

SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

REX A. WALDROP, JR., and)	
SONIA M. LEVY,)	
)	
Plaintiffs,)	
)	
-vs-)	No. CV 2005-091687
)	
BELL ROAD AUTOMALL, Inc., an,)	
Arizona corporation,)	
)	
Defendant.)	

DEPOSITION OF ROBERT DAVID ALEXANDER

Tempe, Arizona
Tuesday, July 18, 2006, 10:30 A.M.

CONDENSED

Gail E. Ferguson
Certified Reporter
Certificate No. 50723

C.A.T. REPORTER & TRANSCRIPT SERVICES
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Phoenix, Arizona 85020
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1 THE DEPOSITION OF ROBERT DAVID ALEXANDER
 2 commenced at 10:30 A.M. on July 18, 2006 at 401 W.
 3 Baseline Road, Suite 210, Tempe, Arizona, before Gail E.
 4 Ferguson, a Certified Reporter in Phoenix, Arizona,
 5 Certificate No. 50723, for the State of Arizona.

6 * * *

7 APPEARANCES:

8 For the Plaintiffs:

9 Choi & Fabian, PLC
 10 BY: Hyung S. Choi

11 For the Defendant:

12 Cates, Hanson & Sargeant
 13 BY: Leslie M. Rakestraw

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1 Tempe, Arizona
 2 July 18, 2006
 3 10:30 A.M.

4 ROBERT DAVID ALEXANDER,
 5 having been first duly sworn, was examined and
 6 testified as follows:

7 EXAMINATION

8 BY MR. CHOI:

9 Q State your full name for the record.

10 A Robert David Alexander, Jr.

11 Q Mr. Alexander, are you the person most

12 knowledgeable regarding Bell Road Automall's attempted
 13 sale of a vehicle to Michael Dotts?

14 A Yes.

15 Q And tell me, what do you do for a living?

16 A I own car dealerships.

17 Q What dealerships do you own?

18 A Bell Road Automall, Bell Road Kia and North
 19 Scottsdale Hyundai.

20 Q Do you own it with other partners, or do you own
 21 it through corporations, or tell me about the ownership
 22 structure?

23 A I am a shareholder in a corporation, there's one
 24 other shareholder in the Bell Road Automall entity and the
 25 North Scottsdale entity. There is a minority holding
 company in the Kia dealership.

1 Q Mr. Alexander, let me briefly cover the rules of
 2 the deposition. As you can tell, there's a court reporter
 3 in this conference room that is taking down everything
 4 that is being said. So it is very important that we don't
 5 talk over each other.

6 Most of the people in conversation can anticipate
 7 how a question is going to end and start answering before
 8 the end of the question. However, if we talk over each
 9 other, the court reporter will not be able to take it
 10 down. So please wait until I finish my question before
 11 you answer and I will likewise try to wait until you
 12 finish your answer before I ask my next question.

13 Moreover, it's very important that you answer
 14 affirmatively with yes, no or tell me, instead of uh-huh
 15 or huh-uh or shaking of the head because that does not
 16 come out very good in the transcript.

17 A Okay.

18 Q Next, if you need any break or anything, just let
 19 me know. We have water in our conference room so just let
 20 me know. Okay?

21 A Okay.

22 Q So you are the majority shareholder of the three
 23 dealerships we just talked about?

1 **A No. Minority shareholder.**
 2 Q What is your position with Bell Road Automall?
 3 **A If I can have you clarify, are you talking about**
 4 **during the time -- if you can clarify which time frame.**
 5 Q Sure. Let's start today and work backwards.
 6 **A Today I am more of an overseer, I'm not as**
 7 **involved in day to day.**
 8 Q Okay. How about back in March of 2005?
 9 **A I was the general manager.**
 10 Q When did you stop being a general manager of Bell
 11 Road Automall?
 12 **A I had hired a replacement for myself, I don't**
 13 **know the exact date, but it was sometime within the last**
 14 **two months.**
 15 Q And who is that replacement?
 16 **A Mike Fuse.**
 17 Q And how long were you the general manager for
 18 Bell Road Automall?
 19 **A Since August of 1999.**
 20 Q Is that when Bell Road Automall started its
 21 business?
 22 **A Yes.**
 23 Q And do you currently hold any official title with
 24 Bell Road Automall?
 25 **A I am known as the secretary/treasurer of the**

1 **corporation.**
 2 Q And have you always been the secretary/treasurer
 3 of the corporation?
 4 **A Yes.**
 5 Q And what's your position with Bell Road Kia
 6 today?
 7 **A I am the, that's an LLC, I'm a member of the LLC.**
 8 Q Are you a managing member?
 9 **A No.**
 10 Q Is there a managing member?
 11 **A Yes.**
 12 Q And do you currently work in any capacity with
 13 Bell Road Kia?
 14 **A I spend some time as an overseer.**
 15 Q Did you ever work as general manager for Bell
 16 Road Kia?
 17 **A I'm sorry for pausing. The only time that I**
 18 **would have held that position was perhaps if we were in**
 19 **between general managers. I'm trying to remember a**
 20 **specific time and I cannot think of one, but I'm not sure.**
 21 Q Okay. And when did the Bell Road Kia start its
 22 business?
 23 **A 1993, I believe it would have been in the fourth**
 24 **quarter of 1993, I don't remember the month exactly.**
 25 Q And when did you become a member of the LLC that

1 operates Bell Road Kia?
 2 **A At that same time.**
 3 Q And when did North Scottsdale Hyundai start its
 4 business?
 5 **A December of 2005.**
 6 Q And what is your involvement with North
 7 Scottsdale Hyundai?
 8 **A I am a member of that LLC as well.**
 9 Q Do you hold any management position?
 10 **A No.**
 11 Q All right. Let's talk about the basis for your
 12 knowledge regarding Bell Road Automall's attempted sale of
 13 a vehicle to Michael Dotts. Were you personally involved
 14 in Bell Road Automall's attempted sale of a vehicle to
 15 Michael Dotts?
 16 **A No.**
 17 Q Tell me about the basis for your knowledge
 18 regarding Michael Dotts' transaction?
 19 **A Your request for documents, I believe it was a**
 20 **check was basic -- What am I trying to say. A review of**
 21 **the history is my knowledge.**
 22 Q How did you review the history?
 23 **A Looked at the accounting records.**
 24 Q Anything else?
 25 **A I spoke with my attorney this morning.**

1 Q Anything else?
 2 **A No.**
 3 Q Okay. And let's talk about the accounting
 4 records that you reviewed to learn about Michael Dotts'
 5 transaction. What accounting records did you review?
 6 **A There was a receipt for cash taken, there was a**
 7 **copy of a cashier's check, a printout from our accounting**
 8 **records of the debits and credits on the Dotts account. A**
 9 **copy of the check written to Michael Dotts. And that's**
 10 **it.**
 11 MR. CHOI: Mark that.
 12 (Plaintiffs' Exhibit 1 was marked for
 13 identification.)
 14 MR. CHOI: Q Mr. Alexander, the court reporter just
 15 handed to you a stack of documents marked as Exhibit 1 to
 16 your deposition. And there are what's called Bates
 17 stamped numbers on the lower right-hand corner, and I'm
 18 going to refer to Bates stamp numbers in this exhibit when
 19 I make any reference. Okay?
 20 **A Is that the one that says Exhibit Number 1?**
 21 Q No. That's the court reporter's sticker.
 22 MR. RAKESTRAW: Here's one.
 23 THE WITNESS: I see. I'm holding the document the
 24 wrong way.
 25 MR. CHOI: Q I'm sorry. Okay. So on the first

1 page Bates stamp 174.
 2 **A Yes.**
 3 **Q** And the second page, page 184?
 4 **A Okay.**
 5 **Q** Can you identify that document?
 6 **A That document appears to be, this appears to be**
 7 **the Michael Dotts accounting record, a printout of our**
 8 **accounting screen.**
 9 **Q** Okay. And can you identify the document in
 10 Exhibit 1, Bates stamped 185?
 11 **A That is a check, a refund check to Michael Dotts.**
 12 **Q** And 186?
 13 **A That is a receipt of cash taken from Michael**
 14 **Dotts.**
 15 **Q** And Bates page 188?
 16 **A That is a cashier's check made out to Bell Road**
 17 **Automall.**
 18 **Q** Okay. Let's go to Bates page 192. Have you seen
 19 that document before?
 20 **A I reviewed that this morning with my attorney.**
 21 **Q** Is that the first time you looked at it?
 22 **A Yes.**
 23 **Q** Other than talking to your attorney, did you
 24 speak with anybody else regarding Michael Dotts'
 25 transaction?

1 **A I asked some people who were potentially involved**
 2 **in the Michael Dotts transaction if they had any**
 3 **recollection of the transaction, and none of them did.**
 4 **Q** Who did you speak with?
 5 **A I spoke with Aslam Dulara.**
 6 **Q** Can you spell that?
 7 **A A-s-l-a-m, D-u-l-a-r-a. And I also spoke with**
 8 **Greg Stewart.**
 9 **Q** Anybody else?
 10 **A No.**
 11 **Q** All right. Let's come back to the document,
 12 start with Bates page 184.
 13 **A Okay.**
 14 **Q** Did you find that document?
 15 **A Did I find this document?**
 16 **Q** Yes.
 17 **A I don't know if I printed it, someone printed it**
 18 **out of our computer system, looks like Samantha Dimple did**
 19 **a print out for me.**
 20 **Q** Okay. So you're looking at the very bottom line
 21 of the screen, "Dimplesa?"
 22 **A Yes.**
 23 **Q** Why did you ask Samantha Dimple to print this out
 24 for you?
 25 **A She works in the accounting office.**

1 **Q** I understand. Did you ask her to print out this
 2 document for you?
 3 **A I asked Samantha Dimple for any documents that**
 4 **the accounting office may have relating to the Dotts**
 5 **transaction.**
 6 **Q** That would have been on January 9, 2006, or
 7 sometime prior to that?
 8 **A I do not know the date.**
 9 **Q** All right. Can you tell, by looking at the Bates
 10 page 184 can you tell when that document was printed?
 11 **A Yes. It was January 9, 2006.**
 12 **Q** Okay. So it would have been either that day or a
 13 few days prior to that that you asked her to print out the
 14 records; right?
 15 **A That would be correct.**
 16 **Q** Why did you ask her to print out the records?
 17 **A At the request of my attorney.**
 18 **Q** And whose handwriting is that on Exhibit 1, Bates
 19 page 184?
 20 **A I do not know.**
 21 **Q** Do you know how to read the information that is
 22 contained within this printout?
 23 **A I have some knowledge.**
 24 **Q** All right. Let's start from the top. It says
 25 schedule number 305, do you know what that is?

1 **A That would be -- I'm not positive, I would be**
 2 **speculating.**
 3 **Q** Okay. And then there's a control number
 4 00109057. Do you know what that is?
 5 **A I could only speculate.**
 6 **Q** And what is that speculation?
 7 **A Generally in accounting the schedule would be --**
 8 **You want me to speculate on both or just one?**
 9 **Q** Sure. Both would be great.
 10 **A My speculation would be that the schedule 305**
 11 **would be vehicle receivable, and my speculation on the**
 12 **control number would be that particular car or customer.**
 13 **Q** And then there's a date of 4/28/05. Do you know
 14 what that date is?
 15 **A No. Probably a -- Well, again, I would be**
 16 **speculating.**
 17 **Q** Go ahead and speculate.
 18 **A That's the search date that she put in to find**
 19 **this document.**
 20 **Q** All right. And then if you look inside the
 21 database itself there's a column called "OP." Do you see
 22 that?
 23 **A Yes.**
 24 **Q** Do you know if that "OP" stands for operator?
 25 **A I believe that that is what it's referring to.**

1 Q Okay. And then underneath that column there's a
2 "KP." Do you see that?
3 A Yes.
4 Q Do you know who "KP" is?
5 A Kathy Picket.
6 Q And who is Kathy Picket?
7 A She receipts cash, she opens the safe in the
8 morning, picks up all the cash and receipts it in.
9 Q What is her title?
10 A What is Kathy's title? She's, I don't know what
11 her specific title is, she works in the accounting office,
12 she does accounting.
13 Q Okay.
14 A She's not an accountant, but she does accounting
15 in the accounting office. I'm not sure that she has a
16 specific title.
17 Q And according to this document that we're looking
18 at, it shows that Kathy Picket made an entry on March 21,
19 2005 showing that the customer made a \$300 cash down
20 payment; correct?
21 A That is what I see, yes.
22 Q All right. On the fourth line down there's an
23 operator by the initials of "SD." Is that Steve Dallas?
24 A No.
25 Q Who is "SD?"

1 A Samantha Dimple.
2 Q And then below that there's "MS." Who is that?
3 A I'm going to speculate on this. I had a woman in
4 the office named Margy Durso. And then she was married
5 and she doesn't work for me anymore. And I do not
6 remember her married name. But I think that that is who
7 that is.
8 Q Okay. So according to this -- Well, can you tell
9 me by looking at this what happened with this account?
10 A I can tell you some things. I can tell you that
11 on March 21, \$300 was receipted by Kathy Picket, and on
12 March 23, \$1,000 was receipted by Kathy Picket. And it
13 appears that \$1700 was also recorded by Kathy Picket,
14 receipted, I'm sorry, not recorded but receipted.
15 And then on April 11, Samantha Dimple cut a check
16 for \$2,000, and then on April 14, Margy posted a manual
17 entry of \$1,000. And it is taking \$1,000 from the account
18 as if there was -- generally when I see something like
19 that, that means that someone is correcting an error.
20 Q All right.
21 A An accounting error.
22 Q So you think that the receipt of \$1,000 dated
23 March 23, 2005 was made in error?
24 A That would be my assumption in looking at this
25 document.

1 Q Okay. So this shows then that on March 21 of
2 2005 Mr. Dotts made a \$3,000 cash down payment for the
3 transaction; correct?
4 A No, a \$300 payment.
5 Q I'm sorry. \$300, yes. Thank you.
6 A Yes.
7 Q And then it looks like on April 4 of 2005 he came
8 in and paid another \$1700 towards the down payment; right?
9 A That's what this document shows, correct.
10 Q And then on April 11 of 2005, it looks like Bell
11 Road Automall refunded him \$2,000; right?
12 A That is correct.
13 Q All right. Let's go to page, Bates page 185.
14 A Okay.
15 Q Where did you get this document?
16 A There is a reprint from our accounting system of
17 the check.
18 Q And --
19 A Well, I'm sorry. May I restate that?
20 Q Sure.
21 A It's either a reprint or it is, when we print a
22 check there's also a carbon copy so it's either a copy of
23 a carbon of the original or it's a reprint of a print, one
24 of those.
25 Q By looking at the check number, it appears to be

1 a carbon copy; correct?
2 A Yes. After taking a closer look that's what I
3 believe it is.
4 Q And how did you get this document?
5 A It would have been kept on file in accounting.
6 Q And did you receive that from Samantha Dimple as
7 well?
8 A Yes.
9 Q So essentially back in January of 2006 you asked
10 Samantha Dimple to get you documents in the accounting
11 department pertaining to Michael Dotts' transaction?
12 A Correct.
13 Q Have you personally seen the file that is kept in
14 the accounting department?
15 A Only what we have here.
16 MR. RAKESTRAW: What file?
17 THE WITNESS: I mean this is what we have.
18 MR. RAKESTRAW: Object to form.
19 MR. CHOI: Q Have you personally seen Michael
20 Dotts' file that's kept in the accounting department?
21 MR. RAKESTRAW: Object to form. Go ahead.
22 THE WITNESS: I'm not sure what you're asking for,
23 because the documents that we have in this folder that you
24 gave me are the documents held in accounting.
25 MR. RAKESTRAW: Is there a file for Michael Dotts?

1 THE WITNESS: I'm not sure. By file, I assume they're
2 held in a folder. Is that what you're asking?

3 MR. CHOI: Q I understand. We're just trying to
4 figure out what happened. Earlier you testified that
5 Exhibit 185, which is a carbon copy of the check, was kept
6 in a file in accounting. I think that's what you
7 testified; correct?

8 A Yes. That would be the only way we would have
9 been able to find it.

10 Q Sure.

11 A Along with -- if you'd like for me to continue, I
12 also have a receipt for the cash down payment that would
13 also be kept in the accounting file.

14 Q Okay.

15 A Now, the printout page is a printout from our
16 computer system that would not have been kept in the file.
17 A copy of the cashier's check would have been kept in the
18 file, and that would be what is kept in accounting for the
19 non-transaction of Michael Dotts.

20 Q Okay. So you made a reference to the file in the
21 accounting department. So when I say file, that's the
22 file I'm talking about.

23 A Okay. Yeah, okay.

24 Q All right. Did you personally see Michael Dotts'
25 file in the accounting department?

1 A No.

2 Q So you asked Samantha Dimple to get the contents
3 of that file; correct?

4 A Yes.

5 Q And that whatever we just went over is a complete
6 copy of the file in the accounting department?

7 A Yes.

8 Q How are those files indexed?

9 A I don't know.

10 Q Do you know what a deal jacket is?

11 A Yes.

12 Q What is a deal jacket?

13 A A deal jacket is when a car is sold and is
14 delivered to accounting, once the deal is delivered to
15 accounting there's a deal jacket created.

16 Q Is deal jacket different than the accounting file
17 that you earlier mentioned?

18 A Yes.

19 Q How are they different?

20 A In this particular case, the Dotts case, there
21 was not a deal file delivered to accounting because it
22 apparently did not get that far. So all there is in
23 accounting for the Michael Dotts record is a transaction
24 of money that came in and money that went out.

25 There's no transaction, there's no vehicle to

1 attach it to. So there's no deal jacket in the sense of a
2 normal transaction where a customer buys a car, takes
3 delivery and maintains ownership of it. The deal jacket
4 would be created in accounting and then all of the
5 accounting records would be kept in that deal jacket as
6 well.

7 Q Okay. We'll come back to the process of a
8 customer and the documents that pertain to Michael Dotts.
9 Okay.

10 In the meantime let's talk about the basis of
11 your knowledge. Who is Aslam Dulara? Did I say the last
12 name correct?

13 A Yes. Currently he is the general manager of Bell
14 Road Kia.

15 Q And what was his position at the time you spoke
16 with him?

17 A I'm sorry?

18 Q Sure. When did you speak to Aslam Dulara
19 regarding Michael Dotts' transaction?

20 A When did I speak to him?

21 Q Correct.

22 A Within the last, whatever, when we were trying to
23 determine who to bring to this deposition I spoke to him.

24 So I'm not sure, sometime within the last two months.

25 Does that seem reasonable?

1 Q Okay. And what was Aslam Dulara's position back
2 in March of 2005?

3 A He was the sales manager in the Bell Road
4 Hyundai/Suzuki showroom.

5 Q Is that the same as Bell Road Automall?

6 A Yes.

7 Q And who is Greg Stewart?

8 A He was in charge of the finance department for
9 that showroom.

10 Q Was he the finance director for Bell Road
11 Automall back in March of 2005?

12 A No.

13 Q All right. Tell me what was his position back in
14 March of 2005?

15 A He was the lead finance person for that showroom
16 that Aslam was in charge of.

17 Q All right. I am a little bit confused about the
18 showroom and the dealership. Let's talk about that a
19 little bit. Okay?

20 A Understandable. There are two show rooms at the
21 Bell Road Automall. The showroom where Michael Dotts,
22 from the best that I can piece together the showroom that
23 he purchased his car from was in the Hyundai showroom,
24 which Aslam Dulara was the lead manager, sales manager,
25 and Greg Stewart was the lead finance person.

1 So those two individuals, if anyone had any
2 knowledge those two individuals would have been the most
3 likely to have knowledge. But since they don't remember
4 the transaction, they don't have any knowledge so I'm the
5 most knowledgeable because I reviewed the accounting
6 records.

7 Q Okay. I'm still trying to figure out the
8 showroom.

9 A Okay.

10 Q So there's a Hyundai showroom?

11 A Yes.

12 Q Are there other brands in that showroom as well?

13 A Suzuki.

14 Q Anything else?

15 A No.

16 Q And what is the other showroom?

17 A It has Mazda and Mitsubishi.

18 Q And the Mazda/Mitsubishi showroom has a separate
19 sales manager and a separate finance director?

20 A That is correct. Now, if I may clarify one
21 thing.

22 Q Sure.

23 A At one point in time Mazda was included in the
24 Hyundai showroom, and I cannot remember the date that we
25 moved that. But I believe, to the best of my knowledge,

1 that in March 2005 that it was, that Mazda had been moved
2 to the Mitsubishi showroom.

3 Q Okay.

4 A I may be incorrect on that but that's the best
5 that I can recall.

6 Q That's fine. Thank you.

7 Who was the sales manager for the
8 Mazda/Mitsubishi showroom in March 2005?

9 A I would have to look that up, I don't know.

10 Q Who was the lead finance person for the
11 Mazda/Mitsubishi showroom back in March of 2005?

12 A I'd have to research that.

13 Q And where does the Kia showroom fit into this
14 structure?

15 A It's a completely different location.

16 Q And do you also have a finance director that
17 oversees all the finance operations?

18 A At the Bell Road Automall we have a finance
19 direction and at Bell Road Kia we have a finance director.

20 Q And for some reason I'm thinking at one time it
21 was the same person; is that right?

22 A No.

23 Q Always been separate?

24 A Yes.

25 Q Okay. And when you spoke to Aslam Dulara you

1 asked him if he remembered Michael Dotts' transaction and
2 he said no?

3 A Yes.

4 Q Did you show him any documentation trying to
5 refresh his memory?

6 A No.

7 Q Take a look at Exhibit 1, document Bates stamped
8 192 through 195.

9 A Okay.

10 Q I think earlier you testified the first time you
11 have seen these documents is this morning?

12 A Yes.

13 Q So until this morning you had never seen that
14 before; is that right?

15 A That's correct.

16 Q And nobody ever brought this to your attention?

17 A Not that I recall.

18 Q Okay. So, therefore, when you spoke with Aslam
19 Dulara there's no way you could have shown him that
20 documentation?

21 A No.

22 Q Or even talked to him about the document or the
23 facts shown on that document; correct?

24 A Correct.

25 Q If you will go to Exhibit 1, Bates page 195.

1 A Yes.

2 Q Do you recognize this signature?

3 A Yes.

4 Q Whose signature is that?

5 A Debora Wood.

6 Q Who is Debora Wood?

7 A She was our office manager during that time.

8 Q Have you ever heard of www.badbusinessbureau.com,
9 all one word?

10 A No.

11 Q So this morning is the first time you have seen
12 that?

13 A Yes.

14 Q All right. I'd like to now talk about what
15 Michael Dotts would have gone through in his attempt to
16 buy a car from Bell Road Automall.

17 A I will do my best to speculate on what happened
18 at that time.

19 Q Okay. So based on Exhibit 1, Bates page 184, you
20 know that he made a down payment of \$300 on March 21,
21 2005; correct?

22 A I'm sorry. Let me move to that document. What
23 was the question?

24 Q Sure. Based on Exhibit 1, Bates page 184, it
25 appears that he made a \$300 cash down payment on March 21,

1 2005; correct?
 2 **A Yes, that's correct.**
 3 Q So that would have been the date of the first
 4 contract?
 5 **A I would assume, but I don't know for sure.**
 6 Q Is that standard practice at Bell Road Automall,
 7 to collect a cash down payment on the day of the contract?
 8 **A That would be a normal procedure, yes.**
 9 Q And do you know what the term spot delivery or
 10 yo-yo delivery is?
 11 **A I have not heard the term yo-yo delivery prior to**
 12 **reading something that you had sent, but I am familiar**
 13 **with spot delivery.**
 14 Q Tell me what is your understanding of spot
 15 delivery?
 16 **A It's delivering a car before financing is**
 17 **approved.**
 18 Q And does Bell Road Automall engage in spot
 19 delivery practice?
 20 **A Yes. That seems to be what Americans like to do,**
 21 **they want the merchandise now and work on the financing**
 22 **after the fact.**
 23 Q Okay. So by looking at the documents that you
 24 have looked at, you agree with me that it looks like Bell
 25 Road Automall spot delivered a vehicle to Michael Dotts on

1 March 21, 2005 after making a \$3,000 cash down payment?
 2 MR. RAKESTRAW: Object to form.
 3 THE WITNESS: 300.
 4 MR. CHOI: Q I'm sorry. \$300 cash down payment.
 5 **A I can only speculate that we delivered a vehicle**
 6 **to Michael Dotts on March 21 while collecting only a**
 7 **portion of the down payment and not having the financing**
 8 **completely approved.**
 9 Q What makes you think that was only a portion of
 10 the down payment?
 11 **A Because on April 4 he brought the balance of**
 12 **\$1700 in the form of a cashier's check.**
 13 Q Okay. And then on March 21 there had been a loan
 14 contract printed?
 15 **A That would be my assumption under normal**
 16 **procedure, yes.**
 17 Q And a buyer's order also printed as well?
 18 **A Yes.**
 19 Q And, in fact, there's a whole host of documents
 20 printed; correct?
 21 **A Yes.**
 22 Q Odometer disclosure statement?
 23 **A Yes.**
 24 Q What other documents?
 25 **A My assumption would be that we would have printed**

1 **all appropriate documents for a sale of a motor vehicle.**
 2 Q And that would include a title and registration
 3 application?
 4 **A That would be one of the documents, yes.**
 5 Q Power of attorney?
 6 **A Let's see, is there a trade in. I'm not sure if**
 7 **there's a power of attorney when there's no trade in.**
 8 **Yeah, I'm not sure about that.**
 9 Q Back in March of 2005 what program did Bell Road
 10 Automall use to print those documents?
 11 **A Universal computer systems.**
 12 Q Do you still use universal computer systems?
 13 **A Yes.**
 14 Q And do you know if universal computer systems
 15 saves the information based on the customer's name?
 16 **A Only if it goes to accounting.**
 17 Q So if a deal does not go through accounting, then
 18 the universal computer system deletes information that's
 19 inputted into it?
 20 Q The information will drop off over time. I don't
 21 know what the time limitation is, but any information
 22 pertaining to a non-transaction, which is apparently what
 23 happened with the Dotts situation, the information would
 24 be lost at some point in time. There would be no reason
 25 to maintain it.

1 Q Do you know how long it's kept in the universal
 2 computer systems?
 3 **A I don't.**
 4 Q Do you know who would know that?
 5 **A I could contact them and find out.**
 6 Q Who?
 7 **A Universal computer systems.**
 8 Q Have you tried to look up information on Michael
 9 Dotts' transaction on the universal computer systems?
 10 **A Yes.**
 11 Q Does universal computer systems also keep
 12 accounting records on Michael Dotts as well?
 13 **A Yes, that's the record that we have found on**
 14 **Michael Dotts is the accounting record.**
 15 Q That's shown on Bates page 184 on Exhibit 1?
 16 **A That is correct.**
 17 Q So there was no information regarding the deal
 18 itself; is that right?
 19 **A Correct.**
 20 Q Do you have any idea what the terms of the first
 21 contract were?
 22 **A I do not.**
 23 Q And based on the record in badbusinessbureau.com
 24 you understand that there was a second contract as well;
 25 correct?

- 1 **A Which page are you referring to?**
 2 Q Page 192.
 3 **A It's my understanding that Michael Dotts has**
 4 **alleged fiance states that he signed a second contract**
 5 **based on the information from the web site provided in**
 6 **192.**
 7 Q Did you look for the second contract in the
 8 universal computer systems?
 9 **A It would not keep the contract.**
 10 Q Because it's your understanding that the
 11 information will drop off over time if the deal did not go
 12 to the accounting department?
 13 **A The universal computer systems only prints the**
 14 **contract, it does not save an image of the contract. Once**
 15 **the contract is printed and the transaction is delivered**
 16 **to accounting, accounting would then post the contract and**
 17 **there would be an accounting record of that contract.**
 18 **And so that's why I'm telling you that it's my**
 19 **belief that this deal was never delivered to accounting**
 20 **because there's no accounting record of a contract being**
 21 **positioned.**
 22 Q I understand. And you personally looked for
 23 Michael Dotts' deal in universal computer systems and you
 24 did not find it; correct?
 25 **A I searched every portion of the system, yes. I**

- 1 **searched his name in every possible way that I could, and**
 2 **phone number, and could not come up with anything relating**
 3 **to him other than the accounting record.**
 4 Q Okay. So other than asking Samantha Dimple to
 5 print up the accounting record, and searching universal
 6 computer systems, what else did you do to try to locate
 7 Mr. Dotts?
 8 **A I asked -- I'm sorry. When you say locate**
 9 **Mr. Dotts.**
 10 Q Or information pertaining to Mr. Dotts'
 11 transaction?
 12 **A When I was requested for additional information**
 13 **on Michael Dotts I had asked, I believe it was, Steve**
 14 **Rogers to look through and see if he had any files**
 15 **regarding Michael Dotts. And he did not. And I also**
 16 **asked Jane Vandyke, who is the finance secretary, to look**
 17 **for information pertaining to Michael Dotts.**
 18 Q And she did not have any?
 19 **A She did not find anything at that time, no.**
 20 Q Okay. Now, we took Steve Rogers' deposition so I
 21 think we have his work history. Now, why did you think
 22 that Steve Rogers would have a file?
 23 **A He was the finance director and so if there were**
 24 **any, if for some reason the file would have not been**
 25 **destroyed, which would be normal procedure, if a**

- 1 **transaction is voided then we void all the documents and**
 2 **destroy them.**
 3 Q Okay.
 4 **A But if for some reason that had not taken place,**
 5 **it most likely would have been in his office. So I asked**
 6 **him to do a search of his office.**
 7 Q So Steve Rogers was the finance director that
 8 oversaw the operations at both the Hyundai showroom as
 9 well at the Mazda/Mitsubishi showroom?
 10 **A That is correct.**
 11 Q And was he also, at the time, finance director
 12 overseeing the operations at Bell Road Kia?
 13 **A No. He did assist in helping set up some**
 14 **processes and procedures there, but not as a direct**
 15 **employee or manager of that store.**
 16 Q So do you have any idea what the terms of the
 17 first contract for Michael Dotts were?
 18 **A No.**
 19 Q And do you have any idea what the terms of the
 20 second contract, if there was one, for Michael Dotts were?
 21 **A No.**
 22 Q Do you know who the salesperson was for the
 23 Michael Dotts transaction?
 24 **A No.**
 25 Q Do you know who the sales manager was for the

- 1 Michael Dotts transaction?
 2 **A My assumption was that it was Aslam Dulara**
 3 **because he was in charge of the sales showroom.**
 4 Q And who is Dallas Berg?
 5 **A Dallas Berg is a, he's worked for me in many**
 6 **capacities, generally as an assistant sales manager. I**
 7 **could find out for sure what his title was at that time,**
 8 **but I'm pretty sure that we would find he was an assistant**
 9 **sales manager.**
 10 Q Did you ever talk to Dallas Berg regarding
 11 Michael Dotts?
 12 **A No.**
 13 Q Do you know who the finance manager was for
 14 Michael Dotts' transaction?
 15 **A No. I assume that it would have been Greg**
 16 **Stewart because he was, most of what he did was generated**
 17 **in that showroom, he was primarily responsible for**
 18 **interacting with customers that were sold in that**
 19 **showroom.**
 20 Q And we can confirm that Steve Rogers would have
 21 been the finance director for Michael Dotts' transaction;
 22 correct?
 23 **A Yes.**
 24 Q And you were the general manager?
 25 **A Yes.**

1 MR. CHOI: Mark that.
 2 (Plaintiffs' Exhibit 2 was marked for
 3 identification.)
 4 MR. CHOI: Q Okay. Mr. Alexander, the court
 5 reporter has just given you what's been marked Exhibit 2.
 6 On the fourth page of Exhibit 2 there's a photograph and
 7 underneath the photograph it says, "Car dealer's hot dog
 8 general manager with a check in hand lied to us, the check
 9 would not be ready for another three hours, but when the
 10 cops show up, the check seemed to be ready."
 11 MR. RAKESTRAW: Object to form.
 12 MR. CHOI: Q Did I read that correctly?
 13 A **I'm sorry. What's the question?**
 14 Q Did I read that correctly?
 15 A **Did you read that correctly?**
 16 Q Yes.
 17 A **I think you did, yes.**
 18 Q Okay. Do you recognize the gentleman with the
 19 tie on that's in approximately the middle of the picture?
 20 A **No, I do not.**
 21 Q You don't know who that is?
 22 A **No.**
 23 Q All right. So when Michael Dotts first came into
 24 Bell Road Automall, would he have been asked to fill out a
 25 guest information sheet?

1 A **That would be normal procedure.**
 2 Q And what kind of information is requested in the
 3 guest information sheet?
 4 A **Without having one in front of me it's hard to
 5 say exactly, but it's just basic information like name,
 6 phone number, what type of vehicle they're looking for, if
 7 they have a potential trade in and some basic information
 8 about that.**
 9 Q And then there will be a salesperson either
 10 assigned to Mr. Dotts or somehow there will be a
 11 salesperson that will work with Mr. Dotts; correct?
 12 A **The salesperson would have been the one who would
 13 have filled out the guest sheet.**
 14 Q Okay. And then what does the sales person do
 15 with the guest sheet after that?
 16 A **Generally it would be turned into the sales
 17 manager.**
 18 Q And what does the sales manager do with the guest
 19 sheet?
 20 MR. RAKESTRAW: Mr. Choi, before you continue let me
 21 put an objection on the record. I don't want to continue
 22 objecting to your questions, I don't know where this is
 23 going, I don't know why you're asking it, I don't see what
 24 it has to do with Waldrop.
 25 Obviously, you know that Rob Alexander has no

1 specific information so you're asking their general
 2 practices. And if I may have an ongoing objection to your
 3 line of questioning so I don't have to keep interrupting
 4 it.
 5 MR. CHOI: That's fine I'm simply trying to find out
 6 the sales process that Michael Dotts would have gone
 7 through and the documents that were generated and what
 8 happened to these documents.
 9 MR. RAKESTRAW: And what relevance does this have for
 10 these documents?
 11 MR. CHOI: A big part of it is we're trying to find
 12 Mr. Dotts.
 13 Q What would the sales manager do with that guest
 14 information?
 15 A **Are you asking what he did with Michael Dotts'
 16 guest sheet?**
 17 Q General practice.
 18 A **General. He would sometimes help the salesperson
 19 find an appropriate vehicle for the customer's budget, if
 20 that's what the customer is looking for, or if the
 21 customer is looking for some specific color or trim, he
 22 would also assist the sales person in identifying where
 23 that vehicle might be.**
 24 **The purpose of the guest sheet is to gather
 25 information on what the consumer wants or needs and that's**

1 **a tool to help us not waste the customer's time walking
 2 around in 120 degree heat looking at a thousand vehicles.**
 3 Q My question to you was what happens physically to
 4 that guest information sheet after the sales manager uses
 5 it?
 6 A **It would lay on his desk until the customer
 7 either leaves, or if they purchase a car it should be
 8 attached to the rest of the documents that go with the
 9 sale.**
 10 Q All right. So if the customer leaves without
 11 buying a car, what happens to it, does it get trashed?
 12 A **The guest sheet?**
 13 Q Yes.
 14 A **Most likely it gets trashed, it wouldn't be
 15 useful any longer.**
 16 Q So you don't keep track of guest sheets?
 17 A **No. There would be no reason to.**
 18 Q So if a person signed a contract, then it will go
 19 to the dealer jacket; is that right?
 20 A **It usually would, normally you would take all the
 21 paperwork and put it together with the deal jacket.**
 22 Q Does the general manager or sales manager keep
 23 track of which salesman assisted which customer, like a
 24 salesman log?
 25 A **Yeah, there's a sales log.**

- 1 Q And what happens to that sales log, is that kept
2 in your dealership?
- 3 A **I don't know.**
- 4 Q So at this point you don't know who was the
5 salesman that assisted Mr. Dotts when he first came into
6 Bell Road Automall; is that correct?
- 7 A **Yes.**
- 8 Q There may be a sales log that will tell you who
9 is the salesman that worked with Mr. Dotts?
- 10 A **I suppose that's a possibility, I can check into
11 that.**
- 12 Q And that will also tell you who that sales
13 manager was?
- 14 A **It should if it were filled out completely.**
- 15 Q And the sales log is kept by the date; correct?
- 16 A **The top of the page would have a date on it.**
- 17 Q And that's how you keep all the sales logs in the
18 dealership?
- 19 A **I'm not going to tell you that they're that
20 organized. I'll have to do some research, something that
21 old, I mean we're talking well over a year ago. It's not
22 relevant information at this point in time. We may have
23 it, we may not, I'll check.**
- 24 Q You don't keep sales logs in three ring binders?
- 25 A **There's no reason to maintain the information.**

- 1 Q My question to you is, does Bell Road Automall
2 keep it that way?
- 3 A **Not that I'm aware of, no.**
- 4 Q And then once Mr. Dotts decided on a vehicle,
5 would he be asked to fill out a credit application?
- 6 A **Only if we agreed on a price or a payment plan,
7 or depends how he was negotiated, if he negotiated price
8 and payment and we felt we could get somewhere close to
9 that we'd ask have asked him to fill out a credit
10 application at that time if he were willing to purchase a
11 car.**
- 12 Q You know that Mr. Dotts made a \$300 cash down
13 payment on March 21, 2005; correct?
- 14 A **Uh-huh.**
- 15 Q So that tells you he had to fill out a credit
16 application?
- 17 A **Correct.**
- 18 Q And what happened to the credit application after
19 Mr. Dotts filled it out?
- 20 A **Immediately after he filled it out?**
- 21 Q Yes.
- 22 A **It would have been part of the sale documents.**
- 23 Q Would that have been put into a deal jacket?
- 24 A **There wouldn't be a deal jacket at this point in
25 time. The deal jacket is formed when the deal goes to**

- 1 **accounting. But the documents would be kept together.**
- 2 Q All right. While the documents are kept together
3 in the sales department, what is that called?
- 4 A **I believe a sales jacket.**
- 5 Q And how is that kept, is that like a Manilla
6 folder?
- 7 A **Yeah. It would be some type of folder that
8 generally would go to the finance department at that point
9 in time, which would be when he would, when Mr. Dotts
10 would go to the finance department to sign a contract.**
- 11 Q The sales department would have also generated
12 what's called a four square, some people call it a
13 negotiation sheet. What do you call it?
- 14 A **I call it a negotiation sheet, worksheet.
15 Worksheet, I think that's what it says on the top of it.**
- 16 Q Okay. And it would have been your practice to
17 have Mr. Dotts review the worksheet and sign off on it as
18 well?
- 19 A **The worksheet is designed to present numbers to
20 the customer. The customer, I mean there's a lot of
21 things that happen once the numbers are presented to the
22 customer.**
- 23 **But, once again, assuming Mr. Dotts case since
24 he gave us a deposit and clearly took delivery of a
25 vehicle, he would have agreed to some terms that would**

- 1 **have more than likely been written on that worksheet.**
- 2 Q Okay. So then the sales jacket, along with
3 Mr. Dotts, is sent over to the finance department; is that
4 right?
- 5 A **Yes.**
- 6 Q And it would have been the finance manager that
7 would have printed out the first loan contract; correct?
- 8 A **Yes.**
- 9 Q As well as the buyer's order?
- 10 A **Yes.**
- 11 Q And the finance manager would have used the
12 universal system to generate these documents?
- 13 A **Yes.**
- 14 Q So do the sales people input any information into
15 the universal system?
- 16 A **No.**
- 17 Q And the finance manager would have asked
18 Mr. Dotts to sign the contract, sign the buyer's order and
19 all the other related documents and collect the down
20 payment; is that right?
- 21 A **Correct.**
- 22 Q And the finance manager would have also asked
23 Mr. Dotts to fill out title registration application;
24 correct?
- 25 A **Under normal procedures, yes.**

1 Q And the finance manager would have also issued a
 2 TRP for the vehicle that Mr. Dotts was attempting to
 3 purchase; correct?
 4 A I'm sorry. I have to think back to March 2005.
 5 We haven't always used TRP in the state of Arizona, we
 6 used to just switch the plates, so if a TRP were issued he
 7 would be the one to issue it.
 8 Q All right. Well, the plate is switched if
 9 there's a trade in car; correct?
 10 A Right.
 11 Q And based on your reading of the posting on the
 12 badbusinessbureau.com there was no trade in car?
 13 A Correct. I apologize for speaking over you.
 14 Yes, based on the information we have, we assume there was
 15 no trade in, so we assume there was a TRP, and we assume
 16 the financial manager would have generated that document.
 17 Q Okay. You don't have to apologize. I'm going to
 18 probably do that too so I'll try to remind you not to do
 19 it. Okay?
 20 A Okay.
 21 Q Now, does Bell Road Automall keep the TRP log?
 22 A No. That is all computerized now and I believe
 23 that -- Well, again, I'm sorry. I would have to go back
 24 to March of 2005.
 25 Currently today we go to a motor vehicle web site

1 and we generate the TRP from the web site, and so the
 2 record is kept by motor vehicle on their web site. And I
 3 believe that was the case in March.
 4 Q Okay. So Bell Road Automall did not keep any
 5 logs pertaining to TRP it issued; is that right?
 6 A It's my understanding that motor vehicle has
 7 taken the responsibility in keeping that log with their
 8 new computerized web based system.
 9 Q Okay. Who generates the sales jacket?
 10 A The sales manager would generate the sales
 11 jacket.
 12 Q And what information is contained on the cover of
 13 the sales jacket?
 14 A There's usually a check list that just says, you
 15 know, what is there and what's not there. So in this case
 16 maybe it would say only \$300 down payment was collected,
 17 \$1700 to be brought in at a later date, probably the terms
 18 and conditions that were negotiated, you know.
 19 Just it's an information sheet so the finance
 20 manager knows sort of what he's getting.
 21 Q Okay. Can you please go to Exhibit 1, Bates page
 22 174, the very first page, sir.
 23 A Okay.
 24 Q Now, I understand this is not for Michael Dotts'
 25 transaction, this is for Rex Waldrop's transaction. But

1 what is that page called?
 2 A That is a deal jacket in accounting.
 3 Q So that would have been generated by the
 4 accounting department?
 5 A Yes.
 6 Q Essentially this is like a cover of an accounting
 7 file; is that right?
 8 A Yes. For a specific car.
 9 Q Sure. But not for a specific customer?
 10 A Correct. The file is recreated when the car is
 11 purchased. This file cover that you're looking at was
 12 created date, let's see, 8/7 of 2004.
 13 Q Is that the date when Bell Road Automall
 14 purchased this particular vehicle?
 15 A That's correct.
 16 Q And, again, let me confirm this is a cover of an
 17 accounting file; is that right?
 18 A That's correct.
 19 Q And earlier in your testimony you talked about an
 20 accounting file where the documents pertaining to Michael
 21 Dotts' transaction were found. Are we talking about the
 22 same accounting file here?
 23 A No.
 24 Q How are they different?
 25 A This accounting file is based off, first of all,

1 what you have in Exhibit 1, document 174, this is a
 2 standard transaction, this is a transaction, it's not a
 3 voided transaction, it's not a non-transaction. So this
 4 deal went to accounting and this customer's name was
 5 written on this vehicle's accounting record, inventory
 6 accounting record.
 7 So that's what we're looking at here. Mr. Dotts
 8 has no associated inventory accounting record because he
 9 did not purchase a car. Does that make sense?
 10 Q I know what you're telling me, but I'm having a
 11 hard time understanding it because, as you know, Rex
 12 Waldrop did not purchase a car from Bell Road Automall
 13 either.
 14 A Well, actually he did.
 15 Q Oh, he did?
 16 A Yes.
 17 Q That's what I'm trying to figure out.
 18 A Rex Waldrop was -- You want me to walk you
 19 through this thing?
 20 Q Yes.
 21 A Okay. Customer comes in, negotiates for a car,
 22 comes to an agreement, goes to the finance department,
 23 finance department in most cases spot delivers. Okay.
 24 That means they leave the lot, maybe they haven't given us
 25 all of the information that they need to give us, maybe

1 they have. We have to do some finance approval, so it's
2 not a completed transaction yet. Okay.

3 **Once the transaction is complete the customer has**
4 **given us everything that we need, we've obtained**
5 **financing, we've provided everything that they need, it**
6 **goes to accounting. Accounting attaches the customer's**
7 **name to the vehicle accounting record, which is Exhibit 1,**
8 **174. Okay.**

9 **The contract is then sent to the back, title work**
10 **sent to the state, all of the accounting work then starts**
11 **to happen.**

12 **In the case of Mr. Waldrop the bank did not**
13 **accept the contract when it arrived because of some false**
14 **information that had been put on his application. Okay.**
15 **So that's the difference between -- So the difference**
16 **between Waldrop and between Dotts is Dotts never got**
17 **approved, the bank never approved a deal.**

18 **They may have given a conditional approval, they**
19 **may have given him a flat turn down. But whatever the**
20 **case, maybe we asked Mr. Dotts to bring the car back**
21 **because the financing was not agreeable and he brought the**
22 **car back and we gave him his money back.**

23 **In the case of Waldrop, he did not bring the car**
24 **back, he refused to bring the car back and we had to chase**
25 **him and we also had false information.**

1 **So those are the two primary differences that**
2 **hopefully help explain the difference between the two**
3 **transactions. The Waldrop deal went through the full**
4 **process down to the contract going to the bank. And the**
5 **Dotts deal did not, it never went that far, it never made**
6 **it to the accounting office.**

7 **The only thing that made it to the accounting**
8 **office was the down payment. Because we don't hold cash**
9 **in our financial office, everything gets dropped in the**
10 **safe, accounting picks it up in the morning and receipts**
11 **it in. So we have to keep a record of, accounting of cash**
12 **or checks or checks written, just like any business would**
13 **do in accounting.**

14 **Q All right. Now, let's come back to Mr. Dotts'**
15 **transaction.**

16 **A Okay.**

17 **Q So he signs the first contract and drives off in**
18 **a car in a spot delivery?**

19 **A Presumably.**

20 **Q And then Bell Road Automall will try to find a**
21 **finance company waiting to buy the loan contract from Bell**
22 **Road Automall; correct?**

23 **A That would be the normal procedure in that**
24 **situation.**

25 **Q How would Bell Road Automall contact finance**

1 companies to see whether they were interested in buying
2 Mr. Dotts' loan contract?

3 **A There are various ways. It can be done via FAX,**
4 **it can be done through some computerized systems, there's**
5 **a couple of computerized systems on the market, I can't**
6 **think of the names at the moment, but you can input the**
7 **information into a web site and then tell it which bank**
8 **you want to view the information.**

9 **Q All right. Back in March of 2005 did Bell Road**
10 **Automall use any computerized system to find a finance**
11 **company willing to buy the contract?**

12 **A I believe that we did.**

13 **Q You don't know the name?**

14 **A I'm not positive, I think the name was Dealer**
15 **Track but I will have to verify that.**

16 **Q Is that part of the universal system?**

17 **A No.**

18 **Q Completely separate system?**

19 **A Third party company.**

20 **Q Stand alone?**

21 **A Yes.**

22 **Q And is Dealer Track something that you access**
23 **over the internet?**

24 **A Yes.**

25 **Q Have you looked for Michael Dotts' information**

1 through Dealer Track?

2 **A I personally have not. I believe Steve Rogers**
3 **did as an original request for any information. Once**
4 **again, on a non-transaction that information does not have**
5 **much survival rate, there's no reason to maintain**
6 **databases on non-transactions.**

7 **MR. RAKESTRAW: When you reach a point that's**
8 **convenient to take a break.**

9 **MR. CHOI: Let's take a break right now. Okay?**

10 **MR. RAKESTRAW: Okay.**

11 **(Recess taken.)**

12 **MR. CHOI: Back on the record.**

13 **Q Earlier you said that Dallas Berg was an**
14 **assistant sales manager?**

15 **A That's my belief. I'll have to verify that.**

16 **Q Is he still employed at Bell Road Automall?**

17 **A No, he's not, he's been -- I don't know where**
18 **he's been working, but he just recently reapplied at the**
19 **Kia store, at Bell Road Kia.**

20 **Q Okay. But he's not working there yet?**

21 **A I don't know, I'm not sure.**

22 **Q Okay. When did he last work for Bell Road**
23 **Automall?**

24 **A I'd have to pull his employee file.**

25 **Q You don't know?**

1 A No.
 2 Q But you know that he was working for Bell Road
 3 Automall in March and April of 2005; correct?
 4 A **I'm making that assumption based on the Rip-off**
 5 **Report that he provided to me.**
 6 Q Do you know why he left Bell Road Automall?
 7 A No.
 8 Q And do you know who Miguel is, salesperson?
 9 A **I did have a salesperson by the name of Miguel**
 10 **Salazar.**
 11 Q Do you know where he is now?
 12 A No.
 13 Q Do you know how long he worked for Bell Road
 14 Automall?
 15 A **No. He was on and off.**
 16 Q Now Exhibit 1, Bates pages 192 through 195, okay.
 17 Let's start with page 192.
 18 A Okay.
 19 Q That is the Bell Road Automall dealership that is
 20 in the background in the photograph; correct?
 21 A **Yes. And if I might clarify, that is the**
 22 **Hyundai/Suzuki showroom even though it says Mazda. That's**
 23 **why earlier I said I'm not sure when we moved Mazda, the**
 24 **signage is still there.**
 25 Q And then on page 193 there's a picture showing

1 police cars parked in front of Bell Road Automall
 2 dealership. Do you ever recall seeing police cars coming
 3 to the dealership?
 4 A **Do I ever recall seeing police cars coming to the**
 5 **dealership?**
 6 Q Yes.
 7 A Yes.
 8 Q Do you remember this particular instance when the
 9 police cars came to the dealership?
 10 A No.
 11 Q How often do police cars show up at your
 12 dealership?
 13 A **I don't know.**
 14 Q Okay. And did you read the entire
 15 Rip-offReport.com that is page 192 through 195 of
 16 Exhibit 1?
 17 A **I read it this morning before we got here, so I'm**
 18 **not -- I have read it, yes.**
 19 Q Okay. Do you have any reason to dispute what's
 20 stated in this report?
 21 A **I actually had a challenging time figuring out**
 22 **who is speaking in the report, to be quite honest with**
 23 **you.**
 24 Q Okay.
 25 A **I am not sure.**

1 MR. RAKESTRAW: I'm going to make a belated objection
 2 and object to the document as without foundation.
 3 THE WITNESS: Do you want me to go through and dispute
 4 anything that I -- Okay. Well, let's see. Someone
 5 thanking Rip-off Report for getting his \$2,000 refund
 6 check back.
 7 I don't believe that Rip-off Report ever
 8 contacted Bell Road Automall and assisted him in getting
 9 his check back. So I would dispute that they had any
 10 assistance in doing so.
 11 MR. RAKESTRAW: Well, I'm going to object to you doing
 12 that because by definition if you dispute certain things
 13 it may be perceived that you're validating others and you
 14 can't validate an e-mail off of a web site.
 15 THE WITNESS: Okay. I'm sure there's a lot of things
 16 I can dispute in here, but since I don't know who wrote
 17 them, or I don't know the basis or the foundation, I'm
 18 just going to say I don't know.
 19 MR. CHOI: All right. I'm not asking you to validate
 20 foundation or validate anything. And I can ask you
 21 questions line by line item, but I thought we can save
 22 some time by having you read through it and see which ones
 23 you dispute.
 24 MR. RAKESTRAW: No, he's not going to do that. So ask
 25 him questions.

1 MR. CHOI: Q Okay. Mr. Alexander, beginning on
 2 page 192 of Exhibit 1, I'm going to read from the very
 3 top. "My fiancee bought a car from the auto mall." You
 4 have no reason to dispute that; correct?
 5 MR. RAKESTRAW: I'm going to object. You can't ask
 6 him questions --
 7 MR. CHOI: What is your objection?
 8 MR. RAKESTRAW: You can't ask --
 9 MR. CHOI: What is your objection?
 10 MR. RAKESTRAW: Could I state it, or do you want me to
 11 write it down?
 12 MR. CHOI: No, you're entitled to form, foundation,
 13 privilege.
 14 MR. RAKESTRAW: I'm instructing him not to answer,
 15 there's no foundation in this document.
 16 MR. CHOI: Speaking objections are prohibited.
 17 MR. RAKESTRAW: I'm instructing you not to answer the
 18 question.
 19 MR. CHOI: Q Mr. Alexander, are you refusing to
 20 answer my question based on the instruction of your
 21 attorney?
 22 A Yes.
 23 Q Thank you. Okay. Next sentence, "Two weeks
 24 later they told him he was not financed." Do you have any
 25 reason to dispute that?

1 MR. RAKESTRAW: We're not answering questions about
 2 this document, Rob. You can take it to the judge, but
 3 this document has no foundation and we're not going to go
 4 through line by line and talk about the document as if it
 5 had some validity.
 6 So I'm instructing you not to answer. If he
 7 wants to compel you to answer, he can go to the judge.
 8 MR. CHOI: Thank you.
 9 Q Mr. Alexander, Bell Road Automall does frequently
 10 tell its customers in spot deliveries that the financing
 11 can get approved; correct?
 12 A **I'm not sure I understand.**
 13 Q Sure. Let's come back to this content of spot
 14 delivery.
 15 A **Okay.**
 16 Q Earlier you said that because customers prefer to
 17 have cars right away that Bell Road Automall will, most of
 18 the time, give the customer the car pending the final
 19 approval of the financing; correct?
 20 A **Uh-huh.**
 21 MR. RAKESTRAW: Object to form.
 22 MR. CHOI: Q Is that a yes?
 23 A **Correct.**
 24 Q And about, percentage wise, how often is it that
 25 Bell Road Automall cannot find financing for the customer?

1 Q Does Bell Road Automall ever send out what's
 2 called adverse action letters when it could not obtain
 3 financing for customer?
 4 A **No. It's my understanding that the bank has the
 5 responsibility to send out that letter, as long as we have
 6 submitted it to a bank. If we have not submitted it to a
 7 bank, then it becomes our responsibility to send out an
 8 adverse letter.**
 9 **So in accordance with that, we always attempt to
 10 get the financing arranged, obviously, because we want to
 11 sell cars and secondly because the bank will send out the
 12 adverse action letter.**
 13 Q And are you the person most knowledgeable
 14 regarding Bell Road Automall's failure to refund the
 15 Dotts' down payment prior to April 11 of 2005?
 16 A **There was no failure to refund the Dotts.**
 17 Q My question to you, sir, was the failure to
 18 refund the down payment prior to April 11, 2005?
 19 A **There was no failure.**
 20 Q Okay. Do you have any personal knowledge
 21 regarding why Bell Road Automall did not refund Michael
 22 Dotts' down payment prior to April 11, 2005?
 23 MR. RAKESTRAW: Object to form.
 24 THE WITNESS: In looking at a calendar it appears that
 25 Michael Dotts returned the car at some time on a Thursday,

1 MR. RAKESTRAW: Object to form.
 2 THE WITNESS: It's less than 1 percent.
 3 MR. CHOI: Q And how often is it that Bell Road
 4 Automall asks the customer to sign a second or third
 5 contract?
 6 MR. RAKESTRAW: What does this have to do with a
 7 30(B)(6) deposition?
 8 MR. CHOI: I'm trying to lay the foundation for some
 9 of the statements made in the Rip-offReport.com.
 10 Q Can you answer that question?
 11 A **I don't have that answer.**
 12 Q Are you the person most knowledgeable regarding
 13 Bell Road Automall's attempt to obtain financing for the
 14 sale of a vehicle, and the reasons financing was not
 15 obtained?
 16 A **Yes.**
 17 Q And have we already covered the basis for your
 18 knowledge?
 19 A **Yes.**
 20 Q And do you know what Bell Road Automall did in
 21 attempting to obtain financing for the Dotts?
 22 A **No.**
 23 Q Do you have any knowledge as to why Bell Road
 24 Automall could not obtain financing for Michael Dotts?
 25 A **No.**

1 whether that was morning or afternoon, I don't know.
 2 According to the calendar, that would have been less than
 3 three business days that it took to refund his money.
 4 Does that answer your question?
 5 MR. CHOI: Q No.
 6 A **Okay. I'm sorry. What was your question?**
 7 Q Sure. Do you know why Bell Road Automall did not
 8 refund Michael Dotts' down payment prior to April 11,
 9 2005?
 10 A **No.**
 11 Q How long does it usually take to refund a down
 12 payment when the financing does not go through?
 13 A **It usually takes us two to three business days to
 14 verify, to get all the paperwork through the process to
 15 accounting, accounting has to verify if the funds are
 16 good, which in this case it appears they were, and then I
 17 have to sign the check, I have to be available to sign the
 18 check.**
 19 Q Did you sign the refund check to Michael Dotts?
 20 A **I did not.**
 21 Q Why is it that in Michael Dotts case you didn't
 22 have to sign the refund check?
 23 A **Debora Wood signed that check. She's not an
 24 authorized signer on our account. It sounds from the
 25 Rip-off Report, his name is Stiff or Stick, or somebody**

1 told Mr. Dotts to show up and make as big a scene as
2 possible at the dealership.
3 So I would imagine that my office manager
4 actually risked her job in signing that check, risked that
5 that check might not be any good when it got to the bank.
6 Luckily, it appears the bank cashed the check.
7 Q Are you the only authorized owner on the account?
8 A Allen Holshauer is.
9 Q And Allen doesn't come to the dealership on a
10 day-to-day basis; correct?
11 A That's correct.
12 Q And what makes you think that Stick told Michael
13 Dotts to go to the Bell Road Automall and make a big
14 scene?
15 A Let me find this and I'll answer the question.
16 Is this the entire Rip-off Report, or is it in here?
17 MR. RAKESTRAW: I just told him we weren't going to
18 testify from the Rip-off Report, so let's not.
19 THE WITNESS: Okay. I read it this morning, I don't
20 know, to go from here --
21 MR. RAKESTRAW: Let's not go there unless the court
22 orders you to.
23 THE WITNESS: What was the question, again?
24 MR. CHOI: Q Sure. What was the basis for your
25 testimony that you believe Stick or Stuff asked Michael

1 Dotts to go to Bell Road Automall and make a big scene?
2 MR. RAKESTRAW: Object to form.
3 THE WITNESS: I read it in the Rip-off Report.
4 MR. CHOI: Q Where in the Rip-off Report?
5 A I don't know. Do you recall reading that in the
6 report.
7 MR. RAKESTRAW: You know, this isn't that informal,
8 Rob. We're not going to testify from the Rip-off Report.
9 THE WITNESS: All right.
10 MR. RAKESTRAW: Unless he gets the judge to order you
11 to testify from it.
12 THE WITNESS: So am I refusing to answer the question
13 based on your --
14 MR. RAKESTRAW: Let's just move on.
15 MR. CHOI: No, I want to make the record.
16 Q Are you refusing to answer that question based on
17 your attorney's instructions to you?
18 MR. RAKESTRAW: Yes?
19 THE WITNESS: Yes.
20 MR. CHOI: Thank you.
21 Q And what was your standard policy and procedure
22 regarding refund of down payment when spot delivery does
23 not go through?
24 A Generally a call is made to the customer, the
25 customer brings the car back, we have to inspect the car,

1 make sure there's no damage to the vehicle, if there's a
2 trade in we return their trade in, if there's a down
3 payment then we will request from accounting, once the car
4 has been inspected, for a refund.
5 Accounting will make sure that, they will verify
6 that all the funds were receipted and are good. And then
7 a check will be created and then it will be put in a
8 basket for me to sign.
9 Q So you don't have a check ready when the customer
10 brings the car back, typically?
11 A Most of the time we don't know when the customer
12 is going to show up, it's not like they schedule an
13 appointment.
14 Q So my question to you, sir, is you don't have a
15 check ready for the customer to pick up when the customer
16 brings the car back?
17 A Most of the time not. Unless we know
18 specifically when they're going to arrive and we've
19 already inspected the car and already verified funds, we
20 would not have a check ready.
21 Those are all things we have to do before we
22 prepare a check. So if those things are done before the
23 customer arrives with the car, the check will be ready.
24 If they have not, the check will not be ready.
25 Q Who makes the decision how much to refund back to

1 the customer?
2 A In most cases the full refund is given, unless
3 there's damage to the car.
4 Q And who makes the decision on how much to refund?
5 A Generally the finance director would make that
6 decision.
7 Q All right. Now, the Rip-off Report also says
8 that the a salesman named Miguel -- Strike that.
9 The Rip-off Report also said that Michael Dotts
10 was told that the Bell Road Automall would charge him for
11 renting the car that he was trying to buy. Did you see
12 that?
13 A I recall reading that.
14 Q Is that Bell Road Automall's practice, to charge
15 rental value for the car that they spot delivered?
16 A No.
17 Q Do you sometimes do that?
18 A I'm not aware of ever doing that.
19 Q Do you know if your salesmen try to use that as a
20 tool in attempting to persuade a customer to sign another
21 contract, or buy another car, from Bell Road Automall?
22 MR. RAKESTRAW: Object to form.
23 THE WITNESS: I wouldn't have any knowledge of what
24 sales people might use or might not use as a persuasion
25 tool.

- 1 MR. CHOI: Q Okay.
 2 A **It's not something we train on.**
 3 Q Do you tell your sales persons not to use
 4 charging a rental value as a tool of persuasion?
 5 A **We have never trained specifically on not doing
 6 that, we train our sales people to be up front and ethical
 7 with our customers.**
 8 Q Now, let's come back to the file that would have
 9 been created from the sales department on Michael Dotts.
 10 You said it's called a sales jacket?
 11 A **For Michael Dotts a sales jacket would have been
 12 created by the sales manager and delivered to the finance
 13 manager to prepare the sales agreement for a spot
 14 delivery.**
 15 Q And in that sale -- Strike that. So the sales
 16 jacket consists of an outside cover?
 17 A **Yes.**
 18 Q And that would have information regarding the
 19 customer and the deal?
 20 A **Mostly the deal. It would have the customer's
 21 name on it.**
 22 Q Okay. And the deal, meaning the price, the
 23 monthly payment, and those kinds of things; correct?
 24 A **Yes, correct.**
 25 Q And then inside of that jacket there will be a

- 1 customer information sheet?
 2 A **There could be, yes, it's not required but there
 3 could be.**
 4 Q And a credit application filled out by the
 5 customer?
 6 A **Yes.**
 7 Q And most likely a worksheet as well?
 8 A **Most probably.**
 9 Q Anything else in that?
 10 A **The actual credit bureau that was pulled based on
 11 the credit application.**
 12 Q Who pulls the credit record?
 13 A **Sales manager.**
 14 Q And then all of that will be physically given to
 15 the finance manager?
 16 A **Correct.**
 17 Q By the sales manager?
 18 A **Yes.**
 19 Q And what does the finance manager do with those
 20 documents and the sales jacket?
 21 A **If the sale goes through, he will turn it into
 22 accounting and an accounting file will be created. If the
 23 sale does not go through, then all documents should be
 24 destroyed, with the exception of the credit application we
 25 have to keep on file.**

- 1 Q How quickly after you find out that the sale did
 2 not go through would you destroy the deal jacket?
 3 A **They should be destroyed that same day for the
 4 protection of the dealership and the customer. It's a
 5 contract that's been voided.**
 6 Q Do you just shred the entire file?
 7 A **Yes, that's generally what happens.**
 8 Q Do you have an on-site shredder?
 9 A **Yes.**
 10 Q And you said that the credit application is kept;
 11 is that right?
 12 A **Yes.**
 13 Q Where?
 14 A **We have boxes in storage. They're not filed in
 15 any specific order, they're dropped in a box and when the
 16 box gets full we take the box to storage.**
 17 Q How long do you keep the credit applications?
 18 A **I believe 25 or 26 months, it's an obscure
 19 number.**
 20 Q How are they indexed?
 21 A **They're not, they're just in there.**
 22 Q Is there one box where you keep -- I'm trying to
 23 figure out how the file is kept. Okay?
 24 A **Very sloppily.**
 25 Q Are the boxes dated?

- 1 A **No, not that I'm aware of.**
 2 Q How many boxes of credit applications do you
 3 generate in a given year?
 4 A **I don't know, I don't know.**
 5 Q Did you try to locate Michael Dotts' credit
 6 application?
 7 A **No.**
 8 Q Did anybody ask you to do that?
 9 A **No.**
 10 Q And if you were trying to find it, what would you
 11 have to do?
 12 A **We would have to go dig through boxes of files.**
 13 Q How many boxes?
 14 A **I don't know.**
 15 Q Have you seen where the boxes are kept?
 16 A **I have not been over there personally, no.**
 17 Q Who is the person that physically takes the boxes
 18 over to the storage area?
 19 A **I'm not sure.**
 20 Q Who is in charge of that process?
 21 A **The sales managers would be in charge of that
 22 process.**
 23 Q I think I already asked you this. Nobody asked
 24 you to look for Michael Dotts' credit application?
 25 A **Correct.**

- 1 Q Do you know if the boxes are indexed by dates?
- 2 A **I don't believe that we keep them in any sort of**
- 3 **system at all.**
- 4 Q Are you required to keep them in some sort of a
- 5 system where you can find prior credit applications?
- 6 A **It's not my understanding that that's part of the**
- 7 **requirement.**
- 8 Q Did you look for any information pertaining to
- 9 Michael Dotts in Steve Rogers' heat file?
- 10 A **When I asked Steve Rogers for any documents that**
- 11 **he might have on Michael Dotts, my assumption is that he**
- 12 **would have looked in his heat file.**
- 13 Q You know Steve Rogers keeps a heat file; correct?
- 14 A **Yeah. The heat file, that term, what that means**
- 15 **to me is deals that are in process that are working. So a**
- 16 **non-transaction deal, a deal that's already been voided**
- 17 **would not be in a heat file. A heat file, in my mind,**
- 18 **would be someone who is still in a vehicle and we're still**
- 19 **trying to obtain financing.**
- 20 Q Do you personally keep a file for problem
- 21 transactions?
- 22 A **No.**
- 23 Q Other than Steve Rogers, does anyone else at the
- 24 dealership keep a file for problem transactions?
- 25 A **No.**

- 1 Q I'm trying to figure out -- Strike that. I think
- 2 you already answered that question.
- 3 Do you know why Bell Road Automall did not
- 4 destroy documents pertaining to the Waldrops after
- 5 learning that the sale didn't go through?
- 6 A **I do not know. Actually, if I can, if a deal**
- 7 **goes to accounting, I'm not sure what the process is on**
- 8 **record keeping after the deal goes to accounting. I was**
- 9 **only prepared to talk about Dotts today so I'm not sure**
- 10 **about Waldrop.**
- 11 MR. CHOI: All right. That's all the questions I
- 12 have.
- 13 MR. RAKESTRAW: I have a couple questions.
- 14 EXAMINATION
- 15 BY MR. RAKESTRAW:
- 16 Q Are you allowed to give out those credit
- 17 applications?
- 18 A **I am not real familiar with the law, I know we're**
- 19 **required to keep them, everybody in the dealership knows**
- 20 **we have to keep them.**
- 21 **We put them in a box and we put them in storage**
- 22 **and they sit. I mean, it not something -- I can remember**
- 23 **once in the last six years that we had a request for a**
- 24 **credit application, a customer claimed that they had never**
- 25 **applied for credit and we found the application and they**

- 1 **actually had. So I'm not sure what the issue was there.**
- 2 Q But the credit application does contain
- 3 confidential customer information?
- 4 A **Yes.**
- 5 Q Okay. And when you were asked for, when you were
- 6 first asked for information about Michael Dotts, it was
- 7 Michael that had made a complaint against Bell Road,
- 8 wasn't it? Wasn't that the first request for documents,
- 9 was a Michael without a last name?
- 10 A **You know, I don't remember.**
- 11 Q And then the judge ordered you to research the
- 12 check?
- 13 A **It seems like that's right.**
- 14 Q So did you research the check?
- 15 A **Yeah.**
- 16 Q And then you tried to find any documents relating
- 17 to Michael Dotts?
- 18 A **Right.**
- 19 Q You testified that a spot delivery is where the
- 20 customer is given the car pending financing?
- 21 A **Correct.**
- 22 Q He's allowed to take the car home; right?
- 23 A **Correct. In the case of a spot delivery, that's**
- 24 **correct.**
- 25 Q What kind of safety procedures do you use to make

- 1 sure that the customer doesn't take advantage of being
- 2 allowed to take the car home, drive the car?
- 3 A **It's just based on that most people are, you**
- 4 **know, good. And we have their credit history so we have**
- 5 **some concept of how these people pay their bills. And we**
- 6 **make a, the sales manager makes a judgment call on whether**
- 7 **or not he trusts what's being told to him.**
- 8 Q So it's not done in every transaction?
- 9 A **No, no.**
- 10 Q What percentage of transactions is it done in?
- 11 A **I don't know.**
- 12 Q In the Waldrop case, would you characterize that
- 13 as a spot delivery?
- 14 A **Yes.**
- 15 Q Even though he already had financing?
- 16 A **I'm not -- Did he have financing at his own bank**
- 17 **or something?**
- 18 Q No. My understanding is that the financing was
- 19 approved pending verification of his employment.
- 20 A **Okay. I understand what your question is. I**
- 21 **don't know if it was a -- I'm just assuming it was a spot**
- 22 **delivery and that we obtained financing after he left. I**
- 23 **don't know if we had financing obtained before he left or**
- 24 **not, but certainly the deal went to accounting and the**
- 25 **contract --**

1 **I mean, we thought we had approval from the bank**
 2 **because we believed the information on the credit**
 3 **application. And then when that was found to be untrue**
 4 **then the contract was kicked by the bank.**

5 Q Now, you are familiar with the fact that this is
 6 a 30(B)(6) deposition?

7 A **I don't really know what that means.**

8 Q Well, it's the person most knowledgeable about a
 9 certain event.

10 A **Yes.**

11 Q And you have determined that you're the person
 12 most knowledgeable?

13 A **Yes.**

14 Q And you've done that by familiarizing yourself
 15 with everything that was available?

16 A **Yes.**

17 Q Is there anybody at Bell Road Automall that is
 18 more familiar than you as far as personal knowledge?

19 A **Not that I could find.**

20 Q Because basically you're saying people didn't
 21 remember this transaction?

22 A **Correct.**

23 Q Do you monitor web sites relating to complaints
 24 about your dealership?

25 A **No.**

1 Q Do you give them any credence?

2 A **No.**

3 Q And is it your testimony that the gentleman that
 4 is identified as your general manager in the photo that
 5 was referred to earlier, is not someone who works at the
 6 dealership?

7 A **I don't recognize that individual at all, I mean,**
 8 **granted it's not the clearest photo, but I don't. It**
 9 **almost looks like the police had pulled somebody over in**
 10 **the picture.**

11 Q Does the finance company keep copies of credit
 12 applications, the various financial companies?

13 A **I don't know, and I don't know what**
 14 **responsibility would be in that.**

15 Q Now, you testified that one of your employees
 16 wrote a check to Michael Dotts, according to the
 17 signature?

18 A **Yes.**

19 Q She signed her own name?

20 A **Yes.**

21 Q And retroactively did you approve her doing that?

22 A **I don't recall ever approving her doing that.**

23 Q But, I mean, in other words you are not saying
 24 today that that check was unauthorized and it shouldn't
 25 have been paid to Michael Dotts?

1 A **I'm not saying it should not have been paid to**
 2 **him, I'm saying that it appears that she --**

3 Q She went out on a limb for him?

4 A **Yeah.**

5 Q You testified you didn't know why Bell Road kept
 6 the Waldrop file. Did Waldrop get an attorney immediately
 7 following, to your knowledge?

8 A **I don't remember the time line, but it's a**
 9 **different type of file than, it is an accounting file so**
 10 **it's a different status, a different department than**
 11 **Dotts. Dotts was a sales file on a non-transaction so**
 12 **it's just a completely different classification of file.**

13 MR. RAKESTRAW: Okay. That's all I have.

14 MR. CHOI: All right. I have a few follow-up
 15 questions.

16 FURTHER EXAMINATION

17 BY MR. CHOI:

18 Q Mr. Alexander, earlier you testified that the
 19 customers who are subject to spot delivery are allowed to
 20 take a car home?

21 A **Yes.**

22 Q And if they don't have a trade in, that's through
 23 the TRP; correct?

24 A **If it's a true spot delivery, then they would be**
 25 **issued a TRP. Sometimes someone just wants to take a car**

1 **home to show a family member or something, in that place**
 2 **it would be a dealer tag would be put on the car. So if**
 3 **we're talking about spot delivery a TRP would be issued.**

4 Q Do you know whether the dealership is allowed to
 5 issue a TRP as opposed to a dealer tag?

6 A **If there's a contract in place, then a TRP would**
 7 **be issued.**

8 Q And earlier you talked about financing being
 9 approved and then you also talked about financing being
 10 obtained. Are they two different things?

11 A **Yes and no. I'll try to do my best to explain**
 12 **that.**

13 Q Sure.

14 A **Obtaining of financing is having a bank, there's**
 15 **an approval and there's conditional approvals and there's**
 16 **turn downs. There's three classifications. So obtaining**
 17 **financing would be either an approval or a conditional**
 18 **approval. Okay. And so I guess obtaining could be maybe**
 19 **we have a deal, maybe we don't because it's a conditional**
 20 **approval. And an approval would be the deal is approved**
 21 **and we're sending it to the bank.**

22 Q I'm still confused.

23 A **I'm sorry.**

24 Q It seems like financing is just a long process;
 25 is that right?

1 **A It's not simple, by any means. Financing for a**
2 **house is very similar to financing for a car, quite**
3 **honestly, it's become that difficult.**

4 Q All right. So when you spoke to Aslam Dulara,
5 Greg Stewart, Steve Rogers and James Vandyke, as well as
6 Samantha Dimple, or any other employees at Bell Road
7 Automall regarding Michael Dotts' transaction, other than
8 giving them Michael Dotts' name, what other information
9 did you tell them in order to locate or try to jog their
10 memory?

11 **A I informed them that it was a deal from March of**
12 **2005, that we got the car back, that we refunded his**
13 **money. I don't think I really had any other information**
14 **at that time to go on to try to refresh their memory as to**
15 **who it was.**

16 Q Because at that time you had not seen the
17 Rip-offReport.com; correct?

18 **A That's correct, yeah.**

19 Q Do you know who Stick is?

20 **A No.**

21 MR. CHOI: Okay. All right. That's all I have.
22 Thank you.

23 MR. RAKESTRAW: Thank you. We'll read and sign and I
24 want a condensed.'

25 (The deposition was completed at 12:22 P.M.)

1 STATE OF ARIZONA)
) ss.

2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing deposition was
4 taken before me, GAIL E. FERGUSON, a Certified Court
5 Reporter, Certificate No. 50723, for the State of
6 Arizona; that the witness before testifying was duly sworn
7 by me to testify to the whole truth; that the questions
8 propounded to the witness and the answers of the witness
9 thereto were reduced to written form under my direction;
10 that () pursuant to request, notification was provided
11 that the deposition is available for reading and
12 signature, OR () deposition review and signature was
13 not requested; that the foregoing pages constitute a true
14 and correct transcript of all proceedings had upon the
15 taking of said deposition, all done to the best of my
16 skill and ability.

17 I FURTHER CERTIFY that I am in no way related to
18 any of the parties hereto, nor am I in any way interested
19 in the outcome thereof.

20 DATED at Phoenix, Arizona, this 31st day of July
21 2006.

22
23

24 _____
GAIL E. FERGUSON
Certified Reporter
Certificate No. 50723
25

1 Waldrop vs. Bell Road Automall, et al.
2 Tuesday, July 18, 2006
3
4
5
6

7 I, ROBERT DAVID ALEXANDER, having read the
8 foregoing deposition consisting of my testimony at the
9 aforementioned time and place, do hereby attest to the
10 correctness and truthfulness of the transcript under
11 penalty of perjury.
12
13

14 _____
ROBERT DAVID ALEXANDER

15
16 _____
17 Date
18
19
20
21
22
23
24
25