 that, in terms of obtaining the  
 6 documents.  
 7 MR. WAX: If you would like to,  
 8 you can certainly ask the questions  
 9 and we will simply take them on an  
 10 individual basis.  
 11 MS. VAN VLIET: Thank you.  
 12 BY MS. VAN VLIET:  
 13 Q. Have you ever refused to  
 14 release any documents to any of your  
 15 purported clients so that they can comply  
 16 with the terms and conditions of the  
 17 subpoena?  
 18 MR. WAX: I'm going to object  
 19 to the question.  
 20 The form of the question is  
 21 vague.  
 22 Are you referring in general to  
 23 any clients she's ever represented, or  
 24 are you referring specifically to the  
 25 clients in this lawsuit?  
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1 MS. VAN VLIET: I'm referring  
 2 to the clients in this lawsuit or  
 3 related to this lawsuit.  
 4 MR. WAX: For the record,  
 5 you've given us four pages of  
 6 exhibits.  
 7 MS. VAN VLIET: Let me narrow  
 8 it down.  
 9 MR. WAX: Thank you.  
 10 BY MS. VAN VLIET:  
 11 Q. Have you ever refused to  
 12 provide documents to any client related to  
 13 this lawsuit who is represented by Bradford  
 14 Patrick?  
 15 MR. WAX: And, for the record,  
 16 who's represented by Bradford Patrick?  
 17 MS. VAN VLIET: Pacific  
 18 Atlantic Investments, Dolce Regency  
 19 Suites, German Cardona and possibly --  
 20 what's his name?  
 21 MS. CONTRERAS MARTINEZ: I  
 22 can't think of it, either.  
 23 MS. VAN VLIET: The other  
 24 partner in Pacific Atlantic  
 25 Investments.  
 FERNANDEZ & ASSOCIATES

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<p>1 MR. WAX: Are you talking about 2 pursuant to a subpoena or otherwise? 3 MS. VAN VLIET: I'm asking you 4 whether you, Miss Alexis, allegedly as 5 the attorney for those corporations, 6 have refused to provide those 7 documents to the current 8 representative of your clients or your 9 former clients so that they can 10 respond to a subpoena. That's what 11 the question is. 12 MR. WAX: I'm going to object 13 to the question on the grounds that 14 it's vague and it assumes that she has 15 been subpoenaed by other parties. 16 I think that there's a 17 predicate question there of whether or 18 not that has even taken place. 19 MS. VAN VLIET: I'm not asking 20 her whether or not she has been 21 subpoenaed. 22 MR. WAX: Well, if they have 23 requested any documents from her, then 24 there's a predicate question which 25 needs to be asked. FERNANDEZ &amp; ASSOCIATES</p>	<p>1 of attorney/client privilege, pursuant 2 to the Sixth Amendment, as it relates 3 to Dolce Regency and Dolce Regency 4 Suites, both my clients. 5 MS. VAN VLIET: Let me be 6 absolutely clear on this. 7 You're refusing to answer, 8 based upon attorney/client privilege, 9 the question as to whether you have 10 refused to produce documents which 11 would be responsive to a civil federal 12 court subpoena? 13 THE WITNESS: Yes. 14 MS. VAN VLIET: And that's 15 based on attorney/client privilege? 16 Is that your answer? 17 THE WITNESS: Yes. 18 MS. VAN VLIET: Mark that. 19 BY MS. VAN VLIET: 20 Q. Miss Alexis, you provided 21 certain retainer agreements to the Receiver 22 when we last met. 23 Do you recall that? 24 A. There was only one, I believe. 25 Q. Let me rephrase that. You FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 MS. VAN VLIET: I'm not asking 2 her that. 3 I'm asking her whether she has 4 refused a request from a current 5 representative of someone who is 6 ostensibly her former client to turn 7 over clients so that the current 8 representative can respond to a 9 legally issued subpoena. 10 MR. PATRICK: I'm going to 11 object as to the form and as to the 12 substance. 13 MR. WAX: I will object with 14 respect to the predicate question and 15 the assumption regarding the existing 16 attorney/client privilege that exists 17 between Dolce Regency Suites, LLC and 18 Miss Alexis. 19 To the extent that the response 20 calls for privileged information, we'd 21 invoke the attorney/client privilege 22 on behalf of Dolce Regency Suites, 23 LLC. 24 THE WITNESS: And I also refuse 25 to answer the question on the grounds FERNANDEZ &amp; ASSOCIATES</p>	<p>1 provided a retainer agreement. 2 Do you recall that? 3 A. Yes. 4 Q. And that retainer agreement was 5 for services that you were to render on 6 behalf of Creative Capital Consortium; is 7 that correct? 8 A. Yes. 9 Q. Is that the only retainer 10 agreement that you had signed with Creative 11 Capital Consortium, the one which you have 12 provided to us? 13 MR. WAX: Well, actually, I 14 believe that there were two that she 15 provided to you. 16 MS. VAN VLIET: Let me clarify 17 that, please. 18 BY MS. VAN VLIET: 19 Q. The one which you provided to 20 us, was that the only one? 21 A. Yes. 22 Q. And there was a first one, 23 actually, and then an amendment to the first 24 one; is that correct? 25 A. Yes. FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 Q. As opposed to two separate 2 retainer agreements? 3 A. There was a retainer agreement 4 and an amendment agreement, that's correct. 5 Q. Now, did you ever have a 6 retainer agreement with George Theodule 7 individually? 8 MR. WAX: I will object to the 9 form of the question. 10 MR. PATRICK: Same objection. 11 MS. VAN VLIET: Please, let's 12 have objections as to form only. 13 Otherwise, we're going to be here for 14 days. 15 You can answer the question, 16 ma'am. 17 MR. WAX: It's vague. I want 18 to know what you mean. 19 When you say "a retainer 20 agreement," do you mean a written 21 retainer agreement? 22 MS. VAN VLIET: Right now, I 23 want to know whether she has a 24 retainer agreement. Then I'll narrow 25 it down. FERNANDEZ &amp; ASSOCIATES</p>	<p>1 Amendment right to remain silent. 2 Q. It's true, is it not, that at 3 no point in time did you receive monies from 4 George Theodule, personally? 5 A. I invoke my Fifth Amendment 6 right to remain silent. 7 Q. Let me finish the question, at 8 least. 9 At no point in time did you 10 receive monies from George Theodule, 11 personally, for any services of 12 representation on his behalf; is that 13 correct? 14 A. I invoke my Fifth Amendment 15 right to remain silent. 16 Q. Have you ever entered into a 17 representational relationship with Dolce 18 Regency Suites, LLC? 19 A. I invoke my client's Sixth 20 Amendment right to privilege. Dolce is my 21 client. 22 Q. Mark it, please, because 23 whether you represent somebody or not is not 24 privileged under the attorney/client 25 privilege. FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 MR. WAX: You can answer the 2 question. 3 THE WITNESS: I refuse to 4 answer the question on the grounds 5 that it may tend to incriminate me. I 6 hereby invoke my Fifth Amendment right 7 to remain silent. 8 BY MS. VAN VLIET: 9 Q. In fact, you never had a 10 representational relationship with George 11 Theodule, individually, did you? 12 A. I hereby invoke my Fifth 13 Amendment right to remain silent on the 14 grounds that it may tend to incriminate me. 15 Q. I think that we can probably 16 narrow this down. If you want to invoke the 17 Fifth Amendment, you don't have to read the 18 whole thing every single time. You can just 19 say: I invoke the Fifth Amendment. 20 Okay? 21 A. That's what I mean. 22 Q. At any point in time, did you 23 provide personal legal services to George 24 Theodule? 25 A. I hereby invoke my Fifth FERNANDEZ &amp; ASSOCIATES</p>	<p>1 MR. WAX: You can say that. 2 THE WITNESS: I did already say 3 previously that Dolce and Regency are 4 my clients. 5 BY MS. VAN VLIET: 6 Q. Have you ever had a retainer 7 agreement with Dolce Regency Suites, LLC? 8 A. I'll invoke my client's Sixth 9 Amendment right. 10 MR. WAX: That's not privilege. 11 It's not whether or not. It's the 12 fact of whether or not you have a 13 retainer agreement. 14 THE WITNESS: Oral or written? 15 MS. VAN VLIET: I'm sorry? 16 MR. WAX: She was asking oral 17 or written. 18 Can you just clarify that, 19 please? 20 MS. VAN VLIET: Sure. 21 BY MS. VAN VLIET: 22 Q. Right now, the question is: Is 23 there a retainer agreement in place? 24 A. Yes. 25 Q. Is that retainer agreement in FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 writing?  2 A. No.  3 Q. When was that retainer  4 agreement entered into?  5 A. Isn't that privileged?  6 Q. No, it's not.  7 MR. WAX: You can answer the  8 question.  9 If you don't know the specific  10 day, then just give her an  11 approximation.  12 THE WITNESS: I'll say about  13 June.  14 BY MS. VAN VLIET:  15 Q. Of what year?  16 A. '08.  17 Q. Who was the principal of Dolce  18 Regency Suites, LLC that you dealt with in  19 connection with that alleged representation?  20 MR. PATRICK: Excuse me.  21 Objection as to form.  22 BY MS. VAN VLIET:  23 Q. You can answer.  24 A. George Theodule.  25 Q. What was George Theodule's role  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 representation of Dolce Regency Suites, LLC  2 on or about June of 2008; is that correct?  3 A. Yes.  4 Q. For what purpose?  5 A. What do you mean?  6 Q. What was the scope of your  7 representation?  8 A. To be the attorney for that  9 particular company and to help the company  10 acquire, specifically, two properties that  11 were called Regency I and Regency II, as  12 well as to prepare whatever legal documents  13 were necessary for its representation.  14 Q. And in connection with that  15 representation, did you competently fulfill  16 all of your duties as an attorney in  17 explaining to the principals and your  18 clients all of the intricacies and the  19 details of the transaction?  20 A. I'll invoke both my Fifth  21 Amendment right and my client's Sixth  22 Amendment, as well.  23 Q. With all due respect, the  24 question of whether you performed your  25 duties as an attorney competently does not  FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 or position there?  2 A. George Theodule and German  3 Cardona.  4 Q. And who was German Cardona,  5 Miss Alexis?  6 A. What do you mean who was he?  7 Q. I meant what I asked.  8 Who was German Cardona?  9 A. You asked me about the  10 principals.  11 Q. Dolce Regency Suites was made  12 up of what members?  13 A. George Theodule and Pacific  14 Atlantic Investments.  15 Q. And Pacific Atlantic  16 Investments, were they a client of yours?  17 A. No.  18 Q. Who were the principals of  19 Pacific Atlantic Investments?  20 A. German Cardona and Wayne  21 Falcon.  22 Q. And did you ever represent  23 German Cardona, personally?  24 A. No.  25 Q. You say that you undertook the  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 call for communications that are  2 confidential in nature between you and your  3 clients. I'd ask you for the answer the  4 question.  5 MR. WAX: Wait a minute.  6 You asked about explaining this  7 to her clients.  8 MS. VAN VLIET: I said  9 including.  10 MR. WAX: You said: Including  11 explaining this.  12 Just ask the question again,  13 please.  14 BY MS. VAN VLIET:  15 Q. Did you perform competently in  16 your representation of Dolce Regency Suites,  17 LLC?  18 MR. WAX: Objection. Calls for  19 an expert opinion.  20 MR. PATRICK: Objection as to  21 form.  22 MR. WAX: You can answer the  23 question.  24 THE WITNESS: I believe that I  25 did.  FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 BY MS. VAN VLIET:  2 Q. You can answer.  3 A. I did answer.  4 Q. Well, then, you need to speak  5 up.  6 What was your answer?  7 A. I believe I did.  8 Q. Did you perform competently in  9 your representation of Creative Capital  10 Consortium, LLC?  11 MR. WAX: Objection to form.  12 THE WITNESS: I'll invoke my  13 Fifth Amendment right to remain silent  14 at this time.  15 BY MS. VAN VLIET:  16 Q. And is the reason that you're  17 invoking your Fifth Amendment right, Miss  18 Alexis, because in fact you stole money from  19 Creative Capital Consortium, LLC?  20 A. I invoke my Fifth Amendment  21 right to remain silent.  22 ---  23 (Thereupon, a Retainer Agreement  24 was marked as Defendant's Exhibit  25 Number GA-1 for Identification.  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 Q. Is this the original retainer  2 agreement that you referred to earlier in  3 your testimony between you and Creative  4 Capital Consortium, LLC?  5 A. Yes, it is.  6 ---  7 (Thereupon, an Amendment to  8 Retainer Agreement was marked as  9 Defendant's Exhibit Number GA-2 for  10 Identification.  11 ---  12 BY MS. VAN VLIET:  13 Q. And showing you now what has  14 been marked as Exhibit Number 2, ma'am,  15 would you take a look at that and tell me  16 whether or not you recognize that?  17 A. Yes, I do.  18 Q. For the record, this is marked  19 as Alexis 000042 and 000043.  20 Turning your attention, Miss  21 Alexis, to page 2 of that document, do you  22 recognize your signature on there?  23 A. Yes, I do.  24 Q. Did you look at it already?  25 A. Yes, ma'am.  FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 ---  2 BY MS. VAN VLIET:  3 Q. I'm now marking as Exhibit  4 Number GA-1 what I will show you at this  5 time, which, for the record, is Alexis  6 000038 through 000041.  7 Take a look at that for me,  8 Miss Alexis, and tell me whether you  9 recognize that.  10 A. I do.  11 Q. I'm sorry?  12 A. I said that I do.  13 Q. You need to speak up, ma'am.  14 Remember that we have people who are  15 attending the deposition by phone.  16 A. Okay.  17 Q. Turning to the last page of  18 Exhibit Number 1, is that your signature,  19 Miss Alexis?  20 A. Yes, it is.  21 Q. The signature next to it, whose  22 signature is that?  23 A. George.  24 Q. George who?  25 A. Theodule.  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 Q. And whose signature is that  2 next to yours on the left-hand side?  3 A. George Theodule.  4 Q. Is that the Amendment to the  5 Retainer Agreement that you referred to  6 earlier in your testimony regarding the  7 original retainer agreement between you and  8 Creative Capital Consortium, LLC?  9 A. Yes, it is.  10 Q. Are those the only two  11 documents relating to your representation,  12 in terms of a retainer agreement, with  13 Creative Capital Consortium, LLC?  14 A. Yes.  15 ---  16 (Thereupon, a Record of Bank  17 Transactions was marked as Defendant's  18 Exhibit Number GA-3 for Identification.  19 ---  20 BY MS. VAN VLIET:  21 Q. Now, turning your attention to  22 GA-3, at some point in time during your  23 representational relationship with Creative  24 Capital Consortium, there came a point in  25 time when you ended up going on a ten  FERNANDEZ &amp; ASSOCIATES</p>

<p style="text-align: right;">Page 26</p> <p>1 thousand dollar a month retainer; is that 2 correct? 3 A. Yes. 4 Q. The front page of GA-3 reflects 5 a series of deposits into your law office 6 checking account; is that correct? 7 MR. WAX: I object to the form 8 of the question and to you asking her 9 to identify what this document is. 10 She did not create this 11 document. We don't know who created 12 it and we don't know if it's accurate 13 or inaccurate, so asking her a 14 question based on the front page of 15 GA-3, we're objecting to that. 16 MS. VAN VLIET: What's the 17 basis for your objection? 18 MR. WAX: It's outside the 19 scope of the witness' knowledge. 20 MS. VAN VLIET: Please, let's 21 just object as to form, Barry, because 22 otherwise, we will be here for two 23 days. 24 MR. WAX: I'll do my best. 25 BY MS. VAN VLIET: FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 28</p> <p>1 "Wachovia," ma'am? 2 A. Yes. 3 Q. And it lists your account 4 number on there, does it not? 5 Do you see that, ma'am? 6 A. No, I don't. 7 Q. You don't see that? 8 A. I see it, but I don't recognize 9 that. 10 Q. When you obtained your ten 11 thousand dollar per month retainer from 12 Creative Capital Consortium, LLC, did you 13 usually get it by way of a check, as in the 14 one you've just seen that you don't 15 recognize, or did you usually get it by way 16 of wire transfers? 17 A. I invoke my Fifth Amendment 18 right to remain silent. 19 Q. On July 9th, 2008, you received 20 a three million dollar wire transfer into 21 your trust account from Creative Capital 22 Consortium, LLC. 23 Do you recall that? 24 A. Yes. 25 Q. And what was the purpose of FERNANDEZ &amp; ASSOCIATES</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. You can answer the question, 2 Miss Alexis. 3 A. At this time, I invoke my 4 Fifth Amendment right to remain silent. 5 Q. Turn to the second page of the 6 document, if you would. 7 A. The second page on the back of 8 page 1 or the second page? 9 Q. The second page of the 10 document, ma'am, which is this page. It's a 11 check made out to Miss Alexis. 12 Do you see that? 13 A. Yes. 14 Q. Do you recognize that check? 15 A. If I've seen it before? Is 16 that what you're asking me? 17 Q. Yes. Excuse me. 18 A. I couldn't really tell you. I 19 just see my name on it. 20 Q. Do you recognize the depository 21 bank account number that's stamped on the 22 back of it? 23 A. There is no stamp in the back 24 of it. 25 Q. Do you see where it says FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 29</p> <p>1 that three million dollar transfer? 2 A. I invoke my Fifth Amendment 3 right to remain silent and I also invoke 4 privilege on behalf of my clients. 5 Q. Well, Creative Capital 6 Consortium, LLC is me, Miss Alexis, and so 7 I'm waiving the privilege. Therefore, you 8 can answer it on the part of the privilege, 9 ma'am. 10 MR. WAX: She's still going to 11 claim a Sixth Amendment privilege, but 12 she's also claiming Fifth Amendment 13 and she's not going to answer the 14 question. 15 MS. VAN VLIET: She has no 16 Sixth Amendment privilege. 17 MR. WAX: She has a Fifth 18 Amendment privilege, however, and 19 she's not answering the question based 20 on her Fifth Amendment rights. 21 I really don't need to argue 22 the Sixth Amendment issue with you, 23 Theresa. 24 MS. VAN VLIET: You said she's 25 still claiming it. FERNANDEZ &amp; ASSOCIATES</p>



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<p>1 MR. WAX: She's going to claim 2 it, because you're indicating that 3 that came from Creative Capital 4 Consortium and we're not conceding 5 that that came from Creative Capital 6 Consortium and, as to that particular 7 issue, she's claiming the Sixth 8 Amendment. 9 BY MS. VAN VLIET: 10 Q. Turn to the next to the last 11 page, where there is a Washington Mutual 12 account number. 13 Do you see that? 14 MR. WAX: Did you say the next 15 to the last page? 16 MS. VAN VLIET: That's correct. 17 MR. WAX: Thank you. 18 BY MS. VAN VLIET: 19 Q. Do you see that three million 20 dollar wire transfer on July 9th, 2008, Miss 21 Alexis? 22 A. I do. 23 Q. Do you see that? 24 MR. WAX: We see that. 25 MS. VAN VLIET: I'm not asking FERNANDEZ &amp; ASSOCIATES</p>	<p>1 A. I invoke my Fifth Amendment 2 right to remain silent. 3 Q. When you diverted that three 4 million dollars of what was, in fact, 5 Creative Capital Consortium money on July 6 9th, 2008 to your Options Express account, 7 you engaged in trades with Mr. Theodule that 8 resulted in the emptying out of that amount 9 of money; is that correct? 10 MR. WAX: Objection as to form. 11 Go ahead. 12 THE WITNESS: I invoke my Fifth 13 Amendment right to remain silent. 14 BY MR. VAN VLIET: 15 Q. You, in fact, knew at all 16 points in time when you were watching the 17 activity in the Options One Express account 18 that Mr. Theodule was allegedly trading down 19 the money and, in fact, lost approximately 20 seven million dollars of money that didn't 21 belong to you; is that correct? 22 MR. WAX: Objection to the form 23 of the question. 24 THE WITNESS: I invoke my Fifth 25 Amendment right to remain silent. FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 you the question, Mr. Wax, unless we 2 put you under oath. 3 MR. WAX: Go ahead. 4 Do you see that? 5 THE WITNESS: Yes, I do. 6 BY MS. VAN VLIET: 7 Q. Is it your testimony, Miss 8 Alexis, that that money did not originate at 9 Creative Capital Consortium, LLC? 10 A. I'll invoke both my Fifth 11 Amendment right to remain silent and my 12 client's Sixth Amendment right. 13 Q. Is that because, in fact, you 14 thereafter transferred that three million 15 dollars or the bulk of it into an Options 16 One Express account that you had with 17 George's Theodule, personally, ma'am? 18 A. I invoke my Fifth Amendment 19 right to remain silent and my client's Sixth 20 Amendment right. 21 Q. Was that the same Options One 22 Express account that you ultimately diverted 23 approximately four million dollars of money 24 from which was to be devoted to the purchase 25 of Dolce Regency II? FERNANDEZ &amp; ASSOCIATES</p>	<p>1 BY MS. VAN VLIET: 2 Q. When did you start watching the 3 dissipation of your client's money? 4 A. I invoke my Fifth Amendment 5 right to remain silent. 6 Q. Let me finish the question, 7 please. 8 When did you begin watching the 9 dissipation of my client's money out of the 10 Options One Express account in your name? 11 MR. WAX: Objection to the form 12 of the question. 13 THE WITNESS: I invoke my Fifth 14 Amendment right to remain silent. 15 BY MS. VAN VLIET: 16 Q. How often did you look at the 17 account to see that it was being dwindled 18 down to nothing, money that didn't belong to 19 you, but that was in your name? 20 MR. WAX: Objection to the form 21 of the question. 22 THE WITNESS: I hereby invoke 23 my Fifth Amendment right to remain 24 silent. 25 BY MS. VAN VLIET: FERNANDEZ &amp; ASSOCIATES</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. How many trust accounts did you 2 have for monies that were given to you by 3 George Theodule? 4 MR. WAX: Objection to the form 5 of the question. 6 THE WITNESS: I invoke my Fifth 7 Amendment right to remain silent. 8 BY MS. VAN VLIET: 9 Q. The trust ledger documents, 10 meaning the ledger documents that you have 11 provided to the Receiver and those which 12 have been marked Alexis 00001 and 00002, 13 were they accurate? 14 MR. PATRICK: Objection as to 15 the form of the question. 16 THE WITNESS: Yes. 17 BY MS. VAN VLIET: 18 Q. Were they complete? 19 A. Yes. 20 Q. Thank you. 21 A. What trust account are you 22 referring to? 23 Q. The documents that you provided 24 to me, your ledger. 25 A. Yes. FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 36</p> <p>1 Sixth, then she will limit it to 2 Fifth. 3 MS. VAN VLIET: That's fine. 4 - - - 5 (Thereupon, a Deposit and 6 Withdrawal Ledger was marked as 7 Defendant's Exhibit Number GA-4 for 8 Identification. 9 - - - 10 BY MS. VAN VLIET: 11 Q. I'm now handing you what will 12 be marked as Exhibit GA-4. 13 Would you take a look at that 14 for me, please? 15 A. Yes. 16 Q. At the top, there is an entry 17 in your trust account preparation that says 18 that you received a wire transfer in the 19 amount of eleven million dollars from Crowne 20 Gold, Inc. on July 23rd, 2006. 21 Do you see that? 22 A. Yes, I see it. 23 Q. Is that accurate, that entry? 24 A. Yes. 25 Q. Whose can account at Crowne FERNANDEZ &amp; ASSOCIATES</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Is that document complete and 2 accurate? 3 A. Yes. 4 Q. Were you in the habit of 5 commingling your client's funds? 6 A. I invoke my Fifth Amendment 7 right to remain silent and I also assert my 8 client's privilege under the Sixth 9 Amendment. 10 Q. On behalf of Creative Capital 11 Consortium, LLC, your client, I waive the 12 privilege, and so you can tell me whether 13 you were in the habit of commingling my 14 funds with somebody else's. 15 MR. WAX: But not on behalf of 16 other individuals whom she represents 17 whom you're suggesting that she 18 commingled with. 19 BY MS. VAN VLIET: 20 Q. I just want to know whether you 21 have commingled my funds with any of them. 22 If you want to take the Fifth, then that's 23 one thing, but you can't claim 24 attorney/client privilege on that one. 25 MR. WAX: If you're waiving FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 37</p> <p>1 Gold, Inc. did you receive that from? 2 A. I'll invoke my client's 3 attorney/client privilege under the Sixth 4 Amendment. 5 Q. What client would that be, 6 ma'am? 7 A. Dolce. 8 Q. So it's your testimony that it 9 was on behalf of Dolce Regency? 10 A. Yes. 11 Q. It's your testimony that this 12 money was sent to you by Dolce Regency? 13 A. For Dolce. 14 Q. Well, ma'am, if it wasn't sent 15 to you by your client, then upon what basis 16 do you invoke the Sixth Amendment? 17 A. On behalf of my clients. 18 Q. If it was sent to you by a 19 third party, then they're not your client. 20 MR. WAX: Please don't raise 21 your voice at my client, Miss Van 22 Vliet. She's not raising her voice to 23 you. 24 She's here simply either 25 answering the questions or invoking FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 the privilege. Please be respectful 2 of that. 3 MS. VAN VLIET: I'm respectful 4 of the Fifth Amendment. However, I am 5 not respectful of assertions of the 6 Sixth Amendment. 7 MR. WAX: That still doesn't 8 give you the privilege of raising your 9 voice to my client. 10 MS. VAN VLIET: Fine. 11 BY MS. VAN VLIET: 12 Q. Miss Alexis, what client is it 13 that you're saying there's a confidential 14 communication on here with regard to this 15 one? 16 A. I'll invoke the Fifth 17 Amendment, then. 18 Q. In fact, this money came to you 19 from Crowne Gold, Inc., but not through any 20 of your clients; is that right? 21 A. I'll invoke the Fifth 22 Amendment. 23 Q. What conversations did you have 24 with German Cardona with regard to any side 25 agreements between Mr. Cardona and FERNANDEZ &amp; ASSOCIATES</p>	<p>1 his own right? 2 A. I invoke my Fifth Amendment 3 right to remain silent. 4 Q. At what point in time did you 5 become aware of the fact that George 6 Theodule was running a Ponzi scheme through 7 Creative Capital Consortium? 8 A. I understand that you're saying 9 that he knew that, but beyond the 10 allegations, I don't have a clue of what 11 you're talking about. 12 Q. At what point in time did you 13 become aware of the fact that George 14 Theodule was stealing and diverting money 15 belonging to CCC? 16 A. Like I said, besides the 17 allegations that you have made on your 18 client's behalf, Creative Capital 19 Consortium, I don't know anything of that 20 sort. 21 MR. WAX: Objection to the form 22 of the question. 23 MS. VAN VLIET: 24 Q. When Mr. Theodule authorized 25 you to transfer four million dollars of that FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 Mr. Theodule? 2 A. I invoke my Fifth Amendment 3 right to remain silent. 4 Q. What due diligence did you 5 perform to ensure that German Cardona or the 6 source of any monies that Mr. Cardona was 7 allegedly sending was legitimate? 8 A. I invoke my Fifth Amendment 9 right to remain silent. 10 Q. Did you take the simple step, 11 for example, of merely Googling him? 12 A. I invoke my Fifth Amendment 13 right to remain silent. 14 Q. Are you familiar with what I 15 mean when I say Googling somebody? 16 A. I am. 17 Q. And did you, at any point in 18 time, prior to, for example, the Receiver 19 taking over in December of 2008, attempt to 20 do that? 21 A. I invoke my Fifth Amendment 22 right to remain silent. 23 Q. At any point in time, did you 24 become aware of the fact that German Cardona 25 was allegedly involved in Ponzi schemes of FERNANDEZ &amp; ASSOCIATES</p>	<p>1 eleven million dollars into your own name, 2 did you think that was honest? 3 A. I invoke my Fifth Amendment 4 right to remain silent. 5 MR. WAX: Objection to form. 6 MS. VAN VLIET: What exhibit 7 number are we on? 8 MS. CONTRERAS MARTINEZ: We're 9 up to five. The ledger was four. 10 --- 11 (Thereupon, an Affidavit of 12 Gabrielle Alexis was marked as 13 Defendant's Exhibit Number GA-5 for 14 Identification. 15 --- 16 BY MS. VAN VLIET: 17 Q. Now, you submitted an affidavit 18 in connection with Dolce Regency Suites, 19 LLC; is that correct? 20 A. Yes. 21 Q. For the record, I'm handing you 22 Exhibit Number GA-5. 23 Would you take a look at that, 24 please? 25 A. Yes. FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 Q. And this is the affidavit you 2 submitted in connection with Dolce Regency 3 Suites, LLC's opposition to the Receiver 4 taking over that entity. 5 Do you recall that? 6 A. Excuse me? 7 Q. Do you recall submitting the 8 affidavit? 9 A. Yes. 10 Q. I've now handed you Exhibit 11 Number GA-5. 12 Do you see that? 13 A. Yes. 14 Q. Is this the affidavit that you 15 submitted, turning to the back of the 16 document? 17 I'm sorry. Apparently, it's 18 not date stamped, but it would be the back 19 of the second page. 20 Do you see that, Miss Alexis? 21 A. Yes. 22 Q. Is that your signature? 23 A. Give me a second. 24 Q. Take all the time you need, 25 ma'am. FERNANDEZ &amp; ASSOCIATES</p>	<p>1 CCC and documents were asked for pursuant to 2 the receiver's order, I brought everything 3 related to CCC and that's all. Nobody asked 4 me about Dolce Regency Suites or Dolce 5 Regency, LLC, and so I produced nothing. 6 Q. And you refuse to produce 7 anything now; is that correct? 8 A. My client has a privilege 9 ma'am. 10 Q. What client would that be, Miss 11 Alexis? 12 A. Dolce. 13 Q. I thought in your affidavit, 14 you stated that you thought that Mr. George 15 Theodule was an honest man. 16 Am I incorrect? 17 A. What number is that? 18 Q. I thought you had said that in 19 your affidavit. 20 MR. PATRICK: Objection to 21 form. 22 BY MS. VAN VLIET: 23 Q. Did you write this affidavit, 24 Miss Alexis? 25 A. I invoke my Fifth Amendment FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 A. Yes, it is. 2 Q. By the way, I noticed that some 3 e-mails were attached to the affidavit. 4 Do you see that? 5 A. Yes. 6 Q. Why didn't you produce these 7 e-mails to the Receiver in response to the 8 first Request for Production? 9 A. Your subpoena did not ask me 10 about Dolce Regency Suites. 11 Q. So it was your determination 12 that they were not responsive; is that 13 correct? 14 A. Excuse me? 15 Q. It was your determination that 16 it was nonresponsive; is that correct? 17 A. Pursuant to Dolce, it was not. 18 As you can see, even the top says Dolce 19 Regency. 20 Q. So that's why you didn't 21 produce the documents? 22 A. This had nothing at all to do 23 with Dolce Regency, LLC. These have 24 absolutely zero to do with Creative Capital 25 Consortium, so when I was questioned about FERNANDEZ &amp; ASSOCIATES</p>	<p>1 right to remain silent with regard to that 2 question. 3 Q. When you made the July 4 amendment and name change from Dolce 5 Regency, LLC to Dolce Regency Suites, LLC, 6 why is it that you named Pacific Atlantic 7 Investments and German Cardona as only a 8 manager? 9 A. I invoke my Fifth Amendment 10 right to remain silent, as well as my 11 client's Sixth Amendment privilege. 12 Q. Are you familiar with the 13 difference between a manager and a member of 14 an LLC? 15 A. Yes, I am. 16 Q. You testified about this 17 earlier, and I just want to find out about 18 it and clarify it. I want to know which 19 client you're invoking the Sixth Amendment 20 on. 21 You testified earlier that 22 Pacific Atlantic Investments was not your 23 client; is that correct? 24 A. That's is that correct. 25 Q. Now, let's go back to Exhibit FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 Number GA-4, which is your trust fund 2 records, I believe. 3       Actually, I stand corrected. 4 Apparently, you never did say that 5 Mr. Theodule was honest in your declaration. 6 Therefore, I strike that question. 7       A. I don't know. 8       Q. Turning to Exhibit Number GA-4, 9 do you see a transfer, on July 8th, 2008, 10 for four million dollars? 11       A. If I see it, yes. 12       Q. Well, did you make this entry? 13       A. Yes, I did. 14       Q. Did you do that at the written 15 instruction of anyone? 16       A. I invoke my Fifth Amendment 17 right to remain silent. 18       Q. When George Theodule faxed you 19 a written instruction authorizing or 20 ostensibly authorizing you to make that 21 transfer, did you have any verbal discussion 22 with him? 23       A. I invoke my Fifth Amendment 24 right to remain silent. 25       Q. You indicated, in earlier           FERNANDEZ &amp; ASSOCIATES</p>	<p>1       Q. This will now be Exhibit Number 2 GA-6, for the record. 3       Let me show you that, ma'am. 4       Would you take a look at that, 5 please? 6       A. Yes. 7       Q. For the record, this is Alexis 8 000026 through 000028. 9       Miss Alexis, do you recognize 10 these three pages of documents, which have 11 previously been provided by you to the 12 Receiver in production? 13       A. Yes. 14       Q. Now, this money, this four 15 million dollars that you refer to in the top 16 of this with regard to Regency II that you 17 previously provided in response to the 18 Request for Production, do you see that up 19 there at the top of your e-mail? 20       A. I see it. 21       Q. That was the four million 22 dollars from Regency II that you transferred 23 out to the Options Express account; is that 24 correct? 25       A. I invoke my Fifth Amendment           FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 conversations with us, at which point in 2 time I believe you waived your Fifth 3 Amendment rights, but that will be a 4 discussion for another day, that you thought 5 the eleven million dollars was transferred 6 to you from German Cardona. 7       Do you recall those statements 8 to us? 9       A. Yes. 10       Q. If you believed that the money 11 was from German Cardona, why did you feel 12 that you were authorized to transfer monies 13 based on George Theodule's written 14 instruction? 15       MR. WAX: Objection to the A 16 form of the question. 17       THE WITNESS: I hereby invoke my 18 Fifth Amendment right to remain 19 silent. 20       --- 21       (Thereupon, E-mails were marked as 22 Defendant's Exhibit Number GA-6 for 23 Identification. 24       --- 25 BY MS. VAN VLIET:           FERNANDEZ &amp; ASSOCIATES</p>	<p>1 right to remain silent. 2       Q. Turn to the third page of 3 Exhibit Number 6, please. 4       Do you see that? 5       A. Yes. 6       Q. Whose signature is that? 7       A. George Theodule's. 8       Q. Is this the documentation that 9 you were provided to transfer the four 10 million dollars to the Options Express 11 account which was in yours and 12 Mr. Theodule's name? 13       A. I hereby invoke my Fifth 14 Amendment right to remain silent. 15       Q. Is this the only documentation 16 upon which you relied upon to transfer -- 17       A. I invoke my Fifth Amendment 18 right to remain silent. 19       Q. Let me get the whole question 20 out, because then the record will be much 21 cleaner and there will be no question about 22 what you're saying. 23       I fully recognize that you're 24 going to invoke the Fifth, but I need to get 25 the whole question out.           FERNANDEZ &amp; ASSOCIATES</p>

<p>Page 50</p> <p>1 A. Okay.</p> <p>2 Q. Is this the only document upon</p> <p>3 which you relied to transfer four million</p> <p>4 dollars from your trust account into the</p> <p>5 Options Express account in your name and</p> <p>6 George Theodule's name?</p> <p>7 A. I invoke my Fifth Amendment</p> <p>8 right to remain silent.</p> <p>9 Q. Similarly, is this the only</p> <p>10 form of authorization at all, whether</p> <p>11 documentary or otherwise, that you relied</p> <p>12 upon to make that same transfer?</p> <p>13 A. I invoke my Fifth Amendment</p> <p>14 right to remain silent.</p> <p>15 Q. In the first e-mail, which is</p> <p>16 Alexis 000026, the e-mail dated September</p> <p>17 11th, 2008 at 1:09:34 p.m. to George from</p> <p>18 you, you indicate that that four million</p> <p>19 dollars was for the purchase of Regency II;</p> <p>20 is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Did you ever receive any</p> <p>25 authorization from anyone at Pacific FERNANDEZ &amp; ASSOCIATES</p>	<p>Page 52</p> <p>1 THE WITNESS: I invoke my Fifth</p> <p>2 Amendment right to remain silent and I</p> <p>3 assert my client, Dolce's, privilege</p> <p>4 to the Sixth Amendment.</p> <p>5 BY MS. VAN VLIET:</p> <p>6 Q. Are you familiar with the term</p> <p>7 money laundering?</p> <p>8 A. Generally.</p> <p>9 Q. Is that a yes?</p> <p>10 A. Generally, yes.</p> <p>11 Q. Are you aware of any actions or</p> <p>12 financial transactions that constituted</p> <p>13 money laundering in the transaction between</p> <p>14 Pacific Atlantic Investments and George</p> <p>15 Theodule?</p> <p>16 A. I'm not sure I understand the</p> <p>17 question.</p> <p>18 Can you clarify?</p> <p>19 Q. Are you aware of any financial</p> <p>20 transactions between George Theodule and</p> <p>21 anyone else connected with Dolce Regency,</p> <p>22 LLC that --</p> <p>23 A. Absolutely not.</p> <p>24 MR. WAX: You have to let her</p> <p>25 finish the question. FERNANDEZ &amp; ASSOCIATES</p>
<p>Page 51</p> <p>1 Atlantic Investments to transfer that four</p> <p>2 million dollars into an Options Express</p> <p>3 account in your name and George Theodule's</p> <p>4 name?</p> <p>5 A. I invoke my Fifth Amendment</p> <p>6 right to remain silent.</p> <p>7 Q. Did you ever receive any</p> <p>8 authorization from any of the principals of</p> <p>9 Pacific Atlantic Investments to transfer</p> <p>10 that money into an Options Express account</p> <p>11 in your name and George Theodule's name?</p> <p>12 A. I hereby invoke my Fifth</p> <p>13 Amendment right to remain silent.</p> <p>14 Q. Did you ever receive any</p> <p>15 authorization from Creative Capital</p> <p>16 Consortium, LLC, specifically as an entity,</p> <p>17 to make that transfer?</p> <p>18 A. I invoke my Fifth Amendment</p> <p>19 right to remain silent.</p> <p>20 Q. Is it true that George Theodule</p> <p>21 and German Cardona had entered into an</p> <p>22 agreement to, in effect, be shell purchasers</p> <p>23 of Regency I and Regency II?</p> <p>24 MR. PATRICK: Objection to</p> <p>25 form. FERNANDEZ &amp; ASSOCIATES</p>	<p>Page 53</p> <p>1 THE WITNESS: I'm sorry.</p> <p>2 BY MS. VAN VLIET:</p> <p>3 Q. Are you aware of any financial</p> <p>4 transactions between George Theodule and</p> <p>5 anyone else connected with Dolce Regency</p> <p>6 that constituted money laundering?</p> <p>7 A. Absolutely not.</p> <p>8 Q. Did you receive any payments of</p> <p>9 attorneys fees or monthly set retainers from</p> <p>10 any of these clients that you've described</p> <p>11 so far, other than Creative Capital</p> <p>12 Consortium, LLC?</p> <p>13 MR. WAX: Objection to the form</p> <p>14 of the question. It's vague.</p> <p>15 BY MS. VAN VLIET:</p> <p>16 Q. Do you want to go back and name</p> <p>17 the clients you've said so far?</p> <p>18 MR. WAX: Are you referring to</p> <p>19 Dolce Regency and Dolce Regency</p> <p>20 Suites?</p> <p>21 BY MS. VAN VLIET:</p> <p>22 Q. You've asserted that you</p> <p>23 represented the following entities:</p> <p>24 Creative Capital Consortium, LLC, is that</p> <p>25 correct? FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 A. Yes.</p> <p>2 Q. George Theodule, individually?</p> <p>3 A. Yes.</p> <p>4 Q. Dolce Regency Suites, LLC?</p> <p>5 A. That's correct.</p> <p>6 Q. And who else?</p> <p>7 A. Dolce Regency Suites.</p> <p>8 Q. And Dolce Regency Suites.</p> <p>9 A. That's correct.</p> <p>10 Q. So you represent those four</p> <p>11 clients?</p> <p>12 A. That's correct.</p> <p>13 Q. Have you received fees for any</p> <p>14 of the work that you claim to have done in</p> <p>15 your representational capacity of those four</p> <p>16 individuals and entities, aside from the</p> <p>17 monies paid to you by Creative Capital</p> <p>18 Consortium?</p> <p>19 A. I'll invoke my Fifth Amendment</p> <p>20 right to remain silent.</p> <p>21 Q. When I say "payment of fees", I</p> <p>22 mean, of course, legitimate payment of fees,</p> <p>23 not the theft of monies.</p> <p>24 Do you understand that?</p> <p>25 A. I do.</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>	<p>1 MR. PATRICK: Objection to</p> <p>2 form.</p> <p>3 THE WITNESS: I did not create</p> <p>4 a trust account for one specific</p> <p>5 person.</p> <p>6 When I opened up this account,</p> <p>7 it was to receive the eleven million</p> <p>8 dollars. That was the purpose that I</p> <p>9 went and opened an account for after I</p> <p>10 spoke to Mr. Cardona when I was</p> <p>11 supposed to hold the three million</p> <p>12 dollars. I usually don't really have</p> <p>13 an account where I put that much money</p> <p>14 in there.</p> <p>15 I do have other accounts, but</p> <p>16 not with this much money, and so I</p> <p>17 decided to receive it there, because I</p> <p>18 didn't expect to hold it for too long,</p> <p>19 so I thought that I would either send</p> <p>20 it to whoever I was supposed to send</p> <p>21 it to or I would return it to wherever</p> <p>22 it was supposed to be returned.</p> <p>23 That was the only purpose that</p> <p>24 I received the three million dollars</p> <p>25 from George into this account.</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 Q. What is Mandesir &amp; Alexis</p> <p>2 Title?</p> <p>3 A. That's a title company that I</p> <p>4 used to be an officer in.</p> <p>5 Q. Why did you receive three</p> <p>6 hundred thousand dollars from Creative</p> <p>7 Capital Consortium for Mandesir &amp; Alexis</p> <p>8 Title?</p> <p>9 A. Mr. Theodule was buying a</p> <p>10 property for which the title company was</p> <p>11 going to do the closing, and so the money</p> <p>12 was sent to the title company to handle that</p> <p>13 closing. I think I submitted the contracts</p> <p>14 the last time to you.</p> <p>15 Q. And while we see three hundred</p> <p>16 thousand dollars going in, where on Exhibit</p> <p>17 Number GA-4 do we see -- and by the way,</p> <p>18 let's just strike that for a second, and let</p> <p>19 me ask you this: You put this money in your</p> <p>20 trust account as CCC money; isn't that</p> <p>21 right?</p> <p>22 A. No.</p> <p>23 Q. Whose trust accounting is this?</p> <p>24 Is this just kind of like</p> <p>25 everybody?</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>	<p>1 BY MS. VAN VLIET:</p> <p>2 Q. You mentioned, actually, that</p> <p>3 you have other accounts; is that correct?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Please tell me where, like what</p> <p>6 bank and what financial institutions they're</p> <p>7 at.</p> <p>8 MR. WAX: I'm going to object</p> <p>9 to this question on the grounds of</p> <p>10 attorney/client privilege.</p> <p>11 THE WITNESS: That would be</p> <p>12 attorney/client privilege.</p> <p>13 MR. WAX: That's correct.</p> <p>14 BY MS. VAN VLIET:</p> <p>15 Q. So you're asserting that your</p> <p>16 lawyer trust accounts are attorney/client</p> <p>17 privilege?</p> <p>18 MR. WAX: Wait a second,</p> <p>19 please, because I misunderstood the</p> <p>20 question.</p> <p>21 I just want to make something</p> <p>22 clear.</p> <p>23 You asked whether she has other</p> <p>24 professional accounts; is that</p> <p>25 correct?</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 MS. VAN VLIET: Yes.                  2 MR. WAX: Related to her law                  3 practice?                  4 MS. VAN VLIET: Yes.                  5 MR. WAX: What bank they're at?                  6 That's what you want to know?                  7 MS. VAN VLIET: Yes.                  8 MR. WAX: That's not                  9 privileged. You have no answer that                  10 question.                  11 THE WITNESS: Well, I gave you                  12 my other account, 1714.                  13 MR. WAX: Just answer the                  14 question.                  15 What's the name of the bank,                  16 please?                  17 THE WITNESS: Wachovia.                  18 BY MS. VAN VLIET:                  19 Q. And is that the only other                  20 professional account you have into which,                  21 allegedly, these professional fees for                  22 monies that you were holding in escrow for                  23 clients went?                  24 Is that it?                  25 A. I invoke my Fifth Amendment                  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 question, though.                  2 THE WITNESS: I hereby invoke                  3 my Fifth Amendment right to remain                  4 silent.                  5 BY MS. VAN VLIET:                  6 Q. Ma'am, if you sent that money                  7 out in payment for anything else that was                  8 legitimately required under the Dolce                  9 Regency operating agreement or allegedly                  10 required under the Dolce Regency operating                  11 agreement, please tell us about it.                  12 MR. WAX: That's not really a                  13 question, so I will object to the                  14 form.                  15 MS. VAN VLIET: Please tell us                  16 about it.                  17 THE WITNESS: That's my                  18 client's privilege.                  19 BY MS. VAN VLIET:                  20 Q. What privilege?                  21 A. It's Dolce's privilege.                  22 Q. Ma'am, is it your assertion                  23 that the receipt of monies from an escrow                  24 closing agreement to which there is                  25 obviously another party, apart from your                  FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 right to remain silent.                  2 Q. You were to receive seven                  3 hundred thousand dollars out of the closing                  4 for Dolce Regency.                  5 Do you recall that?                  6 A. Yes.                  7 Q. Did you receive it?                  8 A. Yes.                  9 Q. What did you do with it?                  10 MR. WAX: Wait, wait, wait.                  11 Just read this, please.                  12 THE WITNESS: I hereby invoke my                  13 Fifth Amendment right to remain                  14 silent.                  15 BY MS. VAN VLIET:                  16 Q. That seven hundred thousand                  17 dollars was never deposited into any of your                  18 professional accounts, at least those which                  19 you've told us about.                  20 A. I hereby invoke my Fifth                  21 Amendment right to remain silent.                  22 Q. What did you do with the money?                  23 MR. WAX: You have to invoke                  24 your Fifth Amendment right.                  25 You have to answer the                  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 client, is it your contention that that's                  2 attorney/client privilege?                  3 A. Well, what I have to do for my                  4 client with that money is my client's                  5 privilege.                  6 Q. Ma'am, do you realize that when                  7 you're holding money in escrow, you're                  8 holding it for somebody else, not your                  9 client?                  10 MR. PATRICK: Objection as to                  11 form.                  12 MR. WAX: Listen, you've got to                  13 invoke.                  14 THE WITNESS: I hereby invoke                  15 my Fifth Amendment right to remain                  16 silent.                  17 ---                  18 (Thereupon, an Escrow Agreement                  19 was marked as Defendant's Exhibit                  20 Number GA-7 for Identification.                  21 ---                  22 BY MS. VAN VLIET:                  23 Q. I'm now handing you what has                  24 been marked as Exhibit Number GA-7.                  25 Do you recognize that document?                  FERNANDEZ &amp; ASSOCIATES</p>



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1 A. Yes, I do.  
 2 Q. And that is the closing  
 3 documents or it is part of the closing  
 4 documents from the close of the August 29th,  
 5 2008 Dolce Regency Suites, LLC and the  
 6 membership purchase agreement; is that  
 7 correct?  
 8 A. That's correct.  
 9 Q. Turning to page 000190, do you  
 10 have that?  
 11 A. Yes.  
 12 Q. Is that your signature, Miss  
 13 Alexis?  
 14 A. Yes, it is.  
 15 Q. And you signed there as the  
 16 escrow agent; is that right?  
 17 A. Yes.  
 18 Q. The monies that you were  
 19 holding in escrow, let me first refer you to  
 20 the first page for seven hundred thousand  
 21 dollars.  
 22 Do you see that?  
 23 A. Yes.  
 24 Q. What were those escrowed funds  
 25 supposed to be for?  
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1 A. There were certain individuals  
 2 that had previously cancelled their  
 3 contracts that were waiting for money  
 4 pursuant to agreements for them to be  
 5 repaid, and so I received those monies to  
 6 give them back their money.  
 7 Q. So this was, in fact, for the  
 8 payment of the settlement of claims from  
 9 private individual unit holders of Dolce  
 10 Regency Suites, LLC; is that correct?  
 11 A. That's correct.  
 12 Q. Did you make those payments to  
 13 those individuals?  
 14 A. Yes.  
 15 Q. Have you made all of those  
 16 payments to all of the individuals in  
 17 question?  
 18 MR. PATRICK: Objection as to  
 19 the form of the question.  
 20 Calls for facts not in  
 21 evidence.  
 22 BY MS. VAN VLIET:  
 23 Q. You can answer the question,  
 24 Miss Alexis.  
 25 A. Everyone that the seven hundred  
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1 thousand dollars could cover, yes.  
 2 Q. So all of the payments which  
 3 you made out of the seven hundred thousand  
 4 dollars, you made to individual unit  
 5 holders; is that correct?  
 6 A. The ones that I could cover,  
 7 yes, but we had more people with claims than  
 8 we had money.  
 9 Q. I know there's obviously more  
 10 claims than there were seven hundred  
 11 thousand dollars.  
 12 A. That's correct.  
 13 Q. What account did you do that  
 14 out of, ma'am?  
 15 A. One of my other accounts.  
 16 Q. Would you concede that that  
 17 would be a professional practice?  
 18 A. Yes.  
 19 Q. It didn't happen out of your  
 20 Wachovia account, did it?  
 21 A. The one that I submitted to  
 22 you?  
 23 Q. Yes.  
 24 Well, what happened is that --  
 25 MR. WAX: The answer is yes or  
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1 no.  
 2 THE WITNESS: No.  
 3 BY MS. VAN VLIET:  
 4 Q. So it didn't happen out of the  
 5 account that you gave us, which is your  
 6 Wachovia Bank account ending in 1714; is  
 7 that correct?  
 8 A. That's correct.  
 9 Q. It didn't happen out of that  
 10 one; is that correct?  
 11 A. No.  
 12 Q. And it didn't happen out of the  
 13 one ending in 2027; is that correct?  
 14 A. No.  
 15 Q. So I return to my question of a  
 16 few moments ago.  
 17 Please tell us the rest of your  
 18 professional accounts.  
 19 A. I'm going to invoke -- first of  
 20 all, I wasn't asked for it the first time  
 21 when I gave you all of that, and now you're  
 22 just --  
 23 MR. WAX: Wait a minute,  
 24 please.  
 25 MS. VAN VLIET: Do you want to  
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<p>1 take a minute?                  2 MR. WAX: No. She's okay.                  3 BY MS. VAN VLIET:                  4 Q. Go ahead, Miss Alexis.                  5 A. First of all, I was an ass for                  6 doing all of these. The only reason I                  7 responded to this is pursuant to the order                  8 appointing the Receiver, and so anything                  9 that pertained to George, I felt that you                  10 may want, and so I brought that to you, and                  11 then anything that I had for CCC, I brought                  12 that, as well.                  13 Q. Miss Alexis, I hate to                  14 interrupt you, but time is short, so let me                  15 repeat my question of a few minutes ago,                  16 when you answered me that these were the                  17 only two professional accounts that you had.                  18 What other professional                  19 accounts do you maintain?                  20 MR. WAX: Do you want to                  21 consult with me for a minute?                  22 THE WITNESS: Yes.                  23 MS. VAN VLIET: That's what I                  24 thought.                  25 MR. WAX: We need to consult.                  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 the Sixth Amendment on behalf of my clients,                  2 who deposited the money there.                  3 MS. VAN VLIET: Mark that as to                  4 the Sixth Amendment, please.                  5 BY MS. VAN VLIET:                  6 Q. On Exhibit Number GA-4, there                  7 is a payment, a withdrawal, on July 31st,                  8 2008 to G&amp;R Aviation and Sky King Air                  9 Express.                  10 Do you see that?                  11 A. Yes.                  12 Q. That money was from Creative                  13 Capital Consortium, was it not?                  14 A. I invoke my Fifth Amendment                  15 right to remain silent.                  16 Q. Was that another instance of                  17 your diversion of money from your client,                  18 Creative Capital Consortium, to the                  19 self-interest of George Theodule?                  20 A. I invoke my Fifth Amendment                  21 right to remain silent.                  22 Q. Did you have a personal                  23 interest in Sky King Air Express and G&amp;R                  24 Aviation?                  25 A. I hereby invoke my Fifth                  FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 Please excuse us.                  2 MS. VAN VLIET: Let's take a                  3 break, please.                  4 Mr. Wax needs to consult with                  5 his client, so we're taking a ten                  6 minute break.                  7 Thank you very much.                  8 - - -                  9 (Thereupon, a brief break was had,                  10 after which time the following                  11 transpired:)                  12 - - -                  13 MS. VAN VLIET: Let's go back                  14 on the record, please.                  15 BY MS. VAN VLIET:                  16 Q. The question before the break,                  17 Miss Alexis, was related to what other                  18 professional accounts you had, other than                  19 these two Wachovia accounts which you have                  20 submitted, the first one ending in 1714 and                  21 the second one ending in 2027.                  22 What other professional                  23 accounts do you have?                  24 A. I'm going to invoke my Fifth                  25 Amendment right to remain silent, as well as                  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 Amendment right to remain silent.                  2 Q. Did you personally receive                  3 money or other things of value as a result                  4 of this diversion of Creative Capital                  5 Consortium's money to Sky King Air Express                  6 and G&amp;R Aviation?                  7 MR. WAX: Objection to form.                  8 THE WITNESS: I hereby invoke                  9 my Fifth Amendment right to remain                  10 silent.                  11 BY MS. VAN VLIET:                  12 Q. Do you see a withdrawal for                  13 eighty-five thousand eight hundred and                  14 seventy-two dollars on August 8th, 2008                  15 again to G&amp;R Aviation and Sky King Air                  16 Express?                  17 MR. WAX: Do you mean August                  18 1st, 2008?                  19 MS. VAN VLIET: That's correct.                  20 THE WITNESS: Yes, I see it.                  21 BY MS. VAN VLIET:                  22 Q. Would your answers to my                  23 question be the same with regard to that                  24 transfer to Sky King Air Express and G&amp;R                  25 Aviation?                  FERNANDEZ &amp; ASSOCIATES</p>

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1 A. Yes, ma'am.  
 2 Q. On 8-13-09, there's a transfer  
 3 of seven million dollars to Dean, Mead,  
 4 Egerton.  
 5 Do you see that?  
 6 A. Yes, I do.  
 7 Q. That was money that was sent to  
 8 Dean, Mead, Egerton to purchase a membership  
 9 interest in Dolce Regency Suites, LLC; is  
 10 that right?  
 11 A. I assert my client's Sixth  
 12 Amendment right to privilege.  
 13 MR. WAX: You can answer that  
 14 question.  
 15 THE WITNESS: Okay. Yes.  
 16 BY MS. VAN VLIET:  
 17 Q. And that seven million dollars  
 18 was part of the eleven million dollars,  
 19 allegedly, or it was allegedly part of the  
 20 eleven million dollars that were transferred  
 21 in on June 23rd, 2008; is that correct?  
 22 MR. PATRICK: Objection as to  
 23 the form of the question.  
 24 THE WITNESS: I invoke my Fifth  
 25 Amendment right to remain silent.  
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1 BY MS. VAN VLIET:  
 2 Q. In fact, the money really  
 3 wasn't German Cardona's, was it?  
 4 A. I invoke my Fifth Amendment  
 5 right to remain silent.  
 6 Q. On August 21st, 2008, there was  
 7 a fifty thousand dollar withdrawal to your  
 8 own law office.  
 9 Do you see that?  
 10 A. I see it.  
 11 Q. What was that for?  
 12 A. At this time, I would invoke my  
 13 Fifth Amendment right to remain silent.  
 14 Q. At any point in time, Miss  
 15 Alexis, did you receive any money into this  
 16 account, 2027, from anyone other than  
 17 Creative Capital Consortium, LLC, Crowne  
 18 Gold, Inc., George Theodule, as you've noted  
 19 it on here, the interest payment or Mandesir  
 20 & Alexis Title?  
 21 A. I invoke my Fifth Amendment  
 22 right to remain silent.  
 23 Q. Did you ever use this account,  
 24 this trust account, your lawyer's trust  
 25 account, for any clients, other than the  
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1 four we've discussed earlier that you just  
 2 said you represented, and if you need for me  
 3 to go through them again, I will.  
 4 A. I hereby invoke my Fifth  
 5 Amendment right to remain silent.  
 6 Q. The transfer on August 22nd,  
 7 2008 for Mandesir & Alexis in the amount of  
 8 one hundred and twelve thousand dollars, do  
 9 you see that one?  
 10 A. Yes, I do.  
 11 Q. What was that for?  
 12 A. I invoke my Fifth Amendment  
 13 right to remain silent.  
 14 Q. What was the difference between  
 15 that one and the first one for three hundred  
 16 thousand dollars that you've previously  
 17 testified today was for a real estate  
 18 investment of George Theodule's?  
 19 A. I invoke my Fifth Amendment  
 20 right to remain silent.  
 21 Q. How much of that money, the  
 22 hundred and twelve thousand dollars, did you  
 23 keep?  
 24 A. I invoke my Fifth Amendment  
 25 right to remain silent.  
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1 Q. Do you see the transfer to  
 2 CB-DH, LLC on 09-03-08?  
 3 A. Yes, I do.  
 4 Q. That was after the closing for  
 5 Dolce Regency Suites, LLC; is that correct?  
 6 MR. WAX: What was the date of  
 7 the closing?  
 8 BY MS. VAN VLIET:  
 9 Q. I believe that August 29th was  
 10 the closing date; is that correct?  
 11 A. Yes.  
 12 MR. WAX: According to GA-7,  
 13 that's correct.  
 14 BY MS. VAN VLIET:  
 15 Q. Do you recall being at the  
 16 closing, ma'am?  
 17 A. Yes.  
 18 Q. Was it on August 29th, 2008?  
 19 A. Yes.  
 20 Q. At the time of the closing, a  
 21 number of documents were signed, including  
 22 personal guarantees by George Theodule; is  
 23 that right?  
 24 A. I don't have any documents in  
 25 front of me, but if you say so.  
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<p>1 Q. Well, you were the lawyer for 2 Dolce Regency, Miss Alexis; isn't that 3 correct? 4 A. That's correct. 5 Q. And as part of your 6 representation, your competent 7 representation, as you've testified, you 8 reviewed a number of documents, did you not? 9 A. I did. 10 Q. And you, if you will, signed 11 off on them; is that correct? 12 A. I would say yes. 13 Q. Did you, at any point in time, 14 have to provide a letter to anyone 15 indicating that you had reviewed those 16 documents and that your clients were, in 17 fact, authorized and empowered to execute 18 them? 19 A. I'm sure. 20 Q. By the way, who is Diane Downs? 21 A. A former employee. 22 Q. Where is she now? 23 A. I don't know. 24 Q. How long did she work with you? 25 A. A little bit over three months.</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>	<p>1 documents. 2 I mean, she worked with me, so 3 of course. That's what I did. 4 Q. Did she provide any legal 5 services for Creative Capital Consortium, 6 LLC? 7 A. Independently, no. 8 Q. Did she do so in connection 9 with you or your representation of them? 10 A. Well, she reviewed certain 11 documents with me, yeah, to help us to make 12 a decision. 13 Q. Like what kind of documents, 14 for example? 15 A. There were going to be -- and I 16 think that I explained this to you guys the 17 last time, but there were going to be shares 18 of Pure-Ray, P-U-R-E dash R-A-Y. That's why 19 I originally received the three million 20 dollars. 21 We had to review documents and 22 make sure that those documents that they 23 provided to us made sense for the 24 investment, and so she reviewed a lot of 25 them with me.</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 Q. Did she have any participation 2 in the representation of Creative Capital 3 Consortium? 4 A. Not that I know of, no. 5 Q. Was she a partner or was she an 6 employee? 7 A. She was just an employee. 8 Q. She was a lawyer, though; is 9 that correct? 10 A. Yes, she was. 11 Can I ask you a question? 12 MR. WAX: She's asking the 13 questions, not you. 14 You're here to answer 15 questions. 16 THE WITNESS: I was just going 17 to clarify something. 18 BY MS. VAN VLIET: 19 Q. Do you have to clarify one of 20 your answers, Miss Alexis? 21 A. Yes. 22 Q. Please do. 23 A. When you ask whether she did 24 anything for Creative Capital Consortium, 25 she may have helped me review certain</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>	<p>1 Q. Did she provide you with any 2 written analysis or e-mails of those 3 documents? 4 A. No. 5 Q. Did you just chat about it and 6 talk about it, essentially? 7 A. Yes. 8 Q. Did you write down any notes 9 with regard to that of anything she said? 10 A. No, except for whatever was 11 scribbled on the documents as we were 12 reviewing them, like the highlighting or 13 whatever we had. 14 Q. And those were to be Creative 15 Capital Consortium investments; is that 16 correct? 17 A. I hereby invoke my Fifth 18 Amendment right to remain silent. 19 Q. Well, you just told us that, in 20 connection with your representation of 21 Creative Capital Consortium, LLC, she 22 reviewed some of these documents for 23 Pure-Ray; is that correct? 24 A. I didn't want to misrepresent 25 anything when you asked me that, so I was</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 trying to explain it to you.                  2 Q. I'm going to ask you to not say                  3 anything right now.                  4 MR. WAX: She doesn't really                  5 have to explain her invocation to you,                  6 Theresa. She's invoking.                  7 MS. VAN VLIET: I'm just trying                  8 to make sure that I get it clear,                  9 Barry.                  10 MR. WAX: I understand.                  11 BY MS. VAN VLIET:                  12 Q. You testified, and correct me                  13 if I'm wrong, that she assisted you in your                  14 representation of Creative Capital                  15 Consortium, LLC in connection with the Pure                  16 hyphen Ray transactions that that three                  17 million dollars was originally to go for; is                  18 that correct?                  19 A. Yes.                  20 Q. Is that the sum and substance                  21 of her assistance to you?                  22 MR. WAX: Vis-a-vis CCC?                  23 MS. VAN VLIET: Vis-a-vis CCC.                  24 That's all I asked about.                  25 THE WITNESS: I can't say for                  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 GA-8 for Identification.                  2 ---                  3 BY MS. VAN VLIET:                  4 Q. Turning your attention again to                  5 Exhibit Number GA-8, do you recognize this                  6 document?                  7 A. Yes, I do.                  8 Q. I'm sorry.                  9 For the record, it's 000428                  10 through 000431 of the Dean, Mead production.                  11 If you would, please turn your                  12 attention to page 000431 and tell me whether                  13 you recognize that signature.                  14 A. Yes.                  15 Q. Whose signature is that?                  16 A. That's my signature.                  17 Q. This is a letter that you wrote                  18 in connection with the closing that took                  19 place on August 29th, 2008; is that correct?                  20 A. That's correct.                  21 Q. And what does this relate to,                  22 this letter?                  23 A. It's an opinion letter on                  24 behalf of Dolce.                  25 Q. And it's an opinion letter to                  FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 sure that I know a hundred percent.                  2 She's somebody who worked at                  3 the office, and so I may have had                  4 things that she had to review for me                  5 in order to give me an opinion and let                  6 me know.                  7 I don't want to say anything                  8 that I don't remember. I just                  9 remembered that vividly because it was                  10 extremely important, and so we                  11 discussed it and we viewed it together                  12 and we conferred on it at length and                  13 what not, but I couldn't sit here and                  14 tell you a hundred percent.                  15 BY MS. VAN VLIET:                  16 Q. Well, then, I'll return to the                  17 July 9th, 2008 transfer of three million                  18 dollars for the purposes of Creative Capital                  19 Consortium, LLC and ask you what you did,                  20 then, with my money.                  21 A. I invoke my Fifth Amendment                  22 right to remain silent.                  23 ---                  24 (Thereupon, an Opinion Letter was                  25 marked as Defendant's Exhibit Number                  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 the realty group that held the first                  2 mortgage on the property; is that correct?                  3 A. That's correct.                  4 Q. At page 2, you list that George                  5 Theodule is the member/manager of Dolce                  6 Regency Suites; is that right?                  7 A. What number?                  8 Q. Page 2, paragraph two.                  9 MR. WAX: Is that the balded                  10 type?                  11 MS. VAN VLIET: Yes, it is the                  12 balded type.                  13 THE WITNESS: Yes.                  14 BY MS. VAN VLIET:                  15 Q. What is your understanding of                  16 what a member/manager is?                  17 What did you mean by that?                  18 A. Somebody who has authorization                  19 to -- well, I guess I don't want to use the                  20 word "manage," but somebody who has                  21 authorization to enter into an agreement and                  22 to sign on behalf of the company.                  23 Q. That's what a manager has the                  24 authority to do.                  25 A. Yes.                  FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 Q. What's your understanding of 2 what a member of an LLC is? 3 What did you mean by that word, 4 member? 5 A. A member of the LLC is -- well, 6 he's not a manager. That is just a person 7 that is a part of this company. 8 Q. It's somebody that owns the 9 interest in the company, isn't it? 10 A. That's correct. 11 Q. So in this opinion letter, and 12 at the time you were Dolce Regency's lawyer, 13 you're attesting to the fact that George 14 Theodule is not only empowered to execute 15 agreements and has full authority to do that 16 as a manager, but he is also a member of 17 Dolce Regency Suites, LLC; that is, an 18 individual who owns ownership interest in 19 that entity; is that right? 20 A. That's correct. 21 Q. In addition to executing on 22 behalf of Dolce Regency Suites, LLC, meaning 23 executing on behalf of the LLC at the 24 closing, George Theodule also, in your 25 presence and in the presence of third FERNANDEZ &amp; ASSOCIATES</p>	<p>1 discussed? 2 A. I hate to do this to you, but 3 what do you mean by discussed? Were they 4 explained? Was it just: Sign this, sign 5 that, and it's over. It wasn't like that. 6 It was discussed prior to that. 7 Q. Miss Alexis, it's really easy, 8 ma'am, if you just listen to the question. 9 A. What's the question? 10 Q. The first question is: Were 11 they discussed? Then, depending on what the 12 answer to that is, I may have a follow up 13 question, but the first question is: Were 14 they discussed? 15 Let's get that out of the way 16 first. 17 A. Actually, I don't remember. 18 Q. Do you have an opinion as to 19 whether George Theodule could understand 20 whether he was signing a guaranty or not? 21 A. I would say. 22 Q. You would say what, Miss 23 Alexis, yes or no? 24 A. I would say yes. 25 Q. I thought that's what you FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 parties, signed personal guarantees, didn't 2 he? 3 A. He did, I'm sure. 4 Q. I can't hear you, ma'am. 5 A. If it's a part of the closing, 6 then, yes, he signed everything for the 7 closing. 8 Q. Was there a discussion there at 9 the closing or at any other point in time 10 when third parties were present regarding 11 the various documents that had to be signed? 12 A. Yes. 13 Q. Was the fact that personal 14 guarantees had to be signed among the 15 documents that were discussed? 16 A. Those were a part of the 17 closing documents, so yes. 18 Q. I understand that they were 19 part of the closing docs. That's not my 20 question. 21 My question is this: When you 22 were all together, including the third 23 parties that were present, the fact that 24 personal guarantees were among the documents 25 that had to be executed, was that ever FERNANDEZ &amp; ASSOCIATES</p>	<p>1 meant, but I think I'm going to follow up on 2 that. 3 We've talked about the Mandesir 4 &amp; Alexis Title transfers; is that correct? 5 A. Yes, ma'am. 6 Q. Are you familiar with an entity 7 named G&amp;G Marketing, LLC or something like 8 that? 9 What was it called? 10 I know that we talked about it 11 the last time you were here at some length. 12 Do you remember that? 13 A. Yes. 14 Q. That was a partnership or an 15 agreement that you entered into with George 16 Theodule; is that right? 17 A. Yes. 18 --- 19 (Thereupon, a Partnership 20 Agreement was marked as Defendant's 21 Exhibit Number GA-9 for Identification. 22 --- 23 BY MS. VAN VLIET: 24 Q. At this time, I'm handing you 25 Exhibit Number GA-9, which is, for the FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 record, Alexis 000044 through 000049.                  2 Would you take a look at that,                  3 please, ma'am?                  4 A. Yes.                  5 Q. Is Exhibit Number GA-9 a copy                  6 of the partnership agreement that you                  7 executed with Mr. Theodule?                  8 A. Yes.                  9 Q. Do you see, on the bottom of                  10 the first page, where it says: George                  11 Theodule, three hundred thousand dollars,                  12 and then it's scratched out, and then                  13 there's written in, in handwriting, two                  14 hundred and fifty thousand dollars, and then                  15 there's two initials next to it.                  16 Do you see that there on the                  17 first page?                  18 A. I do.                  19 Q. Are those your initials up at                  20 the top, G.A.?                  21 A. Yes.                  22 Q. Whose initials are right below                  23 it?                  24 A. George's.                  25 Q. When you say George, you're                  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 Do you recall that?                  2 A. I invoke my Fifth Amendment                  3 right to remain silent.                  4 Q. On August 21st, 2008, the                  5 partnership agreement that appears on your                  6 ledger, Exhibit Number GA-4, that fifty                  7 thousand dollars out of your account, 2027,                  8 do you recall that?                  9 A. I invoke my Fifth Amendment                  10 right to remain silent.                  11 Q. From your escrow account ending                  12 in 1714, you received a total of sixty-five                  13 thousand dollars.                  14 Do you recall that?                  15 A. I invoke my Fifth Amendment                  16 right to remain silent.                  17 Q. And that sixty-five thousand                  18 dollars came from money that had also been                  19 deposited into your trust account ending in                  20 1714 from Creative Capital Consortium, LLC.                  21 Do you recall that?                  22 A. I invoke my Fifth Amendment                  23 right to remain silent.                  24 Q. My question to you, ma'am, is:                  25 What did you do with the two hundred and                  FERNANDEZ &amp; ASSOCIATES</p>
Page 87	Page 89
<p>1 referring to George Theodule; is that                  2 correct?                  3 A. That's correct.                  4 Q. So George Theodule or you took                  5 two hundred and fifty thousand dollars for                  6 this partnership agreement; is that correct?                  7 A. I invoke my Fifth Amendment                  8 right to remain silent.                  9 Q. You're aware that that two                  10 hundred and fifty thousand dollars was a                  11 transfer to you from Creative Capital                  12 Consortium, LLC; is that right?                  13 A. I invoke my Fifth Amendment                  14 right to remain silent.                  15 Q. Specifically, it was                  16 transferred to you in the form of, on May                  17 27th, a wire transfer in the amount of sixty                  18 thousand dollars.                  19 Do you recall that?                  20 A. I invoke my Fifth Amendment                  21 right to remain silent.                  22 Q. On June 24th, 2008, you                  23 received a wire transfer from Creative                  24 Capital Consortium, LLC in the amount of                  25 fifty thousand dollars.                  FERNANDEZ &amp; ASSOCIATES</p>	<p>1 fifty thousand dollars that you -- excuse                  2 me.                  3 What did you do with the two                  4 hundred and twenty-five thousand dollars                  5 that you siphoned off from your accounts                  6 from Creative Capital Consortium, LLC into                  7 this partnership agreement?                  8 MR. WAX: Objection to form.                  9 BY MS. VAN VLIET:                  10 Q. Where did it go?                  11 A. I invoke my Fifth Amendment                  12 right to remain silent.                  13 Q. How much of that two hundred                  14 and twenty-five thousand dollars remains?                  15 A. I invoke my Fifth Amendment                  16 right to remain silent.                  17 Q. Similarly, with regard to all                  18 of the other monies that you transferred                  19 into either your own accounts or accounts                  20 jointly held between you and George                  21 Theodule, where is the remainder of that                  22 money?                  23 A. I invoke my Fifth Amendment                  24 right to remain silent.                  25 Q. The transfer on September 3rd,                  FERNANDEZ &amp; ASSOCIATES</p>

<p>Page 90</p> <p>1 2008 to CB-DH, LLC that appears on GA-4, do                  2 you see that?                  3 A. Yes, I see it.                  4 Q. First of all, CB-DH, LLC stands                  5 for Carlos Bonilla and Dan Harper, LLC, does                  6 it not?                  7 A. Yes.                  8 Q. And you transferred that money                  9 to them as part of the payment of an                  10 operating agreement that was executed or                  11 entered into after the closing at Dolce                  12 Regency; is that right?                  13 Remember, you entered into that                  14 agreement and were instructed to do that                  15 with the knowledge and with the                  16 participation of third parties, not your                  17 client.                  18 A. I'll invoke my Fifth Amendment                  19 right to remain silent and my client's Sixth                  20 Amendment privilege.                  21 Q. There are other parties to the                  22 agreement.                  23 You do understand that; is that                  24 correct?                  25 A. Yes.                  FERNANDEZ &amp; ASSOCIATES</p>	<p>Page 92</p> <p>1 If they don't like your                  2 invocation, they'll litigate it.                  3 That's all.                  4 THE WITNESS: I invoke my Fifth                  5 Amendment right to remain silent and                  6 my client's Sixth Amendment privilege.                  7 MS. VAN VLIET: Mr. Wax, before                  8 we recess for the day, can you please                  9 give me some times within the next                  10 five to seven days that you're                  11 available for a Motion to Compel with                  12 your client and for the continued                  13 deposition?                  14 MR. WAX: I will not be                  15 available for the rest of this week.                  16 BY MS. VAN VLIET:                  17 Q. Miss Alexis, if Carlos Bonilla                  18 had testified under oath last week, on                  19 Thursday, that in discussions with you, who                  20 were not his lawyer, it was stated that that                  21 payment was for the partial payment of an                  22 operating agreement that had been executed                  23 at the time of the closing on August 29th,                  24 2008, would he be incorrect?                  25 MR. WAX: Objection. Outside                  FERNANDEZ &amp; ASSOCIATES</p>
<p>Page 91</p> <p>1 Q. Do you represent Carlos                  2 Bonilla?                  3 A. I don't.                  4 Q. Do you represent Dan Harper?                  5 A. I don't.                  6 Q. Do you represent CB-DH, LLC?                  7 A. I don't.                  8 Q. Ma'am, then tell me, what was                  9 the purpose of your transfer to these third                  10 parties, not your client, of the one hundred                  11 and nineteen thousand one hundred and                  12 eighty-five dollars and thirty-three cents?                  13 A. I invoke my Fifth Amendment                  14 right to remain silent, as well as my                  15 client's Dolce Regency's Sixth Amendment                  16 privilege. I represent Dolce Regency and                  17 the reason that I sent the money there is                  18 privilege.                  19 MR. WAX: You don't need to                  20 explain your invocation.                  21 If you want to invoke your                  22 Fifth Amendment right to remain                  23 silent, then just say: I invoke my                  24 Fifth Amendment right to remain                  25 silent.                  FERNANDEZ &amp; ASSOCIATES</p>	<p>Page 93</p> <p>1 the scope of the witness' knowledge.                  2 BY MS. VAN VLIET:                  3 Q. Did he, in fact, have any such                  4 conversation with you?                  5 MR. WAX: Can you repeat that                  6 question, please?                  7 MS. VAN VLIET: Sure.                  8 BY MS. VAN VLIET:                  9 Q. What conversations did you have                  10 with Carlos Bonilla, who is not your client,                  11 with regard to this money?                  12 MR. WAX: Objection as to the                  13 form of the question.                  14 You're going in a different                  15 direction.                  16 MS. VAN VLIET: I'm going about                  17 it a different way.                  18 BY MS. VAN VLIET:                  19 Q. What conversations have you had                  20 with Carlos Bonilla, who is not your                  21 clients, about this?                  22 MR. WAX: Were you acting on                  23 behalf of Dolce Regency Suites, LLC?                  24 THE WITNESS: That's the only                  25 relationship I have.                  FERNANDEZ &amp; ASSOCIATES</p>



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<p>1 MR. WAX: If you were acting on 2 behalf of Dolce, then that's 3 privilege. 4 THE WITNESS: At this time, I 5 will assert my client's Sixth 6 Amendment privilege. 7 BY MS. VAN VLIET: 8 Q. Let me make sure I understand 9 this. 10 You're having conversations 11 with a third party. I want to know what 12 your conversations were with the third 13 party, but you're claiming attorney/client 14 privilege as to that; is that right? 15 MR. PATRICK: Objection as to 16 the form of the question. 17 MR. WAX: Give me a second, 18 Theresa. 19 Let me step out into the 20 hallway with my client for a second, 21 please. 22 MS. VAN VLIET: No problem. 23 Let's take a ten minute break, 24 please. 25 - - - FERNANDEZ &amp; ASSOCIATES</p>	<p>1 signed between Dolce and CB-DH. It's just 2 development fees. 3 Q. And how much, in total, were 4 you to pay Carlos Bonilla for those 5 development fees, and when I say Carlos 6 Bonilla, I mean CB-DH. 7 A. They received a hundred and 8 nineteen thousand dollars and change, as you 9 see in here. 10 Q. Let me repeat my question. 11 How much money, pursuant to the 12 agreement, were you to pay them? 13 A. They had an agreement in place. 14 I don't remember. 15 Q. Who drafted the agreement? 16 A. It was drafted by Carlos, 17 reviewed by me, and then it goes back and 18 forth like that. 19 Q. Now, you testified previously 20 that you did not represent German Cardona, 21 individually; is that correct? 22 A. That is correct. 23 Q. Tell me about all the 24 conversations that you had with him, 25 individually, or as a representative of FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 (Thereupon, a brief break was had, 2 after which time the following 3 transpired:) 4 - - - 5 MS. VAN VLIET: Let's go back 6 on the record, please. 7 MR. WAX: If we're back on the 8 record, at this time she's withdrawing 9 her invocation of any privilege with 10 respect to the question you just asked 11 her before the break regarding 12 conversations that she may have had 13 with Carlos Bonilla, if you'd like to 14 ask her about that again. 15 MS. VAN VLIET: Thank you. 16 BY MS. VAN VLIET: 17 Q. Tell me what conversations you 18 had with Carlos Bonilla with regard to this 19 matter. 20 A. The money sent to Carlos 21 Bonilla or to the company, CB-DH, LLC, was 22 not pursuant to any operating agreement. It 23 was a development agreement, which your 24 facts kind of messed up. It's not correct. 25 This was a development agreement that was FERNANDEZ &amp; ASSOCIATES</p>	<p>1 Pacific Atlantic with regard to the 2 formation of Dolce Regency Suites. 3 A. Conversations about how he 4 would send the money to purchase Regency I 5 and II. 6 Q. Okay. 7 A. Let me clarify. 8 It's not conversations between 9 just me and him. It's several conference 10 calls. 11 Q. Tell me about those. 12 A. It was explained to him that 13 with the money, the holdings could be 14 purchased and he would have a chance to get 15 the capital contribution back once it's 16 financed, and then after that, Mr. Theodule 17 would get the financing going, and after 18 everything was done, he would get fifty 19 percent, I guess I would call it, of the 20 cash flow of the profits. 21 I don't know how else to 22 explain it. 23 Q. And Theodule would get the 24 other fifty percent; is that correct? 25 A. Yes. FERNANDEZ &amp; ASSOCIATES</p>

<p style="text-align: right;">Page 98</p> <p>1 Q. According to you?</p> <p>2 A. That's correct.</p> <p>3 Q. By the way, do you speak</p> <p>4 Spanish?</p> <p>5 A. No.</p> <p>6 Q. And Mr. Cardona doesn't speak</p> <p>7 English; is that correct?</p> <p>8 A. No.</p> <p>9 Q. Who did you communicate with</p> <p>10 Mr. Cardona through?</p> <p>11 A. I spoke some French with him.</p> <p>12 He was able to understand a little bit. I</p> <p>13 speak a little bit of Spanish, but not</p> <p>14 enough to really have a good communication</p> <p>15 with him. I mainly spoke to him in French.</p> <p>16 He speaks some French, although I think it's</p> <p>17 also limited, and then we had a Spanish</p> <p>18 speaking person on the phone, also, when I</p> <p>19 couldn't communicate with him.</p> <p>20 Q. I understand that.</p> <p>21 A. I communicated with him in</p> <p>22 either French or English. If it was</p> <p>23 intricate enough to require an explanation,</p> <p>24 then we would get a translator, but he spoke</p> <p>25 to me mostly in Spanish and I would follow</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 100</p> <p>1 been marked as GA-10, and I have turned it</p> <p>2 to a certain page there for you.</p> <p>3 Would you take a look at that</p> <p>4 for me, Miss Alexis?</p> <p>5 A. Yes.</p> <p>6 Q. Is this the agreement that you</p> <p>7 drafted?</p> <p>8 A. It looks like it.</p> <p>9 Q. As a matter of fact, on page 30</p> <p>10 of that agreement, is that Mr. Theodule's</p> <p>11 signature?</p> <p>12 A. It is.</p> <p>13 Q. There's a signature there that</p> <p>14 purports to be, also on page 30,</p> <p>15 interestingly enough, but not on the same</p> <p>16 page, that of Mr. Cardona.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. And is that his signature?</p> <p>20 A. I've never seen his signature.</p> <p>21 Q. Now, you testified that it was</p> <p>22 your understanding that Cardona was supposed</p> <p>23 to put up the money, and then he would get</p> <p>24 his capital contribution back as soon as</p> <p>25 Mr. Theodule obtained financing; is that</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>
<p style="text-align: right;">Page 99</p> <p>1 him.</p> <p>2 Q. You would follow him in</p> <p>3 Spanish?</p> <p>4 A. Yes.</p> <p>5 Q. And you're able to do that?</p> <p>6 A. I can follow in Spanish, yes.</p> <p>7 Q. When the operating agreement</p> <p>8 for Dolce Regency Suites, LLC was executed,</p> <p>9 it was between Pacific Atlantic Investments</p> <p>10 and George Theodule; is that correct?</p> <p>11 A. I think so.</p> <p>12 Q. Did you draft it?</p> <p>13 A. You asked me when it was</p> <p>14 executed. I wasn't there.</p> <p>15 Q. Did you draft the operating</p> <p>16 agreement that was eventually signed, Miss</p> <p>17 Alexis?</p> <p>18 A. Yes, I did.</p> <p>19 - - -</p> <p>20 (Thereupon, an Operating Agreement</p> <p>21 was marked as Defendant's Exhibit</p> <p>22 Number GA-10 for Identification.</p> <p>23 - - -</p> <p>24 BY MS. VAN VLIET:</p> <p>25 Q. I'm handing you now what has</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 101</p> <p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And Mr. Theodule had attempted</p> <p>4 to obtain financing a number of times</p> <p>5 previously; isn't that right?</p> <p>6 A. That's correct.</p> <p>7 Q. And he was unable to do so;</p> <p>8 isn't that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. In our previous meetings, you</p> <p>11 discussed how, at one point in time, his</p> <p>12 wife, Dorothy Delisfort, was going to be</p> <p>13 used to obtain funding in her name.</p> <p>14 Do you recall that</p> <p>15 conversation?</p> <p>16 A. Yes, I do.</p> <p>17 Q. Did you participate in the</p> <p>18 discussions with Miss Delisfort, who is not</p> <p>19 your client, to obtain funding?</p> <p>20 A. If I asked her to do it or what</p> <p>21 do you mean?</p> <p>22 Q. Did you participate in any</p> <p>23 discussions with Dorothy Delisfort with</p> <p>24 regard to finding funding?</p> <p>25 A. I'll answer yes.</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>

<p style="text-align: right;">Page 102</p> <p>1 Q. Tell me about the conversations 2 that you participated in with Dorothy 3 Delisfort with regard to finding funding. 4 A. George couldn't get funding, 5 and so the person that was handling the 6 mortgage and handling the financing at that 7 time suggested that George replace himself 8 with his wife, I think. I talked to George 9 and, supposedly, she had good credit. 10 I then got back to Mr. Nixon, 11 who said: Great. Here's the paperwork for 12 her to complete, which was just something 13 with her name and her address, I think, and 14 I faxed it back to him. I didn't talk to 15 Dorothy, though. 16 Q. Go ahead. 17 I'm sorry. 18 A. All I can remember is that -- I 19 mean, I'm sure that I spoke to her 20 afterwards, because they were out of town, 21 and so I spoke to her in order for her to 22 give me a fax number to send it to and she 23 completed it and faxed it back to me. 24 Q. Let me see if I can refresh 25 your recollection. FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 104</p> <p>1 A. No, I never gave her documents. 2 Q. Did you ever talk to her about 3 those documents? 4 A. She gave me the documents. 5 Q. And when she gave you the 6 documents, she had gone over to Zurich and 7 signed documents that indicated that she 8 could carry a loan of forty million dollars; 9 is that correct? 10 A. I actually wouldn't know. 11 Q. But when she gave you the 12 documents, what did you do with them? 13 A. I was to review them. 14 Q. Did you review them? 15 A. No. 16 Q. Why not? 17 A. She went there with George. 18 George couldn't get entrance into 19 Switzerland, and so I understand that she 20 ended up being the person that went and met 21 with the individuals that were there to 22 discuss the financing with her. 23 The documents that they brought 24 back, they weren't really to get a loan, but 25 they were for them to try to issue asset FERNANDEZ &amp; ASSOCIATES</p>
<p style="text-align: right;">Page 103</p> <p>1 Where were they out of town at? 2 A. They were in Barcelona or in 3 Spain some place. 4 Q. As a matter of fact, they were 5 meeting with German Cardona; isn't that 6 correct? 7 A. They were on their honeymoon. 8 I don't know whether they met with German 9 Cardona or not. 10 Q. They were there on their 11 honeymoon? 12 A. At least that's what I thought. 13 Q. And German Cardona went with 14 them on their honeymoon; is that correct? 15 A. Well, that was their best man 16 at the wedding, who I believe treated them 17 to that honeymoon trip or something. That's 18 what I believe, at least. That's all that I 19 can tell you. 20 Q. In any event, do you remember 21 talking to Dorothy Delisfort and giving her 22 a bunch of loan applications to fill out in 23 connection with a loan of in excess of forty 24 million dollars through a financial 25 institution in Zurich? FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 105</p> <p>1 based back bonds. 2 I really don't know anything 3 else about that, but they call them 14480, 4 and they were supposed to pay seventy-five 5 thousand dollars as soon as -- I think 6 within a few days or whatever and that was, 7 I think, in early December or mid December. 8 Short of them getting ready to send that 9 money to have the bonds issued, there was no 10 sense in me taking the time to even go 11 through that, so I gave her back those 12 papers at some point in time. 13 Q. You just didn't think it was 14 worth it? 15 A. Not until they for financing. 16 Q. And it's your testimony that 17 that happened in December of what year? 18 A. '08. 19 Q. It's your testimony that that 20 was not related to and happened prior to the 21 closing; is that correct? 22 A. What do you mean? 23 Q. It's your testimony that this 24 was not related to funding for Dolce Regency 25 Suites, LLC? FERNANDEZ &amp; ASSOCIATES</p>

<p style="text-align: right;">Page 106</p> <p>1 A. No, ma'am, none of that.</p> <p>2 Q. So if the documents from Zurich</p> <p>3 were dated before that, your recollection</p> <p>4 would be incorrect?</p> <p>5 A. It would have been December of</p> <p>6 '08. It's not my recollection, but the</p> <p>7 dates would be incorrect. It would be</p> <p>8 December of '08. I can be almost certain</p> <p>9 about that.</p> <p>10 Q. And why was Dorothy Delisfort</p> <p>11 attempting to obtain forty or fifty thousand</p> <p>12 dollars of funding in December of '08?</p> <p>13 MR. WAX: Forty or fifty</p> <p>14 thousand or million?</p> <p>15 MS. VAN VLIET: Forty or fifty</p> <p>16 million. I'm sorry.</p> <p>17 MR. WAX: You can answer the</p> <p>18 question.</p> <p>19 THE WITNESS: Like I said, the</p> <p>20 discussion had started after Mr. Nixon</p> <p>21 had suggested that George replace</p> <p>22 himself with Dorothy.</p> <p>23 I then reviewed the operating</p> <p>24 agreement and decided that we were</p> <p>25 going to assign and we were going to</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 108</p> <p>1 Dolce Regency Suites; isn't that right?</p> <p>2 A. I didn't do any transfer,</p> <p>3 ma'am.</p> <p>4 Q. And didn't you do that after</p> <p>5 the point in time that the Receiver had</p> <p>6 already been appointed?</p> <p>7 A. We didn't do a transfer.</p> <p>8 Q. Did you execute those documents</p> <p>9 and did Dorothy Delisfort sign them at a</p> <p>10 point in time after the Receiver had already</p> <p>11 been appointed?</p> <p>12 A. She didn't have to sign</p> <p>13 anything, ma'am.</p> <p>14 Q. So you never looked at the</p> <p>15 pieces of papers that she gave you that had</p> <p>16 her signature as a member of Dolce Regency</p> <p>17 Suites purporting to transfer George</p> <p>18 Theodule's and Creative Capital</p> <p>19 Consortium's, or allegedly Creative Capital</p> <p>20 Consortium's, interest in Dolce Regency</p> <p>21 Suites after the Receiver was appointed; is</p> <p>22 that correct?</p> <p>23 A. What documents are you</p> <p>24 referring to, ma'am?</p> <p>25 Q. The documents that you just</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>
<p style="text-align: right;">Page 107</p> <p>1 do an assignment, but we would have to</p> <p>2 have Cardona's permission to do an</p> <p>3 assignment of membership and replace</p> <p>4 her as a manager, but there was no</p> <p>5 need to call Cardona and get all of</p> <p>6 that until at least there was a</p> <p>7 commitment or somebody who was willing</p> <p>8 to give a loan to finance Dolce, and</p> <p>9 so that never got done, because there</p> <p>10 was never anybody saying, in terms</p> <p>11 that made sense, anyway: Well, we're</p> <p>12 going to finance the construction.</p> <p>13 Therefore there was no need to</p> <p>14 get Cardona's permission, as the</p> <p>15 representative of Pacific Atlantic</p> <p>16 Investments, in order to actually</p> <p>17 carry out the assignment.</p> <p>18 BY MS. VAN VLIET:</p> <p>19 Q. And I apologize, because you're</p> <p>20 right. It was in December.</p> <p>21 And that was the point in time</p> <p>22 when you actually had the paperwork</p> <p>23 transferred over so that Dorothy Delisfort</p> <p>24 actually signed on that application for</p> <p>25 funding for construction as a member of</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 109</p> <p>1 stated you received from Miss Delisfort, but</p> <p>2 didn't read.</p> <p>3 A. She didn't have to sign them.</p> <p>4 She gave them to me signed from Zurich. I</p> <p>5 gave them back to her. How would I have had</p> <p>6 her sign after the Receiver? I don't</p> <p>7 understand.</p> <p>8 Q. She signed them; is that</p> <p>9 correct?</p> <p>10 A. When she went to Zurich.</p> <p>11 Q. Did she sign the documents?</p> <p>12 A. Not in front of me, but I would</p> <p>13 assume that was her signature on them.</p> <p>14 Q. And she signed as a member of</p> <p>15 Dolce Regency Suites, did she not?</p> <p>16 A. I really wouldn't be able to</p> <p>17 tell you that. I know that her name was on</p> <p>18 the documentation. I don't remember</p> <p>19 exactly, because I don't think I even kept</p> <p>20 copies. I gave them back to her.</p> <p>21 Q. You just testified that it was</p> <p>22 your thought to transfer the membership; is</p> <p>23 that right?</p> <p>24 A. Yes. That would be the right</p> <p>25 way to do it.</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 Q. And is anyone else, other than 2 you, Dolce Regency Suites' lawyer? 3 A. No. 4 Q. I noticed in the agreement that 5 was signed that it's between George Theodule 6 and Pacific Atlantic Investments; is that 7 correct? 8 A. Yes. 9 Q. When did the idea of having it 10 be just between George Theodule and German 11 Cardona change? 12 A. I don't remember. I can't 13 remember. 14 Q. When you originally drafted the 15 document, the agreement, it was between 16 Cardona, individually, and Theodule; is that 17 right? 18 A. Yes. 19 Q. Why did you change it? 20 Did you ever have any 21 discussions with Cardona about that? 22 A. I originally prepared it 23 between Cardona and George. I can't 24 remember if it was Cardona or somebody else 25 with him on the phone that said he wanted it FERNANDEZ &amp; ASSOCIATES</p>	<p>1 agreement with Cardona, individually, that 2 you drafted but was never signed? 3 A. I'm not going to read the whole 4 thing, but if it's identical to this, except 5 for the name of Pacific Atlantic Investments 6 versus Cardona, then yes. 7 Q. Well, I need you to identify 8 it, ma'am. I can't do it for you. 9 If you need to sit and read 10 through the whole thing, then you go right 11 ahead and do that. We can wait. 12 A. It looks to be the same. 13 Q. Back on, I believe, July 28th 14 of 2008 -- you know what? Let me get the 15 document. That may make it easier. 16 A. Thank you. 17 --- 18 (Thereupon, a Cover Letter was 19 marked as Defendant's Exhibit Number 20 GA-12 for Identification. 21 --- 22 BY MS. VAN VLIET: 23 Q. I show you what has been marked 24 now as Exhibit Number GA-12. 25 Would you take a look at that FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 in the name. 2 Q. What does that mean? 3 A. In other words, he wanted it in 4 the name of Pacific Atlantic Investments, 5 and so I made the changes and e-mailed it 6 out. 7 Q. Did you ask him why he wanted 8 it in the name of Pacific Atlantic 9 Investments, as opposed to his individual 10 name? 11 A. No, I didn't ask him why. I 12 was told that it was his company. 13 Q. Did he ever tell you why he 14 wanted it in the company name, as opposed to 15 his individual name? 16 A. No, ma'am. 17 --- 18 (Thereupon, a Limited Liability 19 Company Agreement was marked as 20 Defendant's Exhibit Number GA-11 for 21 Identification. 22 --- 23 BY MS. VAN VLIET: 24 Q. Turning your attention to 25 Exhibit Number GA-11, is that the individual FERNANDEZ &amp; ASSOCIATES</p>	<p>1 for me, please? 2 A. Yes, ma'am. 3 Q. Now, this is a copy of a 4 record; is that correct? 5 A. I believe so. 6 Q. At this time, I'd ask you to 7 take a look at the fourth page of the 8 document and tell me whether or not you 9 recognize the signature on that. 10 A. Yes. 11 Q. And whose signature is that? 12 A. That's George Theodule's 13 signature. 14 Q. And it was filed with the 15 Secretary of State, at least according to 16 the file stamp mark on that third page, on 17 July 24th, 2008 at about 10:52 in the 18 morning; is that correct? 19 A. Yes, ma'am. 20 Q. You filed this document, didn't 21 you, with the State of Florida? 22 A. I did. 23 Q. It is an amendment to the 24 Articles of Incorporation. 25 Do you see that? FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 A. Yes.</p> <p>2 Q. And on it you list Pacific</p> <p>3 Atlantic Investments, LLC as just the</p> <p>4 manager.</p> <p>5 You add them; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Do you see where you check the</p> <p>8 add?</p> <p>9 A. Yes.</p> <p>10 Q. Why did you do that?</p> <p>11 Why did you call them just a</p> <p>12 manager?</p> <p>13 A. They were not going to handle</p> <p>14 the day-to-day activities for Dolce, and so</p> <p>15 I didn't think that they would be a managing</p> <p>16 member or considered a managing member.</p> <p>17 Those were the only choices.</p> <p>18 Q. And we've already discussed</p> <p>19 what the difference is between a manager and</p> <p>20 a member; is that correct?</p> <p>21 A. My understanding was that it's</p> <p>22 either a managing member, a manager or a</p> <p>23 member. By the way, if I were to just put</p> <p>24 "member," they would not show up on Sunbiz</p> <p>25 as part of either of them.</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>	<p>1 correct?</p> <p>2 A. I did it, yes.</p> <p>3 Q. I mean, you did it for no</p> <p>4 purpose?</p> <p>5 A. Well, I had to file it, of</p> <p>6 course, in order to show who the parties</p> <p>7 were.</p> <p>8 Q. Ma'am, this is an amendment;</p> <p>9 isn't that right?</p> <p>10 A. Right.</p> <p>11 Q. You had originally filed this,</p> <p>12 as well.</p> <p>13 I mean, you realize that,</p> <p>14 right?</p> <p>15 A. Well, I filed Dolce Regency</p> <p>16 before.</p> <p>17 Q. And so you went in and amended</p> <p>18 it; is that correct?</p> <p>19 A. I did, yes.</p> <p>20 Q. Why did you amend and change</p> <p>21 Pacific Atlantic Investments from member to</p> <p>22 manager?</p> <p>23 A. I did not change it from member</p> <p>24 to manager. Pacific Atlantic, when I formed</p> <p>25 Dolce Regency Suites, wasn't even there at</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 I basically had a choice</p> <p>2 between a manager and a managing member, if</p> <p>3 you look on top of that, and so I picked the</p> <p>4 manager, because I knew that they would not</p> <p>5 be running the day-to-day activities.</p> <p>6 Q. And why did you did you want</p> <p>7 them to show up on Sunbiz?</p> <p>8 A. That's just the way I always do</p> <p>9 a company. I have the members there, like</p> <p>10 when you go and you find the company and you</p> <p>11 see the members names appearing. That's</p> <p>12 just the way it is.</p> <p>13 Q. Did you participate in the --</p> <p>14 A. I really didn't give it much</p> <p>15 thought, except that I had a choice between</p> <p>16 a manager and a managing member, and they</p> <p>17 were certainly not running the day-to-day</p> <p>18 activities, so I put manager.</p> <p>19 Q. Well, you actually went in and</p> <p>20 just filed this amendment, didn't you?</p> <p>21 A. What do you mean?</p> <p>22 Q. I mean, I understand that you</p> <p>23 say that you didn't really give it any</p> <p>24 thought, but you gave it enough thought so</p> <p>25 that you went in and did it; isn't that</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>	<p>1 all. It was just George Theodule back in</p> <p>2 May. George wanted to preserve the name,</p> <p>3 and so we just did this, but it's not like I</p> <p>4 changed them from member to manager. That's</p> <p>5 just the way I added them. I also amended</p> <p>6 the name of Dolce Regency to Dolce Regency</p> <p>7 Suites.</p> <p>8 Q. What is Showcase Investment?</p> <p>9 A. Showcase Investment was part of</p> <p>10 the development agreement that we discussed</p> <p>11 with Dolce and CB-DH, LLP. Showcase was</p> <p>12 supposed to be one of the developers.</p> <p>13 Q. So whose money were you paying</p> <p>14 CB-DH, LLC and Showcase Investments from?</p> <p>15 A. The two seventy-eight.</p> <p>16 Q. Where did you get that from?</p> <p>17 A. That was from Dean, Meed at the</p> <p>18 closing.</p> <p>19 Q. Did you ever receive money for</p> <p>20 Creative Capital Consortium, LLC from Crowne</p> <p>21 Gold, Inc.?</p> <p>22 A. No.</p> <p>23 Q. Have you ever received any</p> <p>24 other money from Crowne Gold, Inc., other</p> <p>25 than the eleven million dollars that's</p> <p style="text-align: center;">FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 reflected in here?</p> <p>2 A. No. Let me also say that I've</p> <p>3 never received any money from any third</p> <p>4 party on behalf of Creative Capital</p> <p>5 Consortium.</p> <p>6 Q. I'm sorry?</p> <p>7 Say that again.</p> <p>8 A. I have never received any money</p> <p>9 from any third party on behalf of CCC.</p> <p>10 Q. Then let's talk about the</p> <p>11 eleven million dollars that you allege was</p> <p>12 not on behalf of Creative Capital</p> <p>13 Consortium, LLC or was not really a back and</p> <p>14 forth to Creative Capital Consortium, now</p> <p>15 that you've opened it up.</p> <p>16 Whose account at Crowne Gold,</p> <p>17 Inc. did you receive that from?</p> <p>18 A. You know what? I'm just going</p> <p>19 to invoke my Fifth Amendment right to remain</p> <p>20 silent.</p> <p>21 Q. How did George Theodule get</p> <p>22 monies from Options Express?</p> <p>23 Let me narrow that down,</p> <p>24 because I'm referring specifically to the</p> <p>25 Options Express account, and I apologize, FERNANDEZ &amp; ASSOCIATES</p>	<p>1 monies out through the process of the</p> <p>2 complaints of unit owners.</p> <p>3 You've talked about that</p> <p>4 previously, but I don't recall, and forgive</p> <p>5 me if you did, but I don't recall you</p> <p>6 identifying the account.</p> <p>7 MR. WAX: She did, and she</p> <p>8 invoked her Fifth Amendment right and</p> <p>9 Sixth Amendment right to identify that</p> <p>10 account.</p> <p>11 MS. VAN VLIET: That's all I</p> <p>12 want to know.</p> <p>13 If she's going to invoke the</p> <p>14 Sixth Amendment, then I just need to</p> <p>15 find out what clients she's invoking</p> <p>16 on.</p> <p>17 MR. WAX: She's invoking those</p> <p>18 Sixth Amendment rights on the grounds</p> <p>19 that if you access that account</p> <p>20 information, it will identify the</p> <p>21 clients that she represents, who have</p> <p>22 nothing at all to do with this matter</p> <p>23 in any way, shape or form and</p> <p>24 demonstrate transactions that took</p> <p>25 place by identifying their name and FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 that you had jointly with him.</p> <p>2 How did he get those monies?</p> <p>3 A. I invoke my Fifth Amendment</p> <p>4 right against self-incrimination.</p> <p>5 Q. Did you ever get any money back</p> <p>6 from that Options Express account that you</p> <p>7 jointly held with George Theodule?</p> <p>8 A. I invoke my Fifth Amendment</p> <p>9 right to remain silent.</p> <p>10 Q. What assets do you currently</p> <p>11 have in your name or in nominee names to</p> <p>12 make good on the monies that you've</p> <p>13 defalcated from Creative Capital Consortium,</p> <p>14 LLC and others?</p> <p>15 MR. WAX: Objection to form.</p> <p>16 THE WITNESS: I hereby invoke</p> <p>17 my Fifth Amendment right against</p> <p>18 self-incrimination.</p> <p>19 BY MS. VAN VLIET:</p> <p>20 Q. Now, previously, we talked</p> <p>21 about the seven hundred thousand dollars</p> <p>22 that you disbursed through various -- that</p> <p>23 you got as a part of the closing of Dolce</p> <p>24 Regency Suites that you put into another</p> <p>25 professional account that then paid certain FERNANDEZ &amp; ASSOCIATES</p>	<p>1 that may very well affect</p> <p>2 attorney/client privilege or implicate</p> <p>3 attorney/client privilege.</p> <p>4 She's also invoking her Fifth</p> <p>5 Amendment rights.</p> <p>6 MS. VAN VLIET: Thank you.</p> <p>7 - - -</p> <p>8 (Thereupon, a Complaint was marked</p> <p>9 as Defendant's Exhibit Number GA-13 for</p> <p>10 Identification.</p> <p>11 - - -</p> <p>12 BY MS. VAN VLIET:</p> <p>13 Q. Let me ask you to look at GA</p> <p>14 Exhibit Number 13.</p> <p>15 A. Okay.</p> <p>16 Q. For the record, this is a copy</p> <p>17 of the Complaint against you, case number</p> <p>18 09-20865.</p> <p>19 MR. WAX: I need a copy of</p> <p>20 that, Theresa.</p> <p>21 MS. VAN VLIET: You know what?</p> <p>22 Let's take a five minute break. We</p> <p>23 apparently only copied one.</p> <p>24 MR. WAX: Well, I have my own</p> <p>25 copy with me. FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 MS. VAN VLIET: I have to copy 2 it, anyway. 3 Let's take a short break, 4 please. 5 --- 6 (Thereupon, a brief break was had, 7 after which time the following 8 transpired:) 9 --- 10 BY MS. VAN VLIET: 11 Q. Ma'am, I've just handed you 12 Exhibit Number GA-13, and now we actually 13 all have a copy of it. I apologize for the 14 delay. 15 Would you take a look at that 16 for me, please? 17 A. Yes. 18 MS. VAN VLIET: Counsel, for 19 your edification, GA-13 is a copy of 20 the Complaint against Miss Alexis, 21 case number 09-20865, now civil 22 Ungaro, but I'm sure that it's in the 23 process of being transferred to Judge 24 Hurley. 25 MR. WAX: It's already been FERNANDEZ &amp; ASSOCIATES</p>	<p>1 MR. WAX: It says: December 2 29th, 2008. 3 MS. VAN VLIET: That's what I 4 meant. I apologize. 5 MR. WAX: You can answer it. 6 THE WITNESS: I know that 7 Creative Capital Consortium was put 8 into Receivership. 9 BY MS. VAN VLIET: 10 Q. And you had knowledge that that 11 transpired on December 29th, 2008; is that 12 correct? 13 A. Yes. 14 Q. And you were aware that in 15 paragraph 17, on December 31st, 2008, the 16 Receivership was expanded to include United 17 Investments Club, LLC, Reverse Auto Loan, 18 LLC, Sancal Investment and Financial 19 Services, Inc.; is that correct? 20 A. I wasn't aware at that time, 21 but I became aware of it much later. 22 Q. When did you become aware? 23 A. I can't remember, but it was 24 much later. 25 Q. Was it days, weeks, months? FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 transferred. 2 BY MS. VAN VLIET: 3 Q. Miss Alexis, have you had an 4 opportunity to review this complaint? 5 A. Generally. 6 Q. In particular, have you, 7 starting at page 4, had an opportunity to 8 review that portion which deals with facts 9 common to all accounts, starting at 10 paragraph 12? 11 A. Yes. 12 Q. Starting with paragraph 16, do 13 you acknowledge that on December 29th, 2008, 14 upon the request of the SEC, the 15 Receivership Court entered the Receivership 16 Order appointing the Receiver as Receiver 17 over the Receivership Entities, their 18 subsidiaries, successors and assigns, 19 collectively also the Receivership Entities? 20 A. If I agree that that's the 21 statement this makes or if that's what the 22 order is? 23 What's your question? 24 Q. Do you agree that that 25 transpired on December 28th, 2008? FERNANDEZ &amp; ASSOCIATES</p>	<p>1 Can you approximate? 2 A. After December 31st, so 3 probably about two weeks later. 4 Q. Were you aware that on January 5 6th, 2009, the court entered a preliminary 6 injunction preventing Mr. Theodule from 7 continued violations of various laws, as 8 outlined in paragraph 18? 9 A. Did I become aware of that? 10 Q. Yes. 11 MR. WAX: Let me just ask a 12 question here, because I want to make 13 sure that we're all on the same page. 14 Are you asking her if she 15 learned of the preliminary injunction 16 on January 6th? 17 MS. VAN VLIET: Not yet. 18 MR. WAX: That's what I want to 19 make clear. 20 You're just asking if she 21 understands that it was entered on 22 that day. 23 MS. VAN VLIET: I thought that 24 it was a pretty simple question. 25 BY MS. VAN VLIET: FERNANDEZ &amp; ASSOCIATES</p>



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<p>1 Q. Did you become are of that 2 injunction, Miss Alexis? 3 A. Yes. 4 Q. The next question is: When did 5 you become aware of that injunction? 6 A. I can't remember. 7 Q. Was it days, weeks, months? 8 Can you approximate? 9 A. Probably a couple of weeks 10 later. 11 Q. How did you become aware of 12 that injunction? 13 A. I think I read the documents 14 online or something. I check documents from 15 time to time. 16 Q. When did you become aware that 17 the Creative Capital Consortium, United 18 Investments Club, Reverse Auto Loan and 19 Sancal Investment and Financial Services, 20 Inc. offices had been vacated? 21 A. I don't know anything about 22 Sancal, S-A-N-C-A-L. Creative Capital 23 Consortium, I didn't know if they were 24 vacated, but I knew that there were people 25 that were worried about threats, and so they FERNANDEZ &amp; ASSOCIATES</p>	<p>1 targeting The United States Haitian 2 community since on or about November of 3 2007? 4 A. Nothing that I know of. 5 Q. I'm sorry? 6 A. Nothing that I know of. 7 Q. Not that you know of? 8 A. No, ma'am. 9 Q. On paragraph 24, did George 10 Theodule, holding himself out as a pastor, 11 ingratiate himself with investors by 12 claiming he was offering his investment 13 expertise to help build wealth in the 14 Haitian community? 15 A. Do I have knowledge of this 16 MR. WAX: She's asking you if 17 you know that. 18 THE WITNESS: I don't. 19 BY MS. VAN VLIET: 20 Q. Do you know whether he also 21 informed investors that he used part of his 22 trading profits to fund start-up businesses 23 in the Haitian community, as well as 24 business projects in Haiti and Sierra Leone? 25 A. I don't know anything about FERNANDEZ &amp; ASSOCIATES</p>
<p>Page 127</p> <p>1 didn't go there because some people were 2 worried because they said they'll be sorry 3 or there was some threats of some form, and 4 so I know they didn't go there for a while. 5 At far as it being vacated, though, I never 6 knew anything about that. 7 Q. And the threats were from whom? 8 A. I would say the general public 9 investors or Creative Capital Consortium or 10 something. 11 Q. They were investors of CCC 12 whose money had been defalcated; is that 13 right? 14 A. I don't know anything about 15 that. I'm really not privy to anything like 16 that. 17 Q. You're not privy to the 18 threats, or you're not privy to members 19 monies being defalcated? 20 A. The latter. 21 Q. Stolen? 22 A. The latter. 23 Q. Turning to paragraph 23, is it 24 true that the Creative Capital Entities have 25 engaged in a fraudulent Ponzi scheme FERNANDEZ &amp; ASSOCIATES</p>	<p>Page 129</p> <p>1 that. 2 Q. Did you ever attend any 3 investor meetings? 4 A. No. 5 Q. Did you ever hear that 6 Mr. Theodule also informed investors that he 7 used part of his trading portfolio to fund 8 start-up businesses in the Haitian 9 community, as well as projects in Haiti and 10 Sierra Leone? 11 A. From George himself, no. 12 Q. Did others do it on George's 13 behalf? 14 A. When I say not from George, I 15 read the allegations, but did I ever hear 16 George saying: This is what I do? No. 17 Q. Do you have any knowledge of 18 it, apart from what you've read in this 19 Complaint? 20 A. That's Number 25, right? 21 Q. It's Number 24, ma'am. 22 A. I'm going to say no, and I can 23 qualify that. 24 Q. Answer it however you want to 25 answer it. FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 A. Whether I knew that George, 2 himself, held himself to do any of that or 3 made those statements, I'm not aware of 4 that, although I do know that he was 5 involved in different activities with trying 6 to enter into different contracts and stuff 7 like that.</p> <p>8 Q. As a matter of fact, some of 9 the, quote/unquote, start-up businesses 10 which he funded with investor money were 11 Mandesir &amp; Alexis Title, Sky King Express 12 and your G&amp;G partnership; isn't that right?</p> <p>13 A. I'll invoke my Fifth Amendment 14 right to remain silent.</p> <p>15 Q. By the way, prior to the Dolce 16 Regency Suites, LLC agreement being closed 17 on August 29th, 2008 and prior to German 18 Cardona ever being involved in this business 19 transaction, George brought a series of 20 investors up to look at the property, didn't 21 he?</p> <p>22 MR. WAX: Objection. Vague. 23 Which properties?</p> <p>24 MS. VAN VLIET: The same 25 properties that we've been talking FERNANDEZ &amp; ASSOCIATES</p>	<p>1 A. I wasn't there, and so I 2 wouldn't know about a number of investors, 3 but I know vaguely about the party, which 4 was --</p> <p>5 Q. I didn't ask you what investors 6 were there. I'm asking you: Were there 7 investors there?</p> <p>8 A. I really wouldn't know about 9 that.</p> <p>10 Q. Nobody ever told you that?</p> <p>11 A. No.</p> <p>12 Q. How about in subsequent times, 13 when the investors were meeting with 14 Mr. Bonilla and Mr. Harper and others and 15 George Theodule was touting Regency I and 16 Regency II as a Creative Capital Consortium 17 investment to them?</p> <p>18 Do you have any knowledge of 19 those other meetings?</p> <p>20 A. No.</p> <p>21 Q. And again, you were the only 22 lawyer for Dolce Regency Suites, LLC at the 23 time; is that correct?</p> <p>24 A. Well, whenever Dolce came into 25 existence, yes. FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 about all along, Miss Alexis, Regency 2 I and II.</p> <p>3 THE WITNESS: I have no 4 knowledge of that.</p> <p>5 BY MS. VAN VLIET:</p> <p>6 Q. Is it your testimony that you 7 have no knowledge of meetings transpiring on 8 or about April or May of 2009 in Orlando 9 with a, quote/unquote, entourage of 10 investment club individuals?</p> <p>11 A. That's my testimony, ma'am, 12 yes.</p> <p>13 Q. And did you attend a party for 14 George Theodule in Orlando on or about May 15 of 2008?</p> <p>16 A. No.</p> <p>17 Q. Did you know about that party?</p> <p>18 A. Vaguely.</p> <p>19 Q. And at that party, there were a 20 number of investors there; is that correct?</p> <p>21 A. I wasn't there.</p> <p>22 Q. And are you telling me that you 23 never heard anything about the party from 24 Dorothy Delisfort, Julette Williams or a 25 host of other people? FERNANDEZ &amp; ASSOCIATES</p>	<p>1 Q. So if there was any legal work 2 to be done, you would have been the person 3 to do it, right?</p> <p>4 A. Whenever Dolce Regency Suites, 5 LLC came into existence, yes, as far as I 6 knew.</p> <p>7 Q. By the way, who is Tom Holly?</p> <p>8 A. Who?</p> <p>9 Q. Tim Holly.</p> <p>10 A. I spoke to him?</p> <p>11 Q. Yes, on several occasions.</p> <p>12 A. No. Actually, he was 13 introduced to me by Dan Leban over the 14 telephone and I spoke to him briefly. He 15 couldn't come to Florida to meet with 16 George, and so we were to go to Atlanta to 17 meet with him, because he supposedly had 18 someone that could help with the financing 19 of the construction.</p> <p>20 Q. Actually, it was to purchase 21 the interest in Dolce Regency, wasn't it, 22 for twenty-five million dollars?</p> <p>23 A. Ma'am, I wasn't a part of that. 24 Later on, every time we would talk to 25 somebody about financing, they had this FERNANDEZ &amp; ASSOCIATES</p>

<p style="text-align: right;">Page 134</p> <p>1 idea.</p> <p>2 They had other propositions</p> <p>3 that they made to us, as well, and their</p> <p>4 proposition, from what I understand, because</p> <p>5 I wasn't there, were that -- because you</p> <p>6 have to understand that I didn't fly to</p> <p>7 Atlanta for that. I cancelled my trip on my</p> <p>8 counsel's advise.</p> <p>9 He proposed to try to become a</p> <p>10 part of whatever, because otherwise, when</p> <p>11 people could suddenly do this and do that</p> <p>12 and take it from George's hand, I could not,</p> <p>13 at the table, tell people: Look, it's not</p> <p>14 his to sell or it's not his to do, because I</p> <p>15 have a client and I cannot do that, but I</p> <p>16 would go and talk to George about how we</p> <p>17 could not entertain this or whatever.</p> <p>18 People always offered</p> <p>19 themselves when they were approached to</p> <p>20 finance the construction of something like</p> <p>21 this, because they offered to get a</p> <p>22 percentage of the ownership, as well as</p> <p>23 offer part of the financing.</p> <p>24 Q. So it's your testimony that</p> <p>25 George Theodule approached Tim Holly about FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. So if George told that to Tim</p> <p>2 Holly, he'd be lying?</p> <p>3 MR. WAX: I will object at this</p> <p>4 point.</p> <p>5 It's outside the scope of her</p> <p>6 knowledge. I think I need to make</p> <p>7 something clear.</p> <p>8 After that Receivership Order</p> <p>9 was entered and served upon her,</p> <p>10 whenever that was, on my advise, she</p> <p>11 terminated any further involvement</p> <p>12 with George Theodule, so whatever</p> <p>13 happened from that point forward was</p> <p>14 upon the advise of counsel.</p> <p>15 MS. VAN VLIET: Mr. Wax, I have</p> <p>16 no question in my mind that you</p> <p>17 advised her to do that, but I'm</p> <p>18 entitled to ask questions about what,</p> <p>19 in fact, happened.</p> <p>20 MR. WAX: Yes, but when you</p> <p>21 indicate in the question to her:</p> <p>22 Isn't it a fact that this closing</p> <p>23 didn't go through because you didn't</p> <p>24 show up with the closing documents,</p> <p>25 then I have to tell you what happened FERNANDEZ &amp; ASSOCIATES</p>
<p style="text-align: right;">Page 135</p> <p>1 this?</p> <p>2 A. It's Dan Leban who called Tim</p> <p>3 Holly and sent the information to us and</p> <p>4 told George that Tim Holly was somebody that</p> <p>5 could help him out with the financing.</p> <p>6 That's what I know.</p> <p>7 Q. And Dan Leban works for George</p> <p>8 Theodule in this respect; is that right?</p> <p>9 A. I would say so. I met Dan</p> <p>10 Leban through George.</p> <p>11 Q. And the idea was that Tim Holly</p> <p>12 was going to contribute twenty-five million</p> <p>13 dollars, whether you say it was for funding</p> <p>14 or whether it was for the ownership</p> <p>15 interest, but the amount was approximately</p> <p>16 twenty-five million dollars, wasn't it?</p> <p>17 A. It's nothing I know, so I can't</p> <p>18 answer.</p> <p>19 Q. In fact, the reason the deal</p> <p>20 couldn't go through, although it was</p> <p>21 scheduled twice, is because you didn't show</p> <p>22 up with the closing documents; isn't that</p> <p>23 correct?</p> <p>24 A. I don't know what you're</p> <p>25 talking about. FERNANDEZ &amp; ASSOCIATES</p>	<p style="text-align: right;">Page 137</p> <p>1 and why that was.</p> <p>2 MS. VAN VLIET: I have a good</p> <p>3 faith basis to ask the question,</p> <p>4 Mr. Wax, having interviewed certain</p> <p>5 witnesses.</p> <p>6 THE WITNESS: I don't know the</p> <p>7 first thing about what you're saying.</p> <p>8 I've never even heard about that</p> <p>9 before.</p> <p>10 MR. WAX: Ask her the question</p> <p>11 again, please.</p> <p>12 BY MS. VAN VLIET:</p> <p>13 Q. So my question is this: If an</p> <p>14 individual or more than one individual</p> <p>15 testified that the reasons that those</p> <p>16 closings did not take place with Tim Holly</p> <p>17 were because you didn't show up with the</p> <p>18 closing documents twice, that would be</p> <p>19 incorrect; is that right?</p> <p>20 A. Totally.</p> <p>21 Q. And just for the record, you're</p> <p>22 aware that all that transpired after the</p> <p>23 Receivership Order was ordered is contained</p> <p>24 in the injunction; is that correct?</p> <p>25 A. I am. FERNANDEZ &amp; ASSOCIATES</p>

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<p>1 Q. In the operating agreement that 2 was -- not in the operating agreement, but 3 in the Dolce Regency Suites agreement, and I 4 can't remember what number it was, but it's 5 the one that was actually signed between 6 George Theodule and Pacific Atlantic 7 Investments -- 8 MR. WAX: It's Exhibit Number 9 GA-10. 10 MS. VAN VLIET: Thank you, 11 Mr. Wax. 12 MS. VAN VLIET: 13 Q. There is referenced in there a 14 schedule A which would have outlined, since 15 you drafted the agreement, the membership 16 interest of the respective parties, Pacific 17 Atlantic Investments and George Theodule, 18 but nobody seems to have schedule A. 19 Since you drafted the document, 20 can you tell me what it said? 21 A. What page is that on? 22 Q. There isn't one. That's what I 23 just said. Nobody seems to have it. 24 MR. WAX: Do you know where 25 schedule A is referenced in Exhibit FERNANDEZ &amp; ASSOCIATES</p>	<p>1 BY MS. VAN VLIET: 2 Q. The first question is: You 3 drafted the agreement, so where is schedule 4 A? 5 A. I don't know. 6 Q. Do you have a copy of it 7 anywhere? 8 A. I probably never drafted it. 9 This is something which I remember prepared 10 over a year ago. 11 MR. PATRICK: The second 12 reference is on page 7. 13 MS. VAN VLIET: I think we're 14 good, Brad. Thanks. 15 BY MS. VAN VLIET: 16 Q. Schedule A, Miss Alexis, you 17 drafted it. 18 Where is it? 19 A. I don't see a schedule A, so I 20 probably never drafted it. 21 Q. So you never drafted the 22 schedule that's referenced in the agreement 23 that sets forth the percentage of the 24 member's interest? 25 A. I probably meant to, but FERNANDEZ &amp; ASSOCIATES</p>
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<p>1 Number GA-10, like which paragraph? 2 MS. VAN VLIET: I don't know 3 off the top of my head. 4 MR. PATRICK: Check paragraph 5 7. 6 MR. WAX: Are you talking about 7 Article 7? 8 MR. PATRICK: Article 7 on page 9 16. 10 MR. WAX: I can't find it. 11 MR. PATRICK: I'm sorry. I 12 just inadvertently closed the 13 document. 14 MR. WAX: I don't have a 15 paragraph 7. I don't see a reference 16 to scanning it to schedule A. 17 MR. PATRICK: I believe it's on 18 the bottom of page 5. 19 MS. VAN VLIET: It's under 20 subsection D, percentage interest 21 means members percentage interest, as 22 described in schedule A, as amended 23 from time to time. 24 MR. WAX: What's your question, 25 Miss Van Vliet? FERNANDEZ &amp; ASSOCIATES</p>	<p>1 didn't. 2 Q. Well, you certainly had 3 conversations with them. 4 A. Yes. 5 Q. What were the percentage of 6 interests between George Theodule and 7 Pacific Atlantic Investments? 8 What was schedule A supposed to 9 say that you forgot or neglected to draft, 10 ma'am? 11 A. I'll just invoke my Fifth 12 Amendment right to remain silent and my 13 client's Sixth Amendment privilege. 14 Q. Ma'am, this is a document that 15 deals with a third party that you're not the 16 representative of, so go ahead, then, and 17 just tell me what the interest was supposed 18 to be or what the percentage of interest was 19 supposed to be for your non-client, Pacific 20 Atlantic Investment. 21 We'll start there. 22 A. The agreement was like this: 23 Pacific Atlantic Investments was going to 24 provide the capital contribution, which 25 after financing, the only thing they're FERNANDEZ &amp; ASSOCIATES</p>

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1 entitled to is a net cash flow at  
 2 fifty/fifty.  
 3 Q. Well, the agreement being what  
 4 it is, then, please explain to me the  
 5 following language that you drafted:  
 6 Percentage interest means a member's  
 7 percentage interest, as described in  
 8 schedule A, as amended from time to time,  
 9 and that's on page 5, sub-paragraph D.  
 10 What I would like to know is:  
 11 What was the percentage interest that  
 12 Pacific Atlantic Investments, LLC had, the  
 13 person who is not your client?  
 14 A. I didn't draft it.  
 15 Q. I understand that you didn't  
 16 draft it, but are you telling me that there  
 17 was never any discussion with Pacific  
 18 Atlantic Investments about what their  
 19 membership percentage interest was going to  
 20 be?  
 21 A. What Pacific Atlantic  
 22 Investments was going to do was to provide  
 23 the money, and then after everything was  
 24 said and done, then at cash flow, they would  
 25 get fifty percent.  
 FERNANDEZ & ASSOCIATES

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1 That would be after it was  
 2 built. Since it was about the hotel, that  
 3 would happen after it was built and after  
 4 everything was done. The profits would then  
 5 be split fifty/fifty between George and  
 6 Pacific Atlantic.  
 7 Q. So what you're telling me is  
 8 that Pacific Atlantic Investments had zero  
 9 ownership interest in Dolce Regency Suites,  
 10 LLC; is that correct?  
 11 MR. PATRICK: Objection to  
 12 form.  
 13 THE WITNESS: The ownership  
 14 interest is not pursuant to the  
 15 property. The ownership interest is a  
 16 percentage to them.  
 17 BY MS. VAN VLIET:  
 18 Q. Tell me what percentage of  
 19 ownership interest they had in Dolce Regency  
 20 Suites.  
 21 What's the number that was  
 22 supposed to be next to their name on  
 23 schedule A?  
 24 Tell me about that.  
 25 A. You want me to tell you about  
 FERNANDEZ & ASSOCIATES

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1 something that I didn't draft.  
 2 Q. Ma'am, you drafting the  
 3 document and knowing about it are two  
 4 different things.  
 5 A. So what do you want to know?  
 6 Q. What I want to know is this:  
 7 Are you telling me that there was never any  
 8 discussion about what their ownership  
 9 interest percentage was going to be?  
 10 A. I just told you that the only  
 11 interest was going to be to the net cash  
 12 flow afterward, meaning after they got their  
 13 money.  
 14 Q. So they had no interest in  
 15 this, other than a net cash flow?  
 16 A. That's it.  
 17 Q. They had no membership  
 18 percentage interest in Dolce Regency Suites,  
 19 LLC?  
 20 A. They had the capital.  
 21 First of all, they were  
 22 entitled to the eleven million, which was  
 23 the capital, and then on the profit, they  
 24 would get fifty/fifty.  
 25 Q. So what is their membership  
 FERNANDEZ & ASSOCIATES

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1 interest?  
 2 What's their ownership interest  
 3 in Dolce Regency Suites, LLC?  
 4 A. Right now, Pacific Atlantic  
 5 owns a hundred percent of Dolce. That's  
 6 about all I know.  
 7 Q. I want to know, at the time you  
 8 drafted this agreement, ma'am, what was  
 9 their membership interest in Dolce Regency  
 10 Suites, LLC?  
 11 A. At the time of the agreement,  
 12 Pacific Atlantic was putting in eleven  
 13 million dollars. They were entitled to the  
 14 capital contribution and fifty percent of  
 15 the profits afterward. That's all that I  
 16 can tell you and that's the only answer that  
 17 I have for you.  
 18 Q. So if that's all that they're  
 19 entitled to, if that's all they had, then is  
 20 it your testimony that they had no  
 21 membership ownership interest?  
 22 A. Of course they did, but it  
 23 wasn't for a specific property. The  
 24 membership interest had to do with -- I  
 25 mean, it was personal to them and they were  
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1 supposed to get their capital contribution,  
 2 plus fifty percent of whatever it was.  
 3 However you want to translate that, I don't  
 4 know.  
 5 Q. Ma'am, I'm not talking about a  
 6 specific property. I'm talking about Dolce  
 7 Regency Suites LLC.  
 8 Do you understand that?  
 9 A. Yes, ma'am.  
 10 Q. That's not a piece of property.  
 11 What I want to know is: What  
 12 was their membership interest in Dolce  
 13 Regency Suites, LLC at the time, either in  
 14 June of 2008 or whenever it was that this  
 15 was executed.  
 16 What was their percentage of  
 17 the membership interest, not what they were  
 18 entitled back to on capital contributions,  
 19 not the profits that they were entitled to,  
 20 but what was their membership interest?  
 21 You're a corporate lawyer. You  
 22 know the difference. Tell me what the  
 23 answer is.  
 24 MR. PATRICK: Objection to the  
 25 form of the question.  
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1 THE WITNESS: I can't remember  
 2 the discussions that we had about  
 3 that.  
 4 BY MS. VAN VLIET:  
 5 Q. Is the reason that you can't  
 6 remember the discussions because they never  
 7 really had any, because all that this was  
 8 designed to do was to launder George  
 9 Theodule's Ponzi scheme money?  
 10 MR. PATRICK: Objection as to  
 11 the form of the question.  
 12 THE WITNESS: You want me to  
 13 answer that?  
 14 MS. VAN VLIET: Yes.  
 15 THE COURT: At this time, I  
 16 invoke my Fifth Amendment right to  
 17 remain silent.  
 18 MS. VAN VLIET: I don't think I  
 19 have anything more for you today, Miss  
 20 Alexis.  
 21 Thank you.  
 22 MS. VAN VLIET: Rachel, Brad,  
 23 do you have any questions?  
 24 MS. PAULOSE: I have no  
 25 questions.  
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1 Thank you.  
 2 MR. PATRICK: I have no  
 3 questions.  
 4 Thank you very much.  
 5 MS. VAN VLIET: Barry, do you  
 6 have any questions?  
 7 MR. WAX: No, I don't have any  
 8 questions.  
 9 Thank you very much.  
 10 We read.  
 11 (Thereupon, the deposition was  
 12 concluded.)  
 13  
 14  
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 FERNANDEZ & ASSOCIATES

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1  
 2  
 3 CERTIFICATE OF OATH  
 4  
 5 COUNTY OF MIAMI-DADE )  
 6 THE STATE OF FLORIDA )  
 7 I, the undersigned authority,  
 8 certify that GABRIELLE ALEXIS personally  
 9 appeared before me and was duly sworn on the  
 10 21st day of April, 2009.  
 11 Dated this 1st day of  
 12 May, 2009.  
 13  
 14  
 15  
 16  
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 22  
 23  
 24  
 25  
 FERNANDEZ & ASSOCIATES

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ELLIE ADELSTEIN, R.P.R.  
 Notary Public - State of Florida  
 My Commission Expires: 8/21/2011  
 My Commission No.: DD 694417

1 COUNTY OF MIAMI-DADE )  
 2 STATE OF FLORIDA )  
 3 CERTIFICATE  
 4 I, ELLIE ADELSTEIN, Registered  
 5 Professional Reporter and Notary Public in  
 6 and for the State of Florida at Large, do  
 7 hereby certify that I was authorized to and  
 8 did report in stenotype the deposition of  
 9 GABRIELLE ALEXIS, a witness called in the  
 10 above-styled cause; that the reading and  
 11 signing of the deposition were not waived by  
 12 the witness; and that the foregoing pages,  
 13 numbered from 1 to 150, inclusive,  
 14 constitute a true and complete record of my  
 15 stenographic notes.  
 16 I further certify that I am not  
 17 a relative, employee, attorney or counsel of  
 18 any of the parties, nor am I a relative or  
 19 employee of any of the parties' attorneys or  
 20 counsel connected with the action, nor  
 21 financially interested in the action.  
 22 Dated this May 1st, 2009.  
 23  
 24 \_\_\_\_\_  
 ELLIE ADELSTEIN, R.P.R.  
 Court Reporter  
 25  
 FERNANDEZ & ASSOCIATES

1 FERNANDEZ & ASSOCIATES  
 2 444 Brickell Avenue  
 Suite 718  
 Miami, Florida 33131  
 3 Ph: (305) 374-8868  
 4 May 1st, 2009  
 5  
 6 To: Gabrielle Alexis  
 c/o Barry Wax, Esq.  
 Law Office of Barry Wax  
 7 777 Brickell Avenue  
 Suite 1210  
 8 Miami, Florida 33131  
 9 Re: SEC v. CCC, et al.  
 Deposition of: Gabrielle Alexis  
 10 Taken: April 21st, 2009  
 Number of Pages: 150  
 11 Available for Reading: May 21st, 2009  
 12 Dear Ms. Alexis,  
 13 This is to advise you that the  
 transcript of your deposition is completed  
 14 and is available at this time for your  
 reading and signing.  
 15 Please arrange to conclude this  
 matter at your earliest convenience. We  
 16 would suggest that you telephone this office  
 and arrange an appointment suitable for all  
 17 concerned, or you may arrange to receive a  
 copy of your transcript from any of the  
 18 attorneys on the case.  
 However, if the reading and  
 19 signing has not been concluded prior to the  
 above-referenced date, I shall then proceed  
 20 to file the original of said transcript with  
 the party who took the deposition, without  
 21 further notice to any parties.  
 Your prompt attention to this  
 22 matter is appreciated.  
 23 Sincerely,  
 24 \_\_\_\_\_  
 Ellie Adelstein, R.P.R.  
 Court Reporter  
 25 FERNANDEZ & ASSOCIATES