

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 SECURITIES AND EXCHANGE
5 COMMISSION,
6 Plaintiff,

7 vs. No. 04 CV 02322
8 GEL

9 UNIVERSAL EXPRESS, INC.,
10 RICHARD A. ALTOMARE,
11 CHRIS G. GUNDERSON,
12 MARK S. NEUHAUS,
13 GEORGE J. SANDHU,
14 SPIGA, LTD.,
15 TARUN MENDIRATTA,
16 Defendants.

17 -----x
18 June 26, 2008
19 9:25 a.m.

20 Deposition of RICHARD ALTOMARE,
21 held at the Manhattan Correctional
22 Center, 150 Park Row, New York, New York,
23 pursuant to Court Order, before Theresa
24 Tramondo, a Notary Public of the State of
25 New York.

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2 APPEARANCE OF COUNSEL (CONT'D):

3

4 FOR INTERVENOR ESTATE PARTY:

5

CARL F. SCHOEPPPL, ESQ.

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1 APPEARANCE OF COUNSEL:
2 FOR PLAINTIFF:

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10 FOR DEFENDANT RICHARD ALTOMARE:

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2 IT IS HEREBY STIPULATED AND AGREED,
3 by and between the attorneys for the
4 respective parties herein, that filing
5 and sealing be and the same are hereby
6 waived.

7

8 IT IS FURTHER STIPULATED AND AGREED
9 that all objections, except as to the
10 form of the question, shall be reserved
11 to the time of the trial.

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13 IT IS FURTHER STIPULATED AND AGREED
14 that the within deposition may be sworn
15 to and signed before any officer
16 authorized to administer an oath with the
17 same force and effect as if signed and
18 sworn to before the Court.

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 2 RICHARD ALTOMARE, called as
 3 a witness, having been duly sworn by a
 4 Notary Public, was examined and testified
 5 as follows:
 6 EXAMINATION BY
 7 MS. HUGHES:
 8 Q. State your name for the record,
 9 please.
 10 A. Richard Altomare.
 11 Q. What is your address?
 12 A. 4904 Bocaire Boulevard, Boca Raton,
 13 Florida 33487.
 14 Q. Good morning.
 15 A. Good morning.
 16 Q. Would you state your date of birth
 17 please?
 18 A. June 21, 1948.
 19 Q. Have you been known by any other
 20 names?
 21 A. No, ma'am.
 22 Q. What are the names of your parents?
 23 A. Alexander and Frances.
 24 Q. Altomare?
 25 A. Yes, ma'am.

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 2 Q. Where do they currently live?
 3 A. New Jersey.
 4 Q. Give me the address, please.
 5 A. 49C Tocan- -- I don't recall the
 6 spelling of the address. They recently moved
 7 there. It's an old-age home. Tocada Road in
 8 Howell Township, New Jersey.
 9 Q. And their ages?
 10 A. About 90 each.
 11 Q. Do you support them in any way?
 12 A. No, ma'am.
 13 Q. How many times have you been
 14 married?
 15 A. I have been married twice.
 16 Q. And the name of your first wife?
 17 A. She's deceased. Marilyn Altomare.
 18 Q. Were you divorced from Marilyn
 19 Altomare?
 20 A. Yes.
 21 Q. When did the divorce occur?
 22 A. '69 -- I don't remember, but it was
 23 15 years after 1969, so I guess that would
 24 be --
 25 MR. TIFFORD: '84.

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 2 THE WITNESS: '81?
 3 MR. TIFFORD: '84.
 4 A. -- '84.
 5 Q. At that time was there a property
 6 settlement between you?
 7 A. Yes.
 8 Q. And what property did you end up
 9 with after the divorce?
 10 A. Just the home that we had together
 11 in Baldwin, New York.
 12 MR. TIFFORD: The parties to the
 13 deposition would like Mr. Schoeppl to
 14 announce his appearance, spell his name
 15 for the benefit of the record, and then
 16 we will proceed.
 17 MR. SCHOEPPL: My name is Carl
 18 Schoeppl from the law firm of Schoeppl
 19 & Burke, P.A. I am counsel for
 20 Intervenor v. The Estate Department, Inc.
 21 My address is 4651 North Federal Highway,
 22 Boca Raton, Florida. My telephone number
 23 is 561-394-8301.
 24 Q. Mr. Altomare, you were telling me
 25 that in the divorce from your first wife you

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 2 retained the home in Baldwin, New York?
 3 A. Yes, ma'am.
 4 Q. What was the address there?
 5 A. 2382 Central Avenue, Baldwin and I
 6 do not remember the ZIP code. Sorry.
 7 Q. Did you retain any other property
 8 pursuant to that divorce settlement?
 9 A. No, ma'am.
 10 Q. Did you have an obligation to
 11 provide child support?
 12 A. No, the children stayed with me.
 13 Q. Did you have an obligation to
 14 provide maintenance to your former wife?
 15 A. No, ma'am.
 16 Q. How many children do you have?
 17 A. I have two children from that
 18 marriage.
 19 Q. And their names?
 20 A. Brian, Scott.
 21 Q. And their ages?
 22 A. Brian was born in 1981, so I guess
 23 that would make him 27. And Scott was born
 24 in 1972, so that would make him 35 -- 36.
 25 Q. Where does Brian currently live?

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 2 A. Brian currently is living in
 3 Pennsylvania.
 4 Q. And the address?
 5 A. It's a rural ZIP code. I do not
 6 know. He's moved there during my internment
 7 here. I know it's in Dingmans Ferry,
 8 Pennsylvania. But I do not know -- I've not
 9 written to Brian.
 10 Q. Dingmans Ferry?
 11 A. Yes, ma'am.
 12 Q. Where did he live prior to moving
 13 to Pennsylvania?
 14 A. He lived in New York City.
 15 Q. The address?
 16 A. I do not recall. He was there
 17 about six months.
 18 Q. Prior to that, where did he live?
 19 A. Again, in New York City for about
 20 five months and it was on 63rd Street, but I
 21 do not recall the walk-up address.
 22 Q. And where does Scott Altomare live?
 23 A. Scott lives in California.
 24 Q. Where in California?
 25 A. In Los Angeles.

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 2 Q. And do you know the address?
 3 A. No, ma'am, I don't. My wife would
 4 have it. I don't have it. He had moved a
 5 couple of times.
 6 Q. Do you have any other children
 7 aside from those two sons?
 8 A. I have -- in my second marriage, my
 9 wife came with two children. I don't know if
 10 that counts as having two children. I, you
 11 know, consider them children.
 12 Q. Your second wife is Barbara
 13 Altomare?
 14 A. Yes, ma'am.
 15 Q. And her children's names?
 16 A. Jason.
 17 Q. Last name?
 18 A. Halpern.
 19 Q. And the other child?
 20 A. Michelle Bandas, B-A-N-D-A-S.
 21 Q. Where does Jason Halpern live?
 22 A. Here in New York City.
 23 Q. And his approximate age?
 24 A. 37.
 25 Q. And Michelle Bandas, where does she

1
 2 live?
 3 A. She lives in Boca Raton, Florida.
 4 Q. And her age?
 5 A. 40.
 6 Q. How is Brian Altomare currently
 7 employed?
 8 A. I believe he's working in some
 9 landscaping business in Pennsylvania, and
 10 he's -- that's about all I know.
 11 Q. Was he previously employed by Mad
 12 Packers?
 13 A. Yes.
 14 Q. Do you know of any other business
 15 adventures he's involved in, business
 16 ventures, I guess?
 17 A. I don't understand the word
 18 "adventures," ma'am.
 19 Q. Do you know of any other business
 20 ventures that he is pursuing since being with
 21 Mad Packers?
 22 A. No.
 23 Q. Do you know of any college-related
 24 business ventures that he's involved with?
 25 A. No, ma'am.

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 2 Q. Have you received any e-mails from
 3 him related to developing any business
 4 ventures?
 5 A. He had talked about a few with me,
 6 but I do not know if any of them have
 7 materialized.
 8 Q. What business ventures did he speak
 9 with you about?
 10 A. Working in London, attempting to
 11 work with London universities for the
 12 movement of students' belongings to and from,
 13 their college experience, from the United
 14 States.
 15 Q. Was there a name for that business
 16 venture he was pursuing in London?
 17 A. I don't recall.
 18 Q. And your son Scott Altomare, how is
 19 he employed?
 20 A. Scott is in the movie and
 21 entertainment field, and I think sometimes
 22 he's been a line producer for some
 23 performance and I think that in that industry
 24 they do many things. I think he has also
 25 acted. I think he has attempted to be more

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 2 than a line producer but to date, I'm not
 3 aware of any that have materialized.
 4 Q. Has either of your sons undergone a
 5 drug treatment program?
 6 A. Brian, after he graduated from
 7 college, had an alcoholic episode, so I would
 8 say, yes, Brian did for a short period of
 9 time. I think it was two or three months
 10 and, thank God, he seems to be fine.
 11 Q. Did you pay for him to take any
 12 kind of treatment for that?
 13 A. He went to a center in Florida. I
 14 think it was called the Handley Center, and
 15 yes, I did.
 16 Q. Can you tell me roughly when that
 17 occurred?
 18 A. I don't recall the dates. Brian --
 19 three years ago. I don't know. I really
 20 can't recall the time.
 21 Q. Was it within a year of him
 22 graduating from college?
 23 A. Oh, yes, yes.
 24 Q. Did he graduate from college
 25 roughly four years after he turned 18?

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 2 A. Yes.
 3 Q. So if he was 22 when he got out of
 4 school and it was within a year of that, that
 5 would make him 23, if he's currently 27?
 6 A. Yes, about four years ago then.
 7 Q. Four years?
 8 A. Between three and four years ago.
 9 Q. Are you paying for any treatment
 10 for him now?
 11 A. No. He's fine.
 12 Q. Have you ever paid for any
 13 treatments along those lines for Scott
 14 Altomare?
 15 A. No, ma'am.
 16 Q. Your home in Baldwin, New York, did
 17 you sell that?
 18 A. Actually, it was foreclosed.
 19 Q. Roughly when did that occur?
 20 A. Maybe a year or so after the
 21 divorce. '85, '86. May I correct the dates
 22 there? It may have been '89, '90, so...
 23 Q. After that -- do you recall who was
 24 the mortgage holder on that home?
 25 A. No, ma'am.

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 2 Q. Do you have any paperwork on that
 3 foreclosure?
 4 A. No, ma'am.
 5 Q. Was it handled by an attorney?
 6 A. No, ma'am. I just gave the keys
 7 back.
 8 Q. Who did you give the keys back to?
 9 A. Left them -- left them at the front
 10 door at the instructions of the banker that I
 11 was speaking with at that time.
 12 Q. Do you recall the name of the
 13 banker?
 14 A. If I did, I would tell you. I
 15 don't recall.
 16 Q. And after living in Baldwin,
 17 New York, where did you live?
 18 A. After Baldwin, New York, I moved to
 19 Lynbrook, New York.
 20 Q. Did you live in a house or --
 21 A. No, we rented an apartment.
 22 Q. And where did you live after
 23 Lynbrook?
 24 A. After Lynbrook, I moved to Jericho,
 25 New York.

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 2 Q. Is it New York or New Jersey?
 3 A. New York.
 4 Q. So you said you moved to Jericho,
 5 New York; was that a house or an apartment?
 6 A. Condominium.
 7 Q. Did you purchase the condominium?
 8 A. Yes, ma'am.
 9 Q. And the address there?
 10 A. 38 Maple Court.
 11 Q. Did you purchase it with anyone
 12 else?
 13 A. My wife, Barbara.
 14 Q. And roughly when did you purchase
 15 that?
 16 A. 1986, I think. I'm confused with
 17 the years. It was awhile ago.
 18 Q. Let's just look at the time line
 19 for a few minutes.
 20 A. No, not 1986. I am sorry.
 21 Q. Because if you --
 22 A. No, 1990 -- it would be 1990, 1991.
 23 About 1991 makes sense. Sorry.
 24 Q. At what point did you and
 25 Ms. Barbara Altomare get married?

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 2 A. We've been married 16 years, so it
 3 would be 16 from now, 1992, that would be
 4 about right.
 5 Q. When you got married, did she own
 6 any property?
 7 A. No, ma'am.
 8 Q. Where did you live after living in
 9 Jericho, New York?
 10 A. We moved to Boca Raton.
 11 Q. And --
 12 A. I am sorry. We -- after Jericho,
 13 we spent a year in New York City renting, and
 14 then we moved to Boca Raton.
 15 Q. Had you sold the house or condo in
 16 Jericho, New York, when you moved to New York
 17 City?
 18 A. Yes, ma'am.
 19 Q. Can you tell me roughly when you
 20 sold the condominium in Jericho?
 21 A. We were there about four years, so
 22 I guess somewhere between 1994 and 1995.
 23 Q. Did you make a profit on the house?
 24 A. About \$200,000.
 25 Q. You moved to Boca Raton in 2000,

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 2 2001?
 3 A. We purchased the Boca Raton home
 4 with the money that we made from the Jericho
 5 home, so whatever that time frame was.
 6 Q. You purchased the home in Boca, but
 7 you didn't move there for a year?
 8 A. Went back and forth. We basically
 9 used it for the winters.
 10 Q. What was the initial purchase price
 11 on the Boca house?
 12 A. About \$700,000.
 13 Q. And you applied roughly the full
 14 200,000 towards that purchase price?
 15 A. I believe that was what we had to
 16 put down, yes, ma'am.
 17 Q. And then at some point you
 18 refinanced -- this is the Bocaire address?
 19 A. Bocaire, yes. I think we
 20 refinanced it two or three times.
 21 Q. Have you lived any other place in
 22 the last 15 years than what we've just
 23 discussed?
 24 A. No, ma'am.
 25 Q. Then in November 2006 you bought

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 2 the condominium that we've -- that's called
 3 Toscano West?
 4 A. Yes. We had thought we were
 5 selling our home in Bocaire and we were
 6 planning to move there.
 7 Q. Prior to making an offer on the
 8 Toscano West condo, did you make an offer on
 9 some other property?
 10 A. I don't recall. We looked at many,
 11 many properties. I don't think that we did
 12 anything that was a formal offer. I think
 13 you may do a low-ball bid, you know, but I
 14 don't recall what -- any in particular.
 15 MS. HUGHES: I would have the court
 16 reporter mark this as Exhibit Number 1.
 17 (Plaintiff's Exhibit 1, December 6,
 18 2006 check on the account of Premiere
 19 Estate Properties, Inc., payable to
 20 Richard and Barbara Altomare in the
 21 amount of \$100,000, marked for
 22 identification, as of this date.)
 23 MS. HUGHES: I apologize, but I
 24 just couldn't bring enough copies for
 25 everybody.

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 2 MR. SCHOEPPL: I understand.
 3 Q. Mr. Altomare, Exhibit Number 1 is a
 4 September 6, 2006 check drawn on the account
 5 of Premiere Estate Properties, Inc., payable
 6 to Richard and Barbara Altomare in the amount
 7 of \$100,000. I will represent to you this is
 8 a document that we found deposited into your
 9 Wachovia checking account --
 10 A. Okay.
 11 Q. -- roughly on this day.
 12 Can you tell me why you received a
 13 check for \$100,000 from Premiere Estate
 14 Properties?
 15 A. This may have been one of the
 16 properties that we made a very low-ball bid
 17 on, and you had to put a deposit of \$100,000,
 18 and they must have returned it to us.
 19 Q. Looking at the notation line, it
 20 indicates "Deal not executed, Excelsior
 21 Number 18400 South Ocean Boulevard." Do you
 22 recall making an offer on such a location?
 23 A. Now I do, yes, ma'am.
 24 Q. Where did the money come from for
 25 you to pay Premiere Estate Properties

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2 \$100,000?
3 A. It would have been in our checking
4 account at that time, and it would have been
5 from my salary or from one of our credit
6 lines or a second mortgage.
7 Q. I will represent to you that we
8 have gone through the 2006 and 2007 bank
9 records fairly closely, and I don't see where
10 you wrote a check to them or some other
11 person or entity in the amount of \$100,000.
12 A. You have to check with my wife as
13 well. I don't know. But if we received a
14 hundred thousand dollars back from them, it's
15 because we gave them a hundred thousand
16 dollars.
17 Q. Did you use a law firm to make
18 offers on properties?
19 A. I do not recall. If you have any
20 documents that might help refresh my memory,
21 I would be happy to look at them.
22 Q. Well, when you purchased the condo
23 at Toscano West, you used Rose & Rose to
24 facilitate that transaction, correct?
25 A. Yes.

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2 Q. And part of the money for the down
3 payment went through Rose & Rose?
4 A. Yes, ma'am.
5 Q. Did you do a similar transaction in
6 making an offer for this other condominium?
7 A. It was simply an offer. We never
8 advanced beyond the offer stage, so we never
9 got to where, I believe, we used a law firm,
10 but as I said, if there was one utilized, and
11 if you have some documents, I'd be happy to,
12 if it refreshes my memory.
13 Q. Well, I just don't see -- in a
14 summary of your checks and withdrawals from
15 the Wachovia account 5480, I don't see any
16 payments out of a hundred thousand dollars.
17 So to the extent you can sit here and think
18 for a few minutes, where else could that
19 money have come from?
20 A. We only have had one checking
21 account. So I would have to say it came from
22 that checking account.
23 Q. Having looked at this check, is
24 there an individual at Premiere Estate
25 Properties that you were dealing with?

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2 A. I remember the first name of the
3 broker. His name was Scott. Sorry, I don't
4 recall his last name.
5 Q. Is it Scott Karp, K-A-R-P?
6 A. I really don't recall. It sounds
7 familiar, but I couldn't verify it. It
8 sounds familiar as a name, but...
9 Q. Mr. Altomare, I'm going to show
10 you -- and we'll mark this as Exhibit 2.
11 This was previously marked as Exhibit 61 at
12 the hearing in front of Judge Lynch.
13 (Plaintiff's Exhibit 2, settlement
14 dated November 3, 2006 regarding the
15 Toscano West condominium, marked for
16 identification, as of this date.)
17 Q. Mr. Altomare, this is the
18 settlement dated November 3, 2006 related to
19 the Toscano West condominium. If you would
20 look at the first page, left column, there is
21 a line number 201 which indicates a deposit
22 of earnest money, \$100,000. I know you don't
23 have your glasses today.
24 A. I don't have any glasses, ma'am,
25 for 56 days, no.

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2 MR. TIFFORD: Let me say I could
3 confirm on line 201 of Exhibit 2,
4 formerly Exhibit 61 on February 4th, line
5 201 does reflect \$100,000 earnest money
6 deposit on this settlement statement.
7 Q. Mr. Altomare, I, again, have looked
8 through your 2006 bank statement, and I don't
9 see where the source of this \$100,000 came
10 from. So can you tell me.
11 A. This was to purchase the Toscano
12 property?
13 Q. Right.
14 A. I would have to assume if it's not
15 out of my one checking account, Barbara and
16 my checking account, it would have come then
17 from my -- from Universal Express as it was
18 credited towards me as income. It would have
19 been a Universal Express check.
20 Q. And who would it have been paid to
21 if it came from Universal Express.
22 A. Rose & Rose would be my -- but I
23 don't recall who it was made out to. It
24 would either be to Rose & Rose or whomever we
25 were told to make it out to.

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 2 Q. In making the offer on the property
 3 at Toscano West, do you recall dealing with a
 4 real estate agent?
 5 A. Yes.
 6 Q. Who did you deal with on that
 7 property?
 8 A. His name would be Vincent. Once
 9 again, I do not recall Vincent's last name.
 10 Q. What brokerage firm was Vincent
 11 with?
 12 A. I don't recall.
 13 Q. Do you remember at what point in
 14 time you placed an earnest money deposit on
 15 the property?
 16 A. No, ma'am.
 17 Q. Have you ever been -- do you know a
 18 woman named Pamela A. Altomare?
 19 A. No, ma'am.
 20 Q. Do you know of another Richard
 21 Altomare in the Boca Raton area?
 22 A. No, ma'am.
 23 Q. Have you ever owned a unit called
 24 51B in Unit 6302 of Ocean Pointe Condominium
 25 located in Palm Beach, Florida?

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 2 A. No, ma'am.
 3 MS. HUGHES: Could I have the court
 4 reporter mark this as number 3.
 5 Arthur, are you finding something.
 6 MR. TIFFORD: Yes. Do you mind if
 7 I do this, Leslie, look for something and
 8 perhaps show it to you?
 9 I am showing you an official check
 10 made out to the Ellen Goldberg Trust
 11 account for \$156,000, November 3, '06,
 12 from the Wachovia account ending in 4286.
 13 I think 4286 is the prime equity account,
 14 as opposed to the checking account.
 15 MS. HUGHES: Right. Arthur, on
 16 that check, if you would look at what the
 17 closing cost due on the buyer, it was
 18 158,000. I believe, although we haven't
 19 taken Ms. Goldberg's testimony, that
 20 would cover the closing cost at the end,
 21 this number down here (indicating). I am
 22 trying to find out where the initial
 23 earnest money came from. So thank you
 24 for that point.
 25 MR. TIFFORD: I understand. I was

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 2 referring to the document Bates stamp
 3 number 1425 and 1426, that we produced to
 4 you.
 5 Q. And the date on that check is
 6 November 3, 2006. That's the closing date.
 7 And my understanding, it may not be correct,
 8 and please tell me if it isn't, the earnest
 9 money was paid well before November 3, 2006?
 10 MR. TIFFORD: That's a question.
 11 THE WITNESS: Yeah.
 12 A. I don't know. I would assume it as
 13 well, but I don't recall as I'm sitting here.
 14 Q. Is this a transaction that your
 15 wife did, and you then went along with, so
 16 you didn't participate in a lot of these
 17 events?
 18 A. My wife was interested in the
 19 apartment, so she did do most of the movement
 20 on it.
 21 Q. To me such a big decision, would
 22 she have written the check for the hundred
 23 thousand dollars for the earnest money --
 24 A. No.
 25 Q. -- without you being present?

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 2 A. No, no, no. I stated before, it
 3 could have come directly from my salary
 4 account at Universal Express.
 5 Q. Although in our looking through the
 6 checks that were written out of Universal
 7 Express, and I admit we do not have all of
 8 them, I do not see a hundred thousand dollar
 9 check written out of the account to
 10 Mrs. Goldberg, Rose Law Firm --
 11 A. Yeah.
 12 Q. -- or somebody realty in that time
 13 frame. So I'm still stymied. Where did the
 14 money come from?
 15 A. You know, my supposition, as I sit
 16 here today, that it would be either Universal
 17 Express or our checking account. It could
 18 have been nowhere else.
 19 Q. Did you sell any property prior to
 20 November of 2006 and roll those proceeds into
 21 it?
 22 A. No. I mentioned all the properties
 23 that we had.
 24 Q. Did you receive a loan from some
 25 third party to --

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2 A. No.
3 Q. -- to make the down payment or --
4 A. No, ma'am, I never received it.
5 No, ma'am.
6 Q. I am going to have the court
7 reporter mark and then hand you Exhibit
8 Number 3.
9 (Plaintiff's Exhibit 3, document
10 regarding Pamela A. Altomare, marked for
11 identification, as of this date.)
12 Q. Mr. Altomare, your counsel has had
13 a chance to read portions of Exhibit 3 to
14 you. Does this document refer to any
15 property or timeshare that you owned?
16 A. No, ma'am.
17 Q. Again, this doesn't refresh your
18 memory of knowing Pamela A. Altomare?
19 A. No, ma'am.
20 Q. Are there any properties that you
21 own indirectly, meaning they are held in the
22 name of a corporation, a partnership, an LLC?
23 A. No, ma'am.
24 Q. So, in the past 20 years, if we
25 were to walk through the properties where you

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2 have owned them, it would be the condo in
3 Jericho, New York, followed by your purchase
4 of the home on Bocaire in Boca Raton,
5 followed by the purchase of the condo that
6 we've referred to as Toscano West?
7 A. Yes, ma'am.
8 Q. There are no other properties?
9 A. None that I can recall, ma'am.
10 Q. Has your wife purchased any
11 properties in her separate name during that
12 20-year period?
13 A. No, ma'am.
14 MR. TIFFORD: Could we go off the
15 record for a second?
16 MS. HUGHES: All right.
17 (Discussion off the record.)
18 MS. HUGHES: I am going to have the
19 court reporter mark this as Exhibit
20 Number 4.
21 (Plaintiff's Exhibit 4, June 8,
22 2006 check drawn on Richard Altomare's
23 Wachovia account 5480, in the amount of
24 \$5,000, to the NRCC, Bates number
25 RAA-1765, marked for identification, as

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2 of this date.)
3 Q. Mr. Altomare, Exhibit Number 4 is a
4 June 8, 2006 check drawn on your account at
5 Wachovia 5480, in the amount of \$5,000 to the
6 NRCC, Bates number RAA-1765. Have you seen
7 this document before?
8 A. I've seen this check before.
9 Q. Your signature appears on it?
10 A. Yes, ma'am.
11 Q. Who is the NRCC?
12 A. To the best of my recall, it would
13 be the National Republican Committee of some
14 sort. It was an election or something.
15 Q. A campaign contribution?
16 A. Yes, ma'am.
17 MS. HUGHES: Mark this as Exhibit
18 Number 5.
19 (Plaintiff's Exhibit 5, June 4,
20 2006 check, number 3593, to the National
21 Flood Service, signed by Barbara
22 Altomare, Bates number RAA-1772, marked
23 for identification, as of this date.)
24 Q. Mr. Altomare, Exhibit Number 5 is a
25 June 4, 2006 check, number 3593, to the

1
2 National Flood Service. It appears to be
3 signed by Barbara Altomare, Bates number
4 RAA-1772. Do you know the purpose of this
5 check?
6 A. No, ma'am, I do not.
7 Q. Is your property in a flood plain?
8 A. We have flood insurance.
9 Q. Does this cover flood insurance?
10 A. I assume so, but I didn't write the
11 check.
12 MS. HUGHES: Mark this as Exhibit
13 Number 6.
14 (Plaintiff's Exhibit 6, July 28,
15 2006 check drawn on Richard Altomare's
16 Wachovia account number 5480, to National
17 Building Inspection in the amount of
18 \$625, marked for identification, as of
19 this date.)
20 Q. Exhibit Number 6 is a July 28, 2006
21 check drawn on your Wachovia account number
22 5480, to National Building Inspection in the
23 amount of \$625. Do you recognize your
24 signature on this check?
25 A. Yes, ma'am.

1
2 Q. Why were you paying this money to
3 the National Building Inspection in July of
4 2006?
5 A. My recall would be, it would be for
6 an inspection of a property that we were
7 either looking to purchase or did go ahead
8 and purchase. And I don't know if this was
9 for Toscano or it was for any of the other
10 apartments we were looking at or homes, but
11 that would be my recall of the National
12 Building Inspector or Inspection.
13 MS. HUGHES: I will have the court
14 reporter mark this as Exhibit Number 7.
15 (Plaintiff's Exhibit 7, check drawn
16 on Richard Altomare's Wachovia account
17 dated September 11, 2006, to Fifth Avenue
18 Building Inspections, in the amount of
19 \$500, marked for identification, as of
20 this date.)
21 Q. Exhibit Number 7 is a check drawn
22 on your Wachovia account dated September 11,
23 2006, made out to Fifth Avenue Building
24 Inspections in the amount of \$500. Do you
25 recognize your wife's signature on this

1 document?
2 A. Yes, ma'am.
3 Q. It's Bates number RAA-1908.
4 Do you know why in September of
5 2006 she was paying money to Fifth Avenue
6 Building Inspections?
7 A. Same answer as before, it would be
8 for a property that we were looking at, or
9 that we needed an inspection for for a
10 mortgage.
11 Q. Is this a firm that does business
12 in Florida?
13 A. I would have to assume, yes, ma'am.
14 MS. HUGHES: I am going to mark
15 this as Exhibit Number 8.
16 (Plaintiff's Exhibit 8, March 13,
17 2006 check drawn on Richard Altomare's
18 Wachovia account number 5480, check
19 number 3298 in the amount of \$1,296,
20 marked for identification, as of this
21 date.)
22 Q. I am having the court reporter show
23 you Exhibit Number 8. This is a March 13,
24 2006 check drawn on your Wachovia account

1
2 number 5480, check number 3298 in the amount
3 of \$1,296. Do you recognize your wife's
4 signature on that?
5 A. Yes, ma'am.
6 Q. Do you know why this check is
7 written out in blank?
8 A. No, ma'am.
9 Q. This will sound like a silly
10 question, I don't mean it to be silly, but do
11 you recognize the numbers that are in the
12 notation column, 629-68-342-1?
13 A. No, ma'am.
14 Q. Did you have a regular monthly
15 payment in this amount?
16 A. No, ma'am. The back of the check
17 will be helpful, but --
18 Q. Below this, the face of the check,
19 is the back of the check, and it's very
20 difficult to discern whose account it went
21 into.
22 A. Yeah. I don't recall.
23 MS. HUGHES: I am going to mark
24 this as Exhibit Number 9.
25 (Plaintiff's Exhibit 9, series of

1
2 two checks, a deposit item and a third
3 check, marked for identification, as of
4 this date.)
5 MR. HUGHES: For some reason, I
6 guess I don't have an extra one.
7 MR. TIFFORD: Here (indicating).
8 MS. HUGHES: I have here it, go
9 ahead.
10 Q. Mr. Altomare, Exhibit 9 is a series
11 of -- that's not it either.
12 MR. TIFFORD: Work off this one
13 (handing).
14 Q. Exhibit 9 is a series of two
15 checks, a deposit item and then a third
16 check.
17 A. Well, the third check is a repeat
18 of the one we previously did, is that --
19 Q. Correct, it is.
20 These, if you will, are the
21 unusual, that's my term, deposits that were
22 made into your Wachovia account during 2006.
23 When we looked at the rest of the deposits
24 into the account, they were principally made
25 up of your payroll or Barbara's payroll

1
 2 checks from Universal Express.
 3 A. Okay.
 4 Q. So let's look at the first page of
 5 Exhibit 9. This is Bates number RAA-1585.
 6 This is a March 7, 2006 check in the amount
 7 of \$200,000 made out to yourself. Do you
 8 recognize your signature on that?
 9 A. Actually, ma'am, I recognize
 10 20,000.
 11 Q. I am sorry, what did I say?
 12 A. 200.
 13 Q. 20,000, you are correct.
 14 Do you recognize your signature on
 15 this check?
 16 A. Yes, ma'am.
 17 Q. Did you write the notation on the
 18 check of "Transfer"?
 19 A. No, ma'am.
 20 Q. Who wrote that?
 21 A. It would have been my controller, I
 22 guess.
 23 Q. Why are you receiving \$20,000 from
 24 Universal Express on or about March 7, 2006?
 25 A. It would have been for a number of

1
 2 reasons, but I think, if I try to recall
 3 almost two years ago, it could have been an
 4 advance on my payroll account. It could have
 5 been -- well, I'll say an advance on my
 6 payroll account. I had monies due me, and I
 7 may have needed those funds and I may have
 8 informed her, and she wrote the check for me,
 9 and I signed it.
 10 Q. When you say an advance on your
 11 payroll account, are you referring to the
 12 accrued payroll that you were previously
 13 owed?
 14 A. Yes, ma'am.
 15 Q. Not a current payment of future
 16 payroll that you were owed?
 17 A. No, ma'am.
 18 Q. And the controller whom you were
 19 mentioning before, that is Saadia Hardial?
 20 A. Hardial.
 21 Q. Then if you would look at the
 22 second page of Exhibit Number 9, it's Bates
 23 number RAA-1656, it is an April 10, 2006
 24 check from Universal Express account 2605, in
 25 the amount of \$75,000 payable to you. Do you

1
 2 recognize your signature?
 3 A. Yes, ma'am.
 4 Q. What was the purpose of Universal
 5 Express paying this money to you?
 6 A. It would be the same answer.
 7 Q. It was paying you accrued salary
 8 that you had previously earned?
 9 A. Yes, ma'am.
 10 Q. When you requested your controller
 11 to make these kinds of payments, did you have
 12 a typical practice of filling out some kind
 13 of a form or a written request?
 14 A. No.
 15 Q. Did you typically create corporate
 16 board minutes or a written consent for these
 17 kinds of transactions?
 18 A. No, ma'am.
 19 Q. Now, I would like you to look at
 20 the third page of Exhibit 9, Bates number
 21 RAA-1893. This is a deposit slip from your
 22 Wachovia account number 5480, which indicates
 23 on November 5, 2006, there was a currency
 24 deposit of \$8,000.
 25 MR. TIFFORD: September 5th?

1
 2 Q. On this document I see the date
 3 November 5, 2006.
 4 MR. TIFFORD: I see a printed date
 5 and a handwritten date of 09/05/06,
 6 printed 9/5/06. Let me show you these
 7 (indicating). Here is the printed, I'm
 8 putting an arrow, and here is the
 9 handwritten. I read the handwritten as
 10 9/5/06.
 11 MS. HUGHES: I think we're in
 12 agreement. Maybe I have misspoken, but I
 13 think the date that we're looking at
 14 there is September 5, 2006.
 15 MR. TIFFORD: I apologize.
 16 MS. HUGHES: Just so we're on the
 17 same page.
 18 MR. TIFFORD: We are now.
 19 MR. SCHOEPPPL: Just for the
 20 document, Exhibit 9, refers to
 21 September 5, 2006.
 22 MS. HUGHES: Correct.
 23 MR. SCHOEPPPL: Not November 5,
 24 2006.
 25 Q. Do you know the source of the cash

1
2 that Barbara Altomare was depositing in
3 September of 2006 that's reflected with this
4 document?
5 A. The \$8,000.
6 Q. Right.
7 A. No, ma'am, I do not.
8 Q. Do you recall your wife receiving a
9 gift of cash in this amount at this time
10 frame?
11 A. I really don't recall.
12 Q. Do you recall her selling any
13 property?
14 A. No, ma'am.
15 Q. Did she have a job, other than at
16 Universal Express, that would pay her money
17 such as this?
18 A. No, ma'am.
19 Q. And the last page of this exhibit
20 we had previously marked as Exhibit 1, and
21 we're not going to talk about it anymore.
22 A. Okay.
23 MS. HUGHES: I am going to mark
24 this as Exhibit Number 10.
25 (Plaintiff's Exhibit 10, March 10,

1
2 2006 check drawn on Richard Altomare's
3 Wachovia account 5480, to Coldwell Banker
4 for \$1,000, Bates number RAA-1518, marked
5 for identification, as of this date.)
6 Q. Mr. Altomare, I have handed you
7 Exhibit Number 10. This is a March 10, 2006
8 check drawn on your Wachovia account, account
9 5480. The Bates number is RAA-1598. It's a
10 thousand dollar check to Coldwell Banker. Do
11 you recognize your wife's signature on this?
12 A. Yes, ma'am.
13 Q. Do you know why in March of 2006
14 your wife was paying a thousand dollars to
15 Coldwell Banker?
16 A. It may have been a deposit to make
17 a bid on an apartment. It may have been for
18 Toscano. Maybe Coldwell Banker was the
19 Toscano where Vinny worked, but I don't know
20 more than that on the thousand dollar check.
21 Q. At the top of the check there are
22 some numbers, 3560-7057. Do you recognize
23 what those numbers are?
24 A. No, ma'am.
25 Q. This check is dated eight months

1
2 prior to the closing on the Toscano West
3 condo. Were you dealing with Mr. Vincent at
4 Coldwell Banker at that point in time?
5 A. It may have been for another
6 property. It may have been for that
7 property. I truly do not know.
8 MS. HUGHES: I am going to have the
9 court reporter mark this as Exhibit
10 Number 11.
11 (Plaintiff's Exhibit 11, Compupay
12 printouts of the payroll accounts for
13 Richard Altomare and Barbara Altomare,
14 marked for identification, as of this
15 date.)
16 MS. HUGHES: Mr. Tifford,
17 Mr. Schoeppl, I don't have an extra copy
18 of this. This is a Compupay payroll
19 printout that we had previously included.
20 MR. TIFFORD: Okay.
21 Q. Mr. Altomare, this is a document
22 that we obtained through the receiver from
23 Compupay, which did the payroll for Universal
24 Express, And included within this exhibit are
25 printouts of the payroll account for you and

1
2 your wife.
3 A. Okay.
4 Q. I believe the second page of that
5 exhibit should be for you, and if you don't
6 mind, I'll just stand up a bit, so we could
7 look over and see it. It lists your name
8 here in the lower left-hand corner. And then
9 it lists a series of entries. Most of them
10 are for 25,000, which, when you get after all
11 the deductions, the average check is 15,000
12 and change?
13 A. Yes, ma'am.
14 Q. Then starting in March 24th of 2006
15 there is a series of entries that are roughly
16 \$30,000. And if you will, the entry number
17 is 1001, 1002, 1003, and they continue until
18 we get June 16th, when the amount of those
19 entries is increased to 60,000, and it
20 continues into July. It looks like it
21 continues all the way to December. The last
22 one of those entries is 1021, \$60,000.
23 The information I have is that on a
24 biweekly basis someone from Universal Express
25 would call Compupay and say make this entry,

1
2 but that no check was entered; is that
3 correct?
4 A. Oh, you'd have to check with the
5 controller. I don't know the process of how
6 they did it.
7 Q. Did you receive a biweekly check,
8 initially in the amount of \$30,000 starting
9 in March of 2006, and then in June changing
10 to the amount of \$60,000?
11 A. If that's what the document
12 dictates and that's what Compupay paid me,
13 then that's what I received.
14 Q. Well, I guess I am trying to
15 distinguish here. This is a record they
16 kept. I want to know, did you receive a
17 physical check?
18 A. I always received a check and
19 Saadia would deposit it into our checking
20 account when she went to make deposits.
21 Q. When we summarized the 2006
22 deposits, we see the series of -- I think I
23 only have one of these. We see the series of
24 deposits where you and your wife's paychecks
25 are made, 1,600 for her, 16,000 and change

1
2 for you, and then occasionally we see three
3 or four checks that we had marked as Exhibit
4 9. But I don't see starting in March of 2006
5 periodic deposits into your account of 30,000
6 every two weeks, and then starting in June,
7 60,000 every two weeks.
8 A. I think you'd have to check with
9 the controller because that's where it would
10 come from, and that's who would have paid me.
11 MR. TIFFORD: Can I ask a question
12 now?
13 MS. HUGHES: Yes.
14 MR. TIFFORD: Maybe focus in the
15 event it does, do you recall,
16 Mr. Altomare, if these telephone advices
17 to Compupay have anything to do with
18 transitioning accrued, but unpaid, salary
19 into current salary, for purposes of --
20 or on your loan account for purposes of
21 transitioning them into current salary
22 for tax purposes, income tax purposes?
23 THE WITNESS: It might have been
24 what they decided to do, yes.
25 MR. TIFFORD: Who would be the

1
2 source --
3 THE WITNESS: It would be Saadia
4 Hardial.
5 MR. TIFFORD: Would anybody else be
6 a source that would be able to help SEC
7 counsel on this subject or on this
8 question?
9 THE WITNESS: Not that I'm aware
10 of.
11 A. I -- I guess I am -- I just wanted
12 to -- I see a -- I can't ask. I can't ask
13 questions.
14 Q. You may ask a question.
15 A. I see two dental things here.
16 Q. Correct.
17 A. I just would like to clarify that
18 we had an employee who came to work for us,
19 who had some problems with her teeth, and so
20 I sent her to my personal dentist, and we
21 were going to take it out of her salary, and
22 then she quit after we fixed her teeth. So I
23 think that that might be why the Dr. Epstein
24 bill was in there, but I never had Universal
25 Express pay my dentist for me.

1
2 Q. Just to clarify, these are the
3 deposits that were coming into your account.
4 So for some reason you got a refund from
5 Dr. Epstein and that \$70 is reflected in that
6 refund.
7 A. Okay.
8 Q. Just for purposes of clarity in the
9 record, we will mark this document, that's
10 the summary of the deposits into your
11 Wachovia account 5480, as Exhibit Number 12.
12 (Plaintiff's Exhibit 12, summary of
13 deposits into Wachovia account 5480,
14 marked for identification, as of this
15 date.)
16 MS. HUGHES: I don't have another
17 one.
18 MR. TIFFORD: I'll use this version
19 of the exhibit.
20 Q. I am going to put 11 and 12 in
21 front of you. In particular I want to focus
22 on the two deposits that are bolded, the
23 \$20,000 deposit on March 7th, and the \$75,000
24 deposit on April 10th.
25 A. Those were the two checks that we

1
2 previously looked at?
3 Q. Correct.
4 And you have testified a few
5 minutes ago that this was converting your
6 accrued salary into actual salary, in
7 essence?
8 A. That's correct.
9 Q. When I look at the Compupay
10 transaction, I don't see either of those
11 transactions listed here.
12 A. Okay.
13 Q. Why?
14 A. You'd have to ask Saadia, but they
15 are salaries.
16 Q. Periodically or monthly, Universal
17 Express would pay one or more of your credit
18 card bills?
19 A. Those segments of the bill that
20 related to business, yes, ma'am.
21 Q. And if they paid a segment of the
22 bill which related to a personal expenditure,
23 such as buying a suit or something like that,
24 was that considered salary to you?
25 A. Yes, it was.

1
2 Q. Why are those kind of transactions
3 not reflected in this Compupay sheet?
4 A. I can't tell you that. You would
5 have to ask Saadia, but they were.
6 Q. They were what?
7 A. Compensation.
8 Q. Compensation to you?
9 A. Compensation.
10 MS. HUGHES: Could you mark this as
11 Exhibit Number 13.
12 Gentlemen, this is the only copy I
13 have with me.
14 (Plaintiff's Exhibit 13, press
15 release titled "Universal Express
16 Received Saudi Investments," dated 24
17 February 2006, marked for identification,
18 as of this date.)
19 Q. Exhibit 13 is a one-page document.
20 It is a Universal Express press release
21 titled "Universal Express Received Saudi
22 Investments," dated 24 February 2006. The
23 top line says "February 24, 2006, Universal
24 Express, Inc. (OTCBB: USXP) has begun to
25 receive initial investments from its new Gulf

1
2 partners. "In addition, Universal Express
3 has today submitted its corporate brokerage
4 account forms to invest a percentage of these
5 investments to purchase AirNet and its own
6 Universal Express stock on the open market,"
7 end of quote, said Richard Altomare, CEO and
8 Chairman of Universal Express, Inc."
9 A. If I may respond. First of all,
10 it's not a Universal Express press release.
11 It is Business Wire's selected segments of
12 the quote, of the press release, and what
13 they believed was said in the press release.
14 However, as I look at this document, we had
15 received, I think it was a million dollars
16 that was put into Universal Express from some
17 Saudi investors, and there were more
18 investors that were coming, and we did open
19 up a Universal Express corporate brokerage
20 account and we purchased a number of shares
21 of AirNet, so that we could go to the annual
22 meetings and pursue that acquisition.
23 So I just wanted to clarify that
24 there is some validity from the fact that it
25 came from a Universal Express press release,

1
2 but this was not a Universal Express press
3 release.
4 Q. I want to get some information from
5 you. When Universal Express opened its
6 corporate brokerage account, where did it
7 open its account?
8 A. Saadia would have that information.
9 We purchase -- it was one of the AirNet
10 investment bankers that was helping us try to
11 acquire AirNet.
12 Q. Was it a broker in --
13 A. Probably Ohio. It may have been
14 Ohio. We purchased a minimal number of
15 shares of AirNet, maybe 50,000 or \$40,000
16 worth, and we over a period of time sold
17 those shares as the transaction was not able
18 to be consummated; but Saadia would have all
19 those records.
20 Q. Did you use the account to also
21 purchase Universal Express stock?
22 A. We did not purchase any Universal
23 Express stock from that account or from any
24 account. We never got to that point.
25 Q. In talking with the receiver, she

1
 2 located an account at Bear Stearns; do you
 3 know if that is the account that is referred
 4 to here?
 5 A. I think you would have to just
 6 check. We would have only had one account.
 7 It was the only time Universal Express ever
 8 opened an account, so I don't question Bear
 9 Stearns was it; however, I do not -- I did
 10 not speak with a Bear Stearns person. So he
 11 may have had his accounts with Bear Stearns,
 12 but I don't recall. And those were handled
 13 directly by Saadia.
 14 Q. You also talk about receiving
 15 investments from your Gulf partners?
 16 A. Gulf, not "golf."
 17 Q. Gulf partners. Who were those
 18 individuals or entities?
 19 A. There were a number of them over
 20 there, and I'd have to -- since their names
 21 and the spelling of their names require
 22 having the documents in front of me, there
 23 were -- they're all in the corporate records
 24 and I'm sure that the receiver has them all,
 25 because when they made their investments, it

1
 2 was duly documented.
 3 Q. Did they make investments in
 4 individual names or in entities?
 5 A. Most of the time, as I recall, it
 6 was individual names.
 7 Q. Did any of them invest through
 8 Emerald Asset Advisors, LLC?
 9 A. I don't believe so.
 10 Q. I am going to list a number of
 11 entities which made deposits to Universal
 12 Express's bank account in January and
 13 February of 2006, and I want to determine
 14 whether the Saudi investors made the
 15 investments through any of those entities.
 16 Jabro Funding Group?
 17 A. I don't recall.
 18 Q. KBM Consulting?
 19 A. Again, these investments would go
 20 directly to Saadia and to my general counsel.
 21 I do not know or make the association between
 22 an individual name that I would deal with and
 23 the corporation or the corporate deposit.
 24 Q. Do you associate Integrated Capital
 25 with your Gulf investors?

1
 2 A. I do not recall the names of the
 3 entities that they may have used.
 4 Q. I am going to read you a few more
 5 names. You can answer appropriately.
 6 A. No problem.
 7 Q. Mazuma Funding Corporation, do you
 8 associate that with the Saudi entities?
 9 A. It would be the same. I spoke and
 10 worked with individuals when I went there. I
 11 do not know the names of the funds and the
 12 corporations that they would have --
 13 Mr. Gunderson, my former general counsel,
 14 would have had those documents.
 15 Q. Do you associate Quantum Inc. with
 16 the Gulf investors?
 17 A. Same answer.
 18 Q. Do you associate GMP Securities
 19 Limited with the Gulf investors?
 20 A. Same answer.
 21 Q. How about Southern Securities
 22 Association, do you associate that with the
 23 Gulf investors?
 24 A. Again it may or may not be, but the
 25 backup documents to those would verify who

1
 2 they came from.
 3 Q. Do you associate any individual's
 4 name with Southern Securities Association?
 5 A. If you have any documents that may
 6 refresh my memory -- I don't at this time.
 7 Q. I don't. Although I see they're
 8 investing \$150,000 in the company in February
 9 and an additional \$141,000 in March.
 10 A. No, I am sorry.
 11 MS. HUGHES: I am going to have the
 12 reporter mark this as Exhibit Number 14.
 13 This is a February 22, 2006 Business Wire
 14 report entitled "Universal Express Signs
 15 New Dubai Agreement."
 16 (Plaintiff's Exhibit 14,
 17 February 22, 2006 Business Wire report
 18 entitled "Universal Express Signs New
 19 Dubai Agreement," marked for
 20 identification, as of this date.)
 21 Q. Mr. Altomare, did Universal Express
 22 open a or create a joint venture to operate a
 23 subsidiary in Dubai?
 24 A. We had wanted to, but we never did.
 25 Q. Did it ever go through?

1
 2 A. No, ma'am.
 3 Q. Did you pay money to individuals in
 4 Dubai to acquire a company?
 5 A. They wanted us to pay money up
 6 front, and we wouldn't pay the money up
 7 front, so we never consummated it after the
 8 original documents were signed.
 9 Q. What original documents were
 10 signed?
 11 A. It was an agreement between NAVSTAR
 12 and Universal Express.
 13 Q. Is NAVSTAR a company created in the
 14 United States?
 15 A. No. It existed in Dubai.
 16 Q. And was it a company formed under
 17 the laws of what, the Arab Emirates?
 18 A. Arab Emirates, yeah.
 19 Q. Do you recall who you dealt with in
 20 signing those documents?
 21 A. I do not remember his name. I know
 22 it was a doctor and it's -- if you have a
 23 document that could help me recall his name,
 24 I could remember. There have been many, many
 25 Saudian, Dubaian people that I met with and

1
 2 their names begin to blend together.
 3 Q. I see that in April of 2006 there
 4 is a series of payments from Universal
 5 Express to a man named Hassan, H-A-S-S-A-N,
 6 Mohamed, M-O-H-A-M-E-D. Is that the
 7 gentleman?
 8 A. No, ma'am.
 9 MS. HUGHES: I would have the court
 10 reporter mark this as Exhibit 15. This
 11 is a printout of a website that I pulled
 12 off on May 15, 2008. The byline across
 13 the top is "Welcome to Universal
 14 Express - Think Wholesale, Think Middle
 15 East, Think Universal Express."
 16 (Plaintiff's Exhibit 15, May 15,
 17 2008 printout from the website of
 18 Universal Express, marked for
 19 identification, as of this date.)
 20 A. Yes, ma'am.
 21 Q. Have you ever seen this print-off
 22 before?
 23 A. I have. I saw it because they were
 24 around for about 20 years before our
 25 Universal Express was created, and when we

1
 2 got over there, there was some confusion
 3 because of the similarity of names, and we
 4 only had the rights to Universal Express here
 5 in North America. But, indeed, it is a
 6 company over there, and it has nothing to do
 7 with -- with our Universal Express.
 8 MS. HUGHES: I going to ask the
 9 reporter to mark this as Exhibit 16.
 10 (Plaintiff's Exhibit 16, stock
 11 purchase agreement dated December 19,
 12 2001, marked for identification, as of
 13 this date.)
 14 Q. Mr. Altomare, Exhibit 16, which I
 15 think I have only one copy, is a stock
 16 purchase agreement. Have you seen that
 17 document before?
 18 A. Yes, ma'am.
 19 Q. Does your signature appear on
 20 either of the second or third pages?
 21 A. Yes, ma'am.
 22 Q. Did you go through with this stock
 23 purchase, which is dated December 19, 2001?
 24 A. I signed on recourse notes. We did
 25 receive the stock back, we put it back into

1
 2 the company, and we never made a payment
 3 towards it, but yes, we did do that stock
 4 purchase agreement.
 5 THE WITNESS: This was the envelope
 6 that was in the last document, that was
 7 past the time we discussed. The last
 8 correspondence we received in the last
 9 few days.
 10 Q. So to the best of your knowledge,
 11 the certificates that are subject to this
 12 agreement were canceled, or where are they?
 13 A. Returned -- they would have been
 14 given to my general counsel. Mr. Gunderson
 15 would have either canceled them, or whatever
 16 the procedure is, would have returned them
 17 into the -- you know, the float, I guess, of
 18 the company.
 19 Q. Were they returned to treasury?
 20 A. Returned to treasury. Returned to
 21 treasury. I stand corrected.
 22 Q. The person you dealt with in
 23 negotiating this stock purchase agreement,
 24 who was that?
 25 A. It would have been one of two

1 gentlemen. It would have either been
2 Mr. Peeper, who was the original purchaser of
3 them, or a Mr. Geiger, Gene Geiger, who I
4 think worked with Mr. Peeper. Mr. Peeper
5 lives in Europe, and Mr. Geiger was his
6 representative in the United States.
7
8 Q. It's Alfred Peeper?
9 A. Alfred Peeper.
10 Q. And it's Gene or Eugene Geiger?
11 A. I don't know that it's Gene or
12 Eugene. I just knew him as Gene Geiger,
13 G-E-I-G-E-R.
14 Q. He's a gentleman that lives in
15 Colorado?
16 A. To the best of my knowledge, yes.
17 Q. But you didn't pay any funds on the
18 promissory notes?
19 A. No, ma'am.
20 MS. HUGHES: Exhibit 17 is a
21 printout from a Form 4. The name of the
22 reporting person is indicated as Richard
23 A. Altomare, and the date of the event or
24 the transaction date is listed as
25 12/20/2001, indicating there was an

1 acquisition of 16,300,000 shares.
2 (Plaintiff's Exhibit 17, printout
3 of a Form 4 showing Richard A. Altomare
4 acquired 16,300,000 shares on 12/20/2001,
5 Oriental New Investments, Ltd., marked
6 for identification, as of this date.)
7
8 Q. Mr. Altomare; did you make that
9 Form 3 filing?
10 A. My general counsel would have.
11 MR. TIFFORD: Form 4.
12 Q. Form 4?
13 A. My general counsel would have, yes.
14 Q. And that reflects your acquisition
15 of shares from a stock transaction we were
16 speaking about, related to New Orient?
17 A. I would assume so. I don't recall
18 ever doing any other substantial acquisition
19 like that of stock. I think it was Oriental.
20 Q. It's an acquisition from Oriental
21 New Investments, Ltd.
22 When you say it was filed by your
23 general counsel, that's Mr. Gunderson?
24 A. Yes, ma'am.
25 Q. Why, if you were returning the

1 shares to treasury, did you file a form
2 saying that you had made the purchase?
3 A. I'd have to ask Mr. Gunderson that
4 question, but my understanding was that it
5 was being returned to treasury.
6 MS. HUGHES: Let's go off the
7 record.
8 (Discussion off the record.)
9 (Recess taken.)
10 (Luncheon recess: 11:30 a.m.)
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2 AFTERNOON SESSION
3 (Time noted: 1:09 p.m.)
4 RICHARD ALTOMARE, resumed
5 and testified as follows:
6 EXAMINATION BY (Cont'd.)
7 MS. HUGHES:
8 Q. Mr. Altomare, in 2006 and 2007,
9 what automobiles did you have access to?
10 A. Are you asking me which automobiles
11 did I lease?
12 Q. Which automobiles did you lease?
13 A. I had two Mercedeses. I had a
14 Mercedes S550 and a Mercedes, I think it's an
15 S -- the hatch -- not the hatchback, the SUV
16 type. I think it's a 320. And then I leased
17 a Bentley two-door automobile.
18 Q. And did you own any cars during
19 2006 and 2007?
20 A. No, ma'am.
21 Q. And in leasing the Mercedes, those
22 payments were made to what company?
23 A. Mercedes Leasing, I don't recall.
24 My wife wrote them out every month, but I
25 believe it was a Mercedes Leasing

1
2 Corporation.
3 Q. I have summarized a series of
4 payments that were taken out of your Wachovia
5 bank account 5480, and we will mark that as
6 Exhibit 18.
7 (Plaintiff's Exhibit 18, series of
8 payments from Wachovia account 5480,
9 marked for identification, as of this
10 date.)
11 Q. Mr. Altomare, on the first page of
12 Exhibit 18 is a series of payments made to
13 Daimler-Chrysler in two different amounts,
14 one is \$969.85, the other \$1,998.98. There
15 are some variations. The second page is a
16 series of payments made to Mercedes-Benz in
17 approximately the same amounts. Are these
18 the payments that you made monthly or your
19 wife made monthly for lease of the two
20 Mercedeses?
21 A. Yes, ma'am.
22 MR. TIFFORD: For the year 2007
23 only?
24 MS. HUGHES: Correct.
25 I am going to have the court

1
2 court reporter mark this as Exhibit 20.
3 (Plaintiff's Exhibit 20, check on
4 the Wachovia account dated March 13,
5 2006, payable to Chase Auto Finance for
6 \$1,777.74, and a summary of a series of
7 payments made to Chase Auto Finance
8 during 2006, marked for identification,
9 as of this date.)
10 Q. Exhibit Number 20 is a composite.
11 The first page is a check drawn on your
12 Wachovia account dated March 13, 2006,
13 payable to Chase Auto Finance in the amount
14 \$1,777.74. The second page is a summary that
15 I created of the series of payments made to
16 Chase Auto Finance during 2006.
17 Do you know what these payments
18 were for?
19 A. Yes, ma'am.
20 Q. What are they for?
21 A. I believe those are the Mercedes
22 payments, of the old Mercedes that we had.
23 Then when the lease was up, we no longer used
24 Chase Auto Finance. We used whatever
25 Mercedes offered at that time. I think the

1
2 reporter mark this as Exhibit 19.
3 (Plaintiff's Exhibit 19, check
4 dated October 7, 2006 drawn on the
5 Wachovia account, payable to Braman
6 Motors in the amount of \$3,595.98, Bates
7 number RAA-1961, marked for
8 identification, as of this date.)
9 Q. Exhibit 19 is a one-page document.
10 It's a check dated October 7, 2006 drawn on
11 your Wachovia account, payable to Braman
12 Motors in the amount of \$3,595.98, Bates
13 number RAA-1961. Could you tell me what this
14 payment was made for?
15 A. Yes, I think this would be the
16 payment for the Bentley.
17 Q. Is this the original payment?
18 A. I think it was the monthly payment.
19 It may have been the down payment payment. I
20 don't really recall. But that seems to be
21 the right number.
22 Q. Is Braman Motors the company from
23 which you leased the Bentley?
24 A. Yes, yes, ma'am.
25 MS. HUGHES: I am going to have the

1
2 Mercedes dealership had changed ownership, so
3 I think they changed finance companies.
4 Q. So in 2006 you were leasing a
5 different Mercedes?
6 A. I was leasing -- whenever the lease
7 was up, yes, it would have been -- I believe
8 it would have been a different Mercedes, yes,
9 ma'am.
10 Q. Mr. Altomare, I am going to have
11 the court reporter mark this as Exhibit 21.
12 This has a series of Bates numbers, U 50079
13 through 50086, then including 50088, '89,
14 50097 and 50099. These are a series of
15 statements for a credit card, first on MBNA,
16 then it converted to the Bank of America.
17 The last four digits of the card are 4259.
18 This was a Universal Express credit card.
19 MS. HUGHES: I am going to have the
20 court reporter mark that.
21 I don't have another copy,
22 gentlemen. I apologize.
23 (Plaintiff's Exhibit 21, series of
24 statements for Universal Express credit
25 card 4259 first on MBNA, then on the Bank

1
2 of America, Bates numbers, U 50079
3 through 50086, then 50088, '89, 50097 and
4 50099, marked for identification, as of
5 this date.)
6 A. Before I answer any questions on
7 it, I just wanted to comment on your
8 statement. Every credit card at Universal
9 Express was Richard Altomare's credit card,
10 guaranteed by Richard Altomare. I put
11 Universal Express's name on some of them when
12 they requested did I want a company name. I
13 just want to clarify that since the closing
14 of Universal Express, all of those credit
15 cards have been coming after me for payment,
16 and I presently owe between 80 and a hundred
17 thousand dollars on a multitude of credit
18 cards, many of which were services which were
19 utilized by the company, but I'd be happy to
20 answer questions. I just wanted to clarify
21 the Universal Express credit card.
22 Q. When I look at the statement, not
23 necessarily the first page, but the following
24 statements do indicate a name on the card.
25 Keep flipping through and I will show you.

1
2 I believe here, if we look at U 50083, the
3 name at the top --
4 A. What is that?
5 Q. -- is indicating Universal Express.
6 A. It very possibly might be, but
7 Universal Express didn't have a credit card.
8 It was guaranteed by me.
9 Q. Since I only have one copy, I'm
10 going to take that from you and turn to some
11 particular pages and ask you questions.
12 A. (Handing) No problem.
13 Q. On the first page, 50079 indicates
14 that a check was drawn on this account in the
15 amount of \$1,000 during the month ending
16 March 21, 2006.
17 A. Yes, ma'am.
18 Q. Do you recall what happened to the
19 proceeds from that check or to whom it was
20 paid?
21 A. If you had the document on it, I
22 would more than happy to -- I just simply
23 cannot recall a thousand dollar check from
24 2006.
25 Q. I don't have the document, so

1
2 that's fine. I am going to ask you these
3 questions.
4 A. If I may, many times, and I don't
5 think it was a thousand dollars, but many
6 times when Universal Express needed money for
7 payroll or for expenses, many times I would
8 write a check made to Universal Express.
9 That would not be one for a thousand dollars.
10 That would be too small. I don't know the
11 answer to that one, but some of the others,
12 at times when I had cash advances on my
13 credit cards and the company needed to make a
14 payroll or needed money, I would utilize
15 those cards for that purpose. Then when we
16 had money again, we'd pay them down.
17 Q. This is the statement that ends for
18 the period May 19, 2006. It's Bates number
19 U 50081. It indicates a check was drawn on
20 this account for \$7,000. It doesn't tell us
21 the date here, but I assume that's prior to
22 the May closing date in 2006.
23 A. Sure. Again, I would be more than
24 happy if I had copies of the checks, if I saw
25 the name to whom it was sent to, to be able

1
2 to respond to it, but I really don't recall.
3 Q. That's what I'm trying to
4 determine, who was it paid to. These are the
5 documents I got from the receiver, so I don't
6 have a way to know who they were paid to.
7 Going back to our first page, the
8 \$1,000 withdrawal, you notice on this page 79
9 there are some handwritten notes that
10 indicate a debit, a credit, and some
11 accounting indications. There are some
12 initials, RAA, which I'm presuming are your
13 initials. Then there is the finance charge,
14 and then there is the credit line indication.
15 A. I -- "RAA" are my initials, but
16 where are they?
17 Q. Here, here (indicating).
18 A. That's "RAA"; well, that's not my
19 handwriting, so I would assume it was done by
20 the controller.
21 Q. All right. Did you ever talk with
22 her about accounting entries whereby she was
23 crediting a withdrawal from one of the credit
24 cards to you versus an expense for the
25 company?

1
2 A. Whenever she came down, she would
3 ask me a question, you know, regarding either
4 a credit card or a check, and I would give an
5 explanation as to what it was used for, and
6 she would book it accordingly.
7 Q. Do you know when she booked it
8 under that, if you will, account heading
9 "RAA," that was attributing that expense to
10 you?
11 A. I don't know.
12 Q. The best person to answer that
13 question would be Saadia Hardial?
14 A. Whoever wrote that, and I believe
15 it would be Saadia, yes, ma'am.
16 Q. Was there anyone else in 2006 who
17 was doing these kind of entries?
18 A. Yes, ma'am.
19 Q. Who else did that?
20 A. Saadia had a staff, so she would be
21 best able to tell you which ones. She had a
22 number of people up there, sometimes as many
23 of three or four people in her accounting
24 department.
25 Q. I'm showing you the October 2006

1 statement, Bates number 50083. It indicates
2 there was a cash advance or check drawn on
3 this account on September 21, 2006. Again
4 it's indicated by handwriting "RAA" next to
5 the \$10,000.
6 A. Yes.
7 Q. Do you have any recollection where
8 those proceeds of the \$10,000 check went?
9 A. No, it would be the same on all of
10 them. Without seeing the checks, I truly
11 could not recall those.
12 Q. I am going to show you the June
13 2007 statement, Bates number U 50089. This
14 indicates there was a cash advance drawn on
15 this account on June 12, 2007 in the amount
16 of \$9,000. Do you have a recollection as to
17 this amount?
18 A. No, ma'am.
19 Q. Then I'm showing you page 50099,
20 the July 2007 statement. It indicates there
21 are two different checks drawn on this
22 account, one in the amount of \$9,000 and the
23 second in the amount of \$20,000. Do you have
24 a recollection where those amounts went?
25

1 A. No. It could have either been back
2 to Universal Express or for any other use,
3 and it would have been booked accordingly.
4 But I happen to know that, I'm making
5 payments on that particular card, and some of
6 those expenses I know were Universal Express.
7 MS. HUGHES: May we go off the
8 record for a moment?
9 MR. TIFFORD: Sure, any time you
10 want.
11 (Discussion off the record.)
12 (Plaintiff's Exhibit 22, statements
13 for MBNA account 7105, later Bank of
14 America, Bates numbers 50108 through
15 50114, marked for identification, as of
16 this date.)
17 Q. Mr. Altomare, I am going to show
18 you the next exhibit. This is Exhibit 22.
19 These are credit card statement I received
20 from the receiver for an account. I think it
21 was an MBNA account that then converted to
22 Bank of America. It's the account number
23 that ends in the number 7105. In particular,
24 it's Bates numbers 50108 through 50114.
25

1 In particular, I would have you
2 look at page 50111. On there it indicates
3 purchases of two airline tickets, I believe,
4 to go to Zurich, Switzerland, and the
5 purchase date appears to be April 1, 2006.
6 Did you go to Switzerland in April
7 of 2006?
8 A. No, ma'am.
9 Q. Did you go to Switzerland at some
10 time after April 1 of 2006?
11 A. I truly can't recall. I did
12 vacation in 2006. I don't remember where the
13 connecting flights may have come from, but I
14 do not remember going to Switzerland, nor
15 have I been to Switzerland in five years, but
16 I don't know that I didn't stop there to go
17 on to somewhere else.
18 Q. You know, I was directing you that
19 this was April of 2006. I have misspoken.
20 I am looking at the top billing date. This
21 is actually April of 2007. So really within
22 the last year, you have not been to
23 Switzerland?
24 A. No, ma'am.
25

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 2 Q. Mr. Altomare, where is your
 3 passport currently located?
 4 A. At my home.
 5 RQ MS. HUGHES: Mr. Tifford, I am
 6 going to request a copy of
 7 Mr. Altomare's passport so we could
 8 look at the stamps to indicate whether
 9 he had been through Switzerland in that
 10 time frame.
 11 MR. TIFFORD: I will make
 12 arrangements to get it and get a copy.
 13 Q. Then I am going show you 50113.
 14 This is the June 24, 2007 statement for the
 15 account number ending 7105. It indicates
 16 that there was a check drawn on the account
 17 in the amount of \$15,000 prior to June 24,
 18 2007.
 19 A. If you have a copy of the check,
 20 I'd be more than happy to respond to it, but
 21 it could have been, again, something that
 22 Universal Express needed or something that I
 23 myself needed, but it was my credit card.
 24 Q. Sitting here today, without the
 25 check, you don't have a recollection of what

1
 2 you did with that money?
 3 A. I don't know that I received that
 4 money.
 5 Q. Do you have a recollection of a
 6 third party, then, to whom it was paid?
 7 A. No, ma'am.
 8 Q. For all of these credit cards that
 9 were issued in your name, where did the
 10 statements come to?
 11 A. All of them came to my home. Maybe
 12 there were one or two that came to Universal
 13 Express at 5295 Town Center Road, but the
 14 majority of them came to my home. I don't --
 15 I never received them. They would have gone
 16 directly to the controller and she would have
 17 brought it down, we would have gone over it.
 18 Q. When you say you didn't receive
 19 them, you didn't receive the statements that
 20 were sent to the address of Universal
 21 Express?
 22 A. No, it would go directly to the
 23 controller.
 24 Q. The statements that came to your
 25 home?

1
 2 A. Would be my wife and I would look
 3 at them.
 4 Q. Mr. Altomare, what is the current
 5 status of the mortgage on your home at
 6 Bocaire Avenue (sic)?
 7 A. I'm two months behind.
 8 Q. Is it still listed for sale?
 9 A. I don't believe so.
 10 Q. You took it off the market?
 11 A. The market is pretty soft, and the
 12 longer you keep it on, the more difficult it
 13 is to get your asking price, so we took it
 14 off. It's been on awhile.
 15 Q. What is the current status on the
 16 mortgage on the Toscano condominium?
 17 A. At least six months late, maybe
 18 five, five or six months late.
 19 Q. Have you had any negotiations with
 20 Countrywide related to that mortgage?
 21 A. I have been speaking to
 22 Countrywide; however, the last two months
 23 I've been unable to do such.
 24 Q. Are you similarly late on the
 25 second mortgage on the Toscano property?

1
 2 A. Yes, ma'am.
 3 Q. Is it still listed for sale?
 4 A. Yes, ma'am.
 5 Q. And the real estate broker who has
 6 that listed for you, I know Mr. Altomare had
 7 said his name at the hearing before, do you
 8 recall what it is?
 9 A. You said Mr. Altomare?
 10 Q. Mr. Tifford said it at the hearing.
 11 A. Vinny. The same -- Vinny. I'm
 12 sorry, I don't know his last name.
 13 Q. He's at Coldwell Banker?
 14 A. Yes, ma'am.
 15 Q. It's my understanding from
 16 something Mr. Tifford told me that your wife
 17 has returned the Bentley; is that correct?
 18 A. Yes, because for the past three
 19 months I had not paid for the Bentley. I was
 20 trying to get gainful employment after the
 21 closing of Universal Express, and we were
 22 able to defer some payments, and then when I
 23 couldn't defer any longer, we returned it.
 24 Q. What's the status on the lease of
 25 the two Mercedeses?

1
 2 A. One of them is two months late, and
 3 one of them is one month late.
 4 Q. Are you receiving unemployment
 5 insurance?
 6 A. I did receive unemployment checks
 7 for a short period of time, and then the
 8 period ran out.
 9 Q. And was your wife also receiving
 10 unemployment checks?
 11 A. Yes.
 12 Q. Has her period run out also?
 13 A. Yes, ma'am.
 14 Q. Mr. Altomare, among the deposit
 15 items that were part of your Wachovia account
 16 was a check from a Gail Samuels. Can you
 17 tell me who Mr. Samuels or Ms. Samuels is?
 18 A. It's Mrs. Samuels, my neighbors in
 19 Bocaire, and they knew that I needed money to
 20 pay my lawyer, and they -- to continue, and
 21 they lent me the money.
 22 MS. HUGHES: I am going to mark it
 23 as Exhibit 22.
 24 MR. SCHOEPPL: I think it's 23.
 25 Q. Has Gail Samuels paid you any other

1 monies?
 2 (Court reporter not handed document
 3 to mark.)
 4 A. I need to respond to the question.
 5 I don't -- I need to respond to the question,
 6 paid any other money. She lent me \$35,000
 7 and that's all she lent me.
 8 (Plaintiff's Exhibit 23, check from
 9 Gail Samuels, marked for identification,
 10 as of this date.)
 11 Q. Has anyone else lent you money
 12 since September 1, 2007?
 13 A. No.
 14 Q. Mr. Altomare, can you tell me the
 15 companies through which you have insurance or
 16 had insurance in the last two years?
 17 A. I believe I can. AIG Insurance.
 18 MR. TIFFORD: Can I raise a point
 19 of order, did you mean life insurance
 20 only or all kinds of insurance?
 21 MS. HUGHES: I mean all kinds of
 22 insurance.
 23 A. Oh, I was only speaking of life
 24 insurance.
 25

1 Q. Okay.
 2 A. I believe Geico would be our
 3 automotive policies, and there may be some
 4 homeowners policies that my wife would know
 5 the name of.
 6 Q. When you were at Universal Express,
 7 were there health insurance policies that
 8 were in place?
 9 A. For the employees?
 10 Q. And yourself.
 11 A. Yes.
 12 Q. Who were those insurance companies
 13 that provided health insurance?
 14 A. Blue Cross/Blue Shield. And we had
 15 a dental program. I don't recall the name.
 16 Guardian comes to mind, but I could be
 17 mistaken.
 18 Q. Did you have any insurance on
 19 personal property?
 20 A. Yes. We may have had personal
 21 property in the homeowners policy. I think
 22 they have a section for a replacement.
 23 MS. HUGHES: Exhibit 24.
 24 (Plaintiff's Exhibit 24, two checks
 25

1 payable to Wexler Insurance Company, from
 2 Wachovia account 5480, Bates number
 3 RAA-0661 and 0742, marked for
 4 identification, as of this date.)
 5 Q. Mr. Altomare, these are two checks
 6 that I put together, both are payable to
 7 Wexler Insurance Company, from your Wachovia
 8 account ending in the number 5480, Bates
 9 number RAA-0661 and 0742. Do you know what
 10 kind of insurance policy you had with Wexler
 11 Insurance Company?
 12 A. I believe we had two policies with
 13 Wexler. One -- and I don't recall if this
 14 would refer to it or not, but we insured part
 15 of the Michael Jackson Art Collection and
 16 memorabilia collection, and then we had an
 17 insurance policy on my wife's ring. She had
 18 a large ring.
 19 Q. Is the ring that was insured by
 20 Wexler Insurance Company one of the pieces of
 21 jewelry sold to The Estate Department in the
 22 fall of 2007?
 23 A. Yes, ma'am.
 24 Q. Did you have any other insurance
 25

1
2 policies through Wexler Insurance?
3 A. Not that I recall.
4 MS. HUGHES: We will mark this as
5 Exhibit Number 25.
6 (Plaintiff's Exhibit 25, copy of a
7 May 26, 2006 check on Wachovia account
8 5480, Bates number RAA-1741, payable to
9 Gueits, Adams & Dolfi, in the amount of
10 \$9,533.69, marked for identification, as
11 of this date.)
12 Q. Mr. Altomare, Exhibit 25 is a copy
13 of a May 26, 2006 check drawn on your
14 Wachovia account number 5480, Bates number
15 RAA-1741. I believe it's made out to a firm
16 called Gueits, Adams & Dolfi, G-U-E-I-T-S,
17 Adams regular spelling, Dolfi, D-O-L-F-I.
18 It's in the amount of \$9,533.69. Do you know
19 why your wife is writing this check?
20 A. I believe that's when -- when I see
21 down there "London," I do remember that the
22 Michael Jackson collection was insured by
23 Lloyds of London, so I can say I do not
24 recall, since I didn't write the check, but
25 if I had to take a stab at it, I think it

1
2 would have been related to that particular
3 policy.
4 Q. Did you have more than one policy
5 on the Michael Jackson memorabilia?
6 A. No, ma'am.
7 Q. Had you acquired the Michael
8 Jackson memorabilia in May of 2006, and why I
9 question you about that, the press leases
10 that come out about that are much later in
11 the year.
12 A. Then, it would be her jewelry. If
13 it's not the Michael Jackson, then it would
14 be her jewelry --
15 MR. TIFFORD: Could you please
16 clarify, when you say "it would be," the
17 word "it," I-T, refers to what?
18 THE WITNESS: The check they're
19 referring to would have been -- Exhibit
20 25 would have been for that, but as I
21 said, I didn't write the check, I don't
22 know what it was for, but I just took a
23 stab at it. If the dates are wrong, then
24 it would be for homeowners insurance.
25 Q. Do you believe that you have a

1
2 homeowners policy with Gueits, Adams & Dolfi?
3 A. I don't know what we have as a
4 homeowners policy. My wife handles those.
5 Q. Mr. Altomare, in looking through
6 your checks drawn on the Wachovia account in
7 2006, I saw a number of payments to Chubb.
8 Do you recall having an insurance policy with
9 Chubb?
10 A. If we wrote a check to Chubb, we
11 had an insurance policy with Chubb. It may
12 be flood insurance. It may be homeowners.
13 I truly do not know. I think they're for
14 \$179.
15 Q. Yes. It appears -- the court
16 reporter will mark it in a moment. It
17 appears they were monthly checks.
18 A. Yeah. I do not -- I do not know.
19 (Plaintiff's Exhibit 26, monthly
20 checks to Chubb for \$179, marked for
21 identification, as of this date.)
22 MS. HUGHES: I am going to have the
23 court reporter mark this as Exhibit 27.
24 (Plaintiff's Exhibit 27,
25 February 25, 2006 check drawn on Wachovia

1
2 account 5480, payable to First Colony
3 Life Insurance Company in the amount of
4 \$1,857.63, marked for identification, as
5 of this date.)
6 Q. Mr. Altomare, Exhibit 27 is a
7 February 25, 2006 check drawn on your
8 Wachovia account 5480, payable to First
9 Colony Life Insurance Company in the amount
10 of \$1,857.63. Do you recognize your wife's
11 signature on this check?
12 A. Yes, ma'am.
13 Q. Could you tell me what this payment
14 was for?
15 A. I think this was the AIG account.
16 I think AIG took over First Colonial Life
17 Insurance (sic). I think it was the same
18 policy that ended up being AIG. But it was
19 the same agent, and I think that's what it
20 was. It was on my life. It was a term
21 policy.
22 Q. Who is the agent that you dealt
23 with?
24 A. A Mr. Darby, D-A-R-B-Y.
25 Q. Where was he located?

1
2 A. In Florida. I don't really know.
3 I've never gone to his office. He came to my
4 home.
5 MR. TIFFORD: Can I ask something
6 about the life insurance in the form of
7 questions?
8 MS. HUGHES: Yes.
9 MR. TIFFORD: Did you have two
10 different life insurance policies, one
11 term and one whole life?
12 THE WITNESS: Yes, sir.
13 MR. TIFFORD: Do you know if this
14 particular payment represented by Exhibit
15 27, also marked Bates number 1578, if
16 this payment -- can you identify for
17 which of the life policies this payment
18 was made?
19 THE WITNESS: This would be for the
20 term.
21 MR. TIFFORD: The term life policy?
22 THE WITNESS: Yes.
23 MR. TIFFORD: Thank you.
24 Q. Exhibit 28 is a summary I created
25 of checks that were drawn on your Wachovia

1
2 account 5480 and payable to the Weinstein
3 Design Group. Then I also included two
4 checks that were drawn on the Washington
5 Mutual account 9286, which was part of your
6 second mortgage on the Toscano condominium,
7 and then I found one check that was drawn on
8 Commerce Bank. When I total all of those
9 payments that I could find, they totalled
10 \$641,979.52. However, the Weinstein
11 invoices, the last one Mr. Tifford gave me,
12 was dated February 7, 2008, indicate that you
13 have made payments of \$685,554.69.
14 A. What was the difference?
15 Q. The difference here at the bottom
16 is roughly a \$43,000 difference.
17 A. We did make one cash payment to
18 Mr. Weinstein after we sold the jewelry.
19 That may explain the difference.
20 Q. Did you receive a receipt?
21 A. I don't recall.
22 Q. Do you remember the amount of the
23 cash payment?
24 A. It was somewhere between 20 and
25 \$30,000. I don't think it was more than

1
2 that. I don't think it was less.
3 Q. Did you personally go and do that?
4 A. No, he came to my home. After I
5 had sold the jewelry, I gave him the money.
6 MR. TIFFORD: Give me one second.
7 I just need a minute.
8 (Discussion off the record.)
9 Q. Mr. Altomare, on this summary, I
10 show that there was a check written out to
11 Weinstein Group on November 29, 2007, which
12 occurs after you sold your jewelry. Is it
13 possible that you gave him a check versus
14 cash?
15 A. No. I remember giving him cash, so
16 I'm sure it was both. My wife and I both
17 were there and gave it to him.
18 (Plaintiff's Exhibit 28, summary of
19 checks drawn on Wachovia account 5480 and
20 payable to the Weinstein Design Group,
21 marked for identification, as of this
22 date.)
23 Q. Where you live, are you in a
24 secured community, where if a visitor comes,
25 they have to check in through security?

1
2 A. Yes.
3 Q. Who provides that security service?
4 A. The country club; the community.
5 Q. Do you know the company's name
6 of who provides --
7 A. No, ma'am.
8 Q. When you come into this, at your
9 house at Bocaire, and you go through
10 security, do you have to sign in, do you
11 know, if you're a visitor?
12 A. I think you have to announce your
13 name. I don't know if the guards write
14 anything.
15 Q. Do you know whether there is a
16 videotape of some kind that would photograph
17 the license plate of the car or something
18 like that?
19 A. I don't know.
20 Q. Why I am asking this series of
21 questions, there is a dispute about the date
22 when you sold the jewelry to The Estate
23 Department. It's my understanding they came
24 to your house and, at least as to one day,
25 it's unclear what date that is. So I'm

1
2 trying to figure out ways we can confirm when
3 Mr. Kravit and friends came to your house.
4 A. Yeah, I don't know.
5 Q. Mr. Altomare, in looking through
6 your checks, there was a check and, while
7 it's handwritten, the date 2002, it was
8 processed --
9 A. 2002?
10 Q. Yes.
11 It was processed in 2006. So I
12 don't know why it was written that way, but
13 it's to Deacon SSC, which I assume stands for
14 Security Service Corporation. Do you know
15 who they are?
16 A. If you allow me to look at the
17 check. I truly don't think I remember,
18 but...
19 MS. HUGHES: Let's mark this as
20 Exhibit 29.
21 (Plaintiff's Exhibit 29, check to
22 Deacon SSC, marked for identification, as
23 of this date.)
24 A. No, ma'am, I have no recollection
25 of this. I'm sure the check -- my wife

1
2 probably just put the wrong date. I'm sure
3 it was 2006. I'm sure she wouldn't have had
4 a 2002 check, but I do not know who Deacon --
5 if that's Security Services Corp. for \$166.
6 Q. There are some other -- at least
7 another check written to this same company.
8 I don't know if it's a recurring bill. When
9 I look at the print from the back of the
10 check, it looks like it may be Deycon,
11 D-E-Y-C-O-N, Deycon Security; does that make
12 any difference to you?
13 A. I have a security system in the
14 home, but we have never activated it. Maybe
15 that is an annual fee or something. My wife
16 would better know than I.
17 Q. In August of 2006, did you take a
18 vacation where you went to places such as
19 France and Italy or Barcelona, Spain?
20 A. I took a cruise and I think I
21 extended on in France.
22 Q. While you were in France, did you
23 open any bank accounts?
24 A. No, ma'am. I don't have any bank
25 accounts other than mine I've given to you.

1
2 I'm so sorry to disappoint you.
3 Q. I certainly have to ask the
4 questions and I need you to affirm the
5 answers to them.
6 MR. TIFFFORD: The question is?
7 THE WITNESS: No.
8 MR. TIFFFORD: I meant the answer
9 is?
10 THE WITNESS: No.
11 MS. HUGHES: I am going to have the
12 court reporter mark Exhibit 30.
13 (Plaintiff's Exhibit 30, two
14 checks, one dated August 2, 2006, the
15 second dated August 4, 2006, both drawn
16 on Wachovia account 5480, to Miki SRL,
17 each in the amount of \$10,000, marked for
18 identification, as of this date.)
19 Q. Exhibit 30 is a two-page document.
20 It's two checks, one dated August 2, 2006,
21 the second dated August 4, 2006, both drawn
22 on your Wachovia account 5480. Do you
23 recognize your wife's signature on these two
24 documents?
25 A. I do, ma'am.

1
2 Q. It appears they're written out to
3 Miki, M-I-K-I, SRL, S-R-L, each of them being
4 in the amount of \$10,000.
5 Do you know why your wife wrote out
6 these two checks?
7 A. I think she purchased some jewelry
8 there.
9 Q. Do you know what pieces of jewelry
10 those are?
11 A. Oh, no.
12 Q. You don't have any beneficial
13 interest in Miki SRL, do you?
14 A. Oh, no. No, ma'am.
15 Q. Do you know where the jewelry that
16 she purchased is located?
17 A. I think it's probably part of the
18 jewelry that was sold, or all of it.
19 MS. HUGHES: I am going to mark
20 this as Exhibit 31.
21 (Plaintiff's Exhibit 31, two checks
22 drawn on Wachovia account 5480, both
23 dated August 2, 2006, one in the amount
24 of \$9,000, the second in the amount of
25 \$8,280, Bates numbers RAA-1860 and 1861,

1
2 marked for identification, as of this
3 date.)
4 Q. Exhibit 31 is two checks drawn on
5 your account at Wachovia 5480, both dated
6 August 2, 2006, one in the amount of \$9,000,
7 the second in the amount of \$8,280. These
8 are Bates numbers RAA-1860, and 1861. Do you
9 recognize your wife's signature on these
10 documents?
11 A. I do.
12 Q. Do you know what your wife
13 purchased at Graziella Ravera?
14 A. I believe it was clothes.
15 Q. This will sound silly, but do you
16 have any beneficial interest in Graziella
17 Ravera?
18 A. No, ma'am.
19 MS. HUGHES: I am marking Exhibit
20 32.
21 Q. Mr. Altomare, I'm going to have you
22 look at Exhibit 32. The court reporter will
23 need to mark that.
24 (Plaintiff's Exhibit 32, check
25 dated August 5, 2006 drawn on Wachovia

1
2 account 5480 in the amount of \$10,000,
3 written to cash, Bates number RAA-1892,
4 marked for identification, as of this
5 date.)
6 Q. Exhibit 32 is a check dated
7 August 5, 2006 drawn on your Wachovia account
8 5480 in the amount of \$10,000, written to
9 cash. The Bates number is RAA-1892. Do you
10 know why your wife wrote this check to cash
11 on or about this date?
12 A. I have a question, was this an
13 Italian signatory at the bank?
14 Q. It appears to have been endorsed by
15 something called Crivelli, C-R-I-V-E-L-L-I,
16 SRL.
17 A. I think on that same vacation, I
18 think that was also for clothes and -- that
19 is not my wife's signature on cash. They
20 wrote it out to cash. I think they probably
21 told her that they would fill it in later and
22 they wrote it for cash, but that's not my
23 wife's signature on "Cash."
24 Q. It's not her handwriting?
25 A. No, ma'am.

1
2 Q. But it is her signature?
3 A. Oh, absolutely. Absolutely, and I
4 have no beneficial interest in cash.
5 MR. TIFFORD: I'm afraid you do.
6 THE WITNESS: I do.
7 Q. Or do you have a beneficial
8 interest in Crivelli SRL?
9 A. No, ma'am.
10 MS. HUGHES: I am going to have the
11 reporter mark this as Exhibit 33.
12 (Plaintiff's Exhibit 33, check
13 dated August 6, 2006 drawn on Wachovia
14 account 5480, in the amount of \$5,000,
15 Bates number RAA-1913, made out to
16 "Bearer," marked for identification, as
17 of this date.)
18 Q. Mr. Altomare, I'm handing you
19 Exhibit 33. This is a check dated August 6,
20 2006 drawn on your Wachovia account 5480, in
21 the amount of \$5,000, Bates number RAA-1913.
22 This is made out to "Bearer." Do you know
23 why your wife made out a check to "Bearer"?
24 A. No, ma'am, I do not. This one I do
25 not recognize. Do we have a back of this

1
2 one?
3 Q. We do. It's the bottom half of the
4 page. It seems to be endorsed by something
5 call Zenyar LLC, Z-E-N-Y-A-R.
6 A. Could you just repeat that again.
7 I can't seem to --
8 Q. It's right here (indicating).
9 A. I see. Thank you.
10 Q. Z-E-N-Y-A-R, LLC.
11 A. No, I have no recollection, nor do
12 I have any beneficial interest in
13 Z-E-N-Y-A-R, LLC.
14 If I may, B-E-A-R-E-R is not my
15 wife's handwriting.
16 Q. Mr. Altomare I am having the court
17 reporter mark the next exhibit, Number 34.
18 (Plaintiff's Exhibit 34, check
19 dated August 18, 2006, made out to Paola
20 Zoccai SRL, drawn on Wachovia account
21 5480, Bates number RAA-1869, marked for
22 identification, as of this date.)
23 Q. This is a check dated -- or at
24 least the stamp on it is August 18, 2006,
25 made out to Paola Zoccai, Z-O-C-C-A-I, SRL.

1
2 It is drawn on your Wachovia account 5480,
3 and it has Bates number RAA-1869. Do you
4 recognize your wife's signature on this
5 check?
6 A. Yes, ma'am.
7 Q. Do you know what she purchased from
8 Paola Zoccai?
9 A. It was clothes, but I don't
10 remember the specific clothes.
11 Q. And you have no interest in Paola
12 Zoccai?
13 A. Oh, no, ma'am.
14 MS. HUGHES: Mark this as Exhibit
15 35.
16 (Plaintiff's Exhibit 35, check
17 drawn on Wachovia account 5480, dated
18 June 15, 2006, payable to Chopard,
19 C-H-O-P-A-R-D, in the amount of
20 \$12,923.08, marked for identification, as
21 of this date.)
22 Q. Mr. Altomare, this is a check drawn
23 on your Wachovia account 5480, dated June 15,
24 2006, payable to Chopard, C-H-O-P-A-R-D, in
25 the amount of \$12,923.08. It indicates on

1
2 the notation line "PIF Prince Charles watch."
3 Do you recognize your wife's signature on
4 this document?
5 A. Yes, ma'am.
6 Q. Did she buy a Prince Charles watch
7 in June of 2006?
8 A. Yes, ma'am.
9 Q. Was that a gift for you?
10 A. Yes, ma'am.
11 Q. Where is that watch currently
12 located?
13 A. It's currently located at my home.
14 It's my last watch.
15 Q. Have you prepared a list of the
16 jewelry that you and your wife currently own?
17 A. I don't have any jewelry. I have
18 the one watch. I don't think my wife has
19 anything left, but no, I have not.
20 Mr. Tifford hasn't asked me to do that.
21 Q. What jewelry do you believe your
22 wife continues to own?
23 A. I have been away for 56 days, and
24 I've been told by my wife that she doesn't
25 have any jewelry.

1
2 Q. Does she have a wedding ring?
3 A. No, she sold the wedding ring.
4 Q. Do you know to whom she sold it?
5 A. I believe it was in the sale to the
6 estate. It was a diamond ring, diamond
7 wedding ring.
8 MS. HUGHES: We're going to mark
9 this as Exhibit 36.
10 (Plaintiff's Exhibit 36, two
11 checks, one dated January 25th and the
12 second dated February 16th of 2006, both
13 drawn on Wachovia account 5480, payable
14 to Mayor's, the first in the amount of
15 \$2,000, the second in the amount of
16 \$2,313.25, marked for identification, as
17 of this date.)
18 Q. Exhibit 36 consists of two checks,
19 one dated January 25th and the second dated
20 February 16th of 2006, both drawn on Wachovia
21 account 5480. Do you recognize your wife's
22 signature on these two checks?
23 A. Yes, ma'am.
24 Q. Both are payable to Mayor's,
25 M-A-Y-O-R, I believe, apostrophe S. The

1
2 first is in the amount of \$2,000. The second
3 in the amount of \$2,313.25. Do you know what
4 was purchased with these two checks?
5 A. No, ma'am.
6 Q. Is Mayor's a jewelry store?
7 A. Yes.
8 Q. In Florida?
9 A. It's all over the country.
10 MS. HUGHES: I am going to have the
11 court reporter mark this as Exhibit 37.
12 Gentlemen, I don't have an extra copy.
13 (Plaintiff's Exhibit 37, one-page
14 Bank of America Platinum Plus credit card
15 statement, marked for identification, as
16 of this date.)
17 MR. TIFFORD: That's Bates U 50125.
18 Q. If I can have it for a moment, I
19 will identify it on the record. Then we can
20 talk about it.
21 This is a one-page document. It's
22 a Bank of America credit card statement.
23 While the left-hand side is cut off, where
24 the dates might be, I think it's your
25 Platinum Plus account. You did have a

1
2 Platinum Plus account; is that correct?
3 A. I don't remember.
4 Q. This is an account ending in the
5 number 7702. This is a statement for the
6 cycle that ended on June 3, 2007, and it
7 indicates that there was a check drawn on the
8 account in the amount of \$10,000 prior to
9 that date. Do you know what happened to that
10 check, or to whom that check was paid?
11 A. No, ma'am. If you have a copy of
12 it, I'll be happy to elaborate.
13 Q. I do not have a copy.
14 MS. HUGHES: I am going to ask this
15 be marked as Exhibit 38.
16 Q. Exhibit 38, which I am going to
17 have the court reporter mark, is the August
18 15, 2006 statement from your Wachovia equity
19 line account, 4286. It indicates that there
20 was a cash advance withdrawn from the account
21 of \$15,000 during that time frame of August
22 2006. Do you have any recollection what
23 happened to those funds?
24 A. No, ma'am.
25 Q. I will further identify this on the

1
2 record as having U 50196.
3 (Plaintiff's Exhibit 38, August 15,
4 2006 statement from the Wachovia equity
5 account 4286, Bates number U 50196,
6 marked for identification, as of this
7 date.)
8 Q. Mr. Altomare, during the past two
9 years, for 2005 and 2006, Rosenberg, Rich,
10 Baker & Berman prepared your taxes; is that
11 correct?
12 A. Yes, ma'am.
13 Q. And how did you pay them to pay
14 (sic) your taxes?
15 A. I don't recall.
16 Q. My question comes to you because
17 among your checks I have found a May 7, 2007
18 check which I believe would pay for your 2006
19 taxes, but I didn't find a check to them to
20 pay for the preparation of your 2005 taxes.
21 A. I don't know, ma'am. How much was
22 the check paid for on 2006, \$800?
23 Q. \$850.
24 MR. TIFFORD: Isn't the check dated
25 5/7/07?

1
2 MS. HUGHES: Right.
3 MR. TIFFORD: Okay.
4 A. Thank you.
5 Q. The Bates number of what I'm
6 looking at is RAA-783. Did Universal Express
7 ever pay for the preparation of your personal
8 taxes?
9 A. Not to my knowledge, no.
10 MS. HUGHES: Why don't we go ahead
11 and mark this as an exhibit since we've
12 been talking about it.
13 (Plaintiff's Exhibit 39, May 7,
14 2007 check paying for the 2006 taxes,
15 dated 5/7/07, marked for identification,
16 as of this date.)
17 Q. Mr. Altomare, I want to talk to you
18 about the acquisition of the Jackson
19 memorabilia for a few minutes.
20 When did you acquire that
21 collection, to your best recollection?
22 A. I would have to see some documents
23 to get those dates right, but I -- if you
24 have anything that could help refresh my
25 memory, help me with the dates. It was over

1
2 an extended period of time.
3 Q. When I look at the checks payable
4 out of Universal Express's account, in
5 November of 2006 you paid Vintage -- or is it
6 Vintage?
7 A. I think it was Vintage.
8 Q. Vintage, you paid Vintage Pop, or
9 Universal Express did, \$150,000 on
10 November 22, 2006. That's, if you will, the
11 only place I see a payment being made to
12 them. Is that roughly the right time frame?
13 A. Could you state the date again?
14 Q. November 22, 2006.
15 A. We were negotiating on that for a
16 few months before any payments were made, so
17 I would have to say in and around that time I
18 had begun the negotiations to purchase the
19 Jackson collection.
20 Q. And who is the person who you
21 negotiated with?
22 A. I would have paid a Mr. Vacaro,
23 Henry Vacaro, V-A-C-A-R-O.
24 Q. And was there a contract that was
25 signed?

1
 2 A. Oh, yes, ma'am.
 3 Q. Is the contract between you and an
 4 individual and Vintage Pop, or between
 5 Universal Express and Vintage Pop?
 6 A. I think it was all of those. I
 7 think initially he wanted to deal with me
 8 directly, and then I think it was a transfer
 9 from me to Universal Express because I didn't
 10 want to do anything at my desk that the
 11 company didn't benefit from. But all those
 12 documents, I believe, are in the hands of the
 13 receiver.
 14 Q. That collection of Jackson
 15 memorabilia is located in a number of places;
 16 is that correct?
 17 A. At this time, as a result of the
 18 ending of Universal Express as we knew it,
 19 yes, it is. It is all over the place.
 20 Q. There are some parts of it that are
 21 held in storage units here in New York?
 22 A. At this point, I don't know where
 23 anything is stored, but I do know that it was
 24 scattered at this time.
 25 Q. Let's talk about where it was on

1
 2 September 1, 2007, prior to the receiver
 3 taking control of Universal Express.
 4 A. Okay. At that time there was some
 5 in a storage facility in New York. There was
 6 some in a storage facility in Las Vegas.
 7 There was some being held by a Las Vegas
 8 judge in storage. And there was some that
 9 was held in New Jersey by a Jersey -- I think
 10 it was magistrate. I am not sure. It wasn't
 11 a judge. It was another attorney.
 12 Q. As part of that collection, you
 13 acquired some master tapes?
 14 A. Yes, ma'am.
 15 Q. Those were at least in your
 16 possession until early January or February of
 17 this year?
 18 A. Yes, we needed them
 19 air-conditioned, so I put them in an
 20 air-conditioned facility, and gave them to my
 21 attorney at the request of the receiver.
 22 Q. At this time do you possess any
 23 part of the Jackson memorabilia?
 24 A. Just the contractual rights to it.
 25 Q. Tell me what your contractual

1
 2 rights are.
 3 A. I would let the contracts speak for
 4 themselves. I believe it's 30 percent.
 5 RQ MS. HUGHES: Mr. Tifford, do you
 6 have those documents that identify his
 7 rights to the Jackson memorabilia?
 8 MR. TIFFORD: I'm not in possession
 9 of them. I would be happy to state this
 10 on the deposition record. My best
 11 information is that Mr. Gunderson has
 12 possession of whatever those contracts
 13 are, and I agree to ask Mr. Gunderson.
 14 I will phone him after the deposition
 15 recesses and make an inquiry about that.
 16 MS. HUGHES: Why don't we go off
 17 the record.
 18 (Discussion off the record.)
 19 EXAMINATION BY
 20 MR. SCHOEPPL:
 21 Q. Good afternoon, Mr. Altomare.
 22 A. Good afternoon to you, sir.
 23 Q. My name is Carl Schoeppl, and I am
 24 the attorney for The Estate Department, Inc.
 25 We are the Intervenor in this case. I am

1
 2 going to ask you a few questions that relate
 3 to my particular client's situation.
 4 During the year 2007, did you have
 5 an occasion to meet with any representatives
 6 from the company called The Estate
 7 Department?
 8 A. Yes, sir.
 9 Q. And who did you meet with from The
 10 Estate Department, sir?
 11 A. Well, it was my wife and I. My
 12 wife put the meeting together because it was
 13 her jewelry. It was a Mr. Kravit. His son
 14 did come once to take a look at one
 15 particular diamond. He had a police officer,
 16 security officer, there at all times. I
 17 don't recall his name. And then there was
 18 another gentleman who was his employee. I'm
 19 afraid, I don't recall his name. They
 20 weren't all there at all times, but those are
 21 the four gentlemen that I remember.
 22 Q. How many meetings did you have with
 23 representatives of The Estate Department
 24 regarding the sale of your wife's jewelry?
 25 A. It was either two or three. I do

1
2 not recall. It blurs a little bit at this
3 time as to whether or not we met and didn't
4 do anything, and then decided to come back
5 again. I know there was a Jewish holiday in
6 the middle and I know that Mr. Kravit is very
7 religious, very Orthodox, so I know that
8 there was a period of time before he could
9 come back. And then I think there was a trip
10 he had to make to South America that also
11 complicated some of the communications.
12 Q. The meetings that you refer to,
13 where did they take place?
14 A. Well, actually, my wife's meeting
15 first with them was at their office. And
16 then she invited them to our home. And
17 that's when she informed me that, because of
18 my troubles and my challenges, and she wanted
19 to help me pay my legal expenses and pay our
20 living expenses at the onset of this case.
21 Q. Now, just turning our attention
22 just specifically to the meetings. Did the
23 meetings -- when you referred to your home,
24 are you referring to the Bocaire home?
25 A. Bocaire. You're not correct on the

1
2 pronunciation of it. It's just Bocaire,
3 B-O-C-A-I-R. It's spelled A-I-R-E, but it's
4 just Bocaire.
5 Q. Bocaire.
6 So the meetings that you had in
7 person with representatives of The Estate
8 Department took place at your home in
9 Bocaire?
10 A. Our home. My wife's and my home,
11 yes, sir.
12 Q. These meetings took place during
13 what month in 2007?
14 A. I am sorry, I do not recall.
15 Whatever the records indicate. I'm sure
16 there have been a multitude of documents on
17 this. I do not recall after being away from
18 a calendar and a clock for awhile.
19 Q. Just talking about big picture, you
20 mentioned Mr. Kravit and his son; do you know
21 the name of Mr. Kravit, the first name?
22 A. No.
23 Q. Was it Mark Kravit?
24 A. Mark, Mark, yes, that's correct.
25 Thank you.

1
2 Q. Was the son's name Andrew Kravit?
3 A. I cannot recall that.
4 Q. Let's just focus first on Mr. Mark
5 Kravit. Prior to your first meeting with
6 Mr. Kravit, had you ever had any dealings
7 with Mr. Kravit prior to that?
8 A. No, sir.
9 Q. Prior to your first meeting with
10 Mr. Kravit, had you had any dealings with The
11 Estate Department, Inc.?
12 A. No, sir.
13 Q. And just to establish just some
14 foundation, was any jewelry of your wife's
15 sold to The Estate Department as a result of
16 these meetings?
17 A. Almost all of it, yes.
18 Q. Approximately how much money was
19 paid by The Estate Department for this
20 jewelry?
21 A. Again, I do not know the exact
22 number, but I think somewhere in the
23 neighborhood of 530 or 540 thousand dollars.
24 Q. How was that money paid, in what
25 form?

1
2 A. I believe most of it was in cash,
3 and I think there was a check, I think,
4 unless it was in cash. But my wife handled
5 most of it. It was her jewelry.
6 Q. Now, during response to some of the
7 questions asked you by the SEC in this case,
8 you were asked about Plaintiff's Exhibit
9 Number 28. I would like to hand that to you.
10 Sir, I am handing you what has been
11 previously marked as Plaintiff's Exhibit 28.
12 Do you have that in front of you, sir?
13 A. I do, sir.
14 Q. There is a name as payee that's
15 listed on this exhibit, the Weinstein Design
16 Group; do you see that?
17 A. I do, sir.
18 Q. What was the Weinstein Design
19 Group?
20 A. A decorating and furniture service.
21 Q. Did you, in fact, pay the Weinstein
22 Design Group in excess of \$600,000 for design
23 services?
24 A. Yes, sir.
25 Q. And what design services was the

1
2 Weinstein Design Group providing you and your
3 wife, sir?

4 A. They totally gutted out the
5 apartment that we purchased and redecorated
6 it and did bathrooms and built-ins and, you
7 know, furnishings and painting and even
8 taking down walls in the apartment.

9 Q. Earlier in your testimony you
10 identified a condominium by the name we used
11 on the record, Toscano West; do you recall
12 using that characterization, sir?

13 A. I recall it being asked. I don't
14 think I used Toscano West, but yes, I do
15 remember we discussed Toscano.

16 Q. For purposes of the record, if I
17 use Toscano West as the name, is that the
18 name of the apartment that the interior
19 decorating services provided?

20 A. Yes.

21 Q. Were all the services the Weinstein
22 Design Group rendered for that Toscano West
23 condominium, sir?

24 A. Yes, sir.

25 Q. Were any of the monies that you

1
2 were hit with this fine, we decided we had to
3 finish the apartment so that we could sell
4 the apartment, and thought that we would be
5 able to sell the apartment for more than what
6 we owed in it, and pay the fine, but then the
7 real estate market softened in South Florida,
8 and it became a bit difficult for us with
9 that.

10 Q. On the record earlier you
11 identified the jewelry that was sold to The
12 Estate Department as your wife's jewelry?

13 A. A majority of it was, yes, sir.

14 Q. Now, were any parts of the jewelry
15 that were sold to The Estate Department
16 acquired from a company called Les Bijoux?

17 A. Yes.

18 Q. So just reorienting you, sir, back
19 to my prior question. I had asked you
20 whether some of the jewelry that was sold by
21 your wife to The Estate Department was
22 purchased from Les Bijoux originally; is that
23 correct?

24 A. Yes, sir; yes, sir, it is.

25 Q. With respect to the jewelry that

1
2 received -- I know you don't have the papers
3 in front of you, but you believe it's
4 approximately half a million, 530, 540
5 thousand dollars. Were any of those funds
6 used to pay for the interior decorating
7 services that were rendered by Weinstein
8 Design Group for your Toscano West apartment?

9 MR. TIFFORD: I object to the form.

10 I think you used too many pronouns. I
11 ask you to identify particular parties
12 rather than say "those funds."

13 MR. SCHOEPPL: I will rephrase my
14 question for you, sir.

15 Q. Were any part of the monies that
16 were received by you and your wife used to
17 pay the Weinstein Design Group?

18 A. I believe some were, sir.

19 Q. Do you know how much?

20 A. No, sir, I do not.

21 Q. Why were the decorating services
22 being conducted on the Toscano West
23 condominium?

24 A. We were attempting -- originally we
25 were attempting to move in. Then when we

1
2 was purchased from Les Bijoux, was all of the
3 jewelry purchased paid in full by you prior?
4 A. Absolutely, sir.
5 Q. So at the time that your wife sold
6 her jewelry and some of your jewelry to The
7 Estate Department, was any money owed to Les
8 Bijoux on any article of jewelry that was
9 sold to The Estate Department?

10 A. No, sir.

11 Q. Now you, in response to one of my
12 questions, you mentioned that your wife had
13 met with representatives of The Estate
14 Department before a meeting was conducted at
15 your home; is that a fair characterization,
16 sir?

17 A. Yes, sir.

18 Q. Were you present at that meeting,
19 sir?

20 A. No, sir.

21 Q. Do you know what occurred at that
22 meeting?

23 A. No, sir.

24 Q. Do you know if any jewelry was sold
25 at that meeting?

1
 2 A. Oh, no jewelry was sold.
 3 Q. Now, to the best of your
 4 recollection, there were two or three
 5 meetings that took place between yourself and
 6 representatives of The Estate Department and
 7 your wife?
 8 A. That's correct.
 9 Q. In terms of sequence, do you recall
 10 the substance of the first meeting with
 11 representatives of The Estate Department?
 12 A. Could you rephrase the term
 13 "substance"?
 14 Q. Sure.
 15 Do you recall any of the details of
 16 the discussions that occurred during the
 17 first meeting with representatives of The
 18 Estate Department in which you were present?
 19 A. Basically it was Mr. Kravit talking
 20 about his business, about himself, about how
 21 he operates on a 10 percent markup, and how I
 22 probably overpaid Les Bijoux for less than I
 23 had gotten, but I thought that was just
 24 initial salesmanship.
 25 Q. Did you have an understanding,

1
 2 based on that first meeting, as to what the
 3 business Mr. Kravit was engaged in at that
 4 point?
 5 A. Of course, sir.
 6 Q. What was your understanding?
 7 A. He purchased art, jewelry and
 8 artifacts for -- to individuals who wanted to
 9 liquidate or sell property.
 10 Q. At the initial meeting, sir, were
 11 there any particular items of jewelry that
 12 you recall that you or your wife wanted to
 13 sell to The Estate Department?
 14 A. Yes. My wife had a bag of some of
 15 her jewelry and discussed it with
 16 Mr. Kravit's son, and they consummated an
 17 initial transaction, and then there was a
 18 second meeting where other items were
 19 discussed.
 20 Q. Let's just focus on the initial
 21 transaction itself.
 22 During the initial transaction,
 23 were any items of your jewelry sold to The
 24 Estate Department in the initial transaction?
 25 A. I don't recall, sir, but the

1
 2 records are very clear as to what we did sell
 3 at that time. I don't recall whether or not
 4 we sold mine on the first or the second, but
 5 I do -- I do not recall.
 6 Q. In a moment I am going to show you
 7 a few documents I think might refresh your
 8 recollection. But do you think if you looked
 9 at a list of the items that were sold, would
 10 you be able to recognize what was yours and
 11 what was your wife's?
 12 A. Not necessarily, but I will make a
 13 very good try.
 14 Q. During the meeting with
 15 representatives of The Estate Department the
 16 first time, was there a discussion about your
 17 wife and you seeking to decorate the Toscano
 18 condominium; did that come up, to the best of
 19 your recollection, sir?
 20 A. I don't recall that being part of
 21 our discussion.
 22 Q. Sir, with respect to the
 23 conversation, is it correct that you did not
 24 have any prior business dealings with The
 25 Estate Department before your first meeting

1
 2 with them; is that correct?
 3 A. That is correct, sir.
 4 Q. At the initial meeting, do you know
 5 if there were other items that you wanted to
 6 have representatives of The Estate Department
 7 look at, other than jewelry of yours and
 8 jewelry of your wife's?
 9 A. Not in the initial meeting, sir.
 10 Q. And is there anything else you
 11 remember about the first meeting, as you sit
 12 here today?
 13 A. No, sir, not at this time.
 14 Q. The second meeting, do you remember
 15 what happened, the second meeting, generally?
 16 A. I think I may need some documents
 17 to refresh my memory. I don't remember.
 18 MR. SCHOEPPL: I will have these
 19 marked as 40 and 41.
 20 (Estate Exhibit 40, list of items
 21 of jewelry sold to The Estate Department,
 22 Bates numbers TED 34 through 38, marked
 23 for identification, as of this date.)
 24 (Estate Exhibit 41, list of four
 25 jewelry items sold to The Estate

1
 2 Department, Bates number TED 33, marked
 3 for identification, as of this date.)
 4 Q. Mr. Altomare, I am just focusing
 5 your attention back on the initial
 6 transaction that jewelry was sold to The
 7 Estate Department. Was that transaction
 8 involving approximately \$90,000, sir?
 9 A. Yes, it did.
 10 Q. The second transaction, which
 11 occurred subsequent to the first transaction,
 12 did that transaction involve approximately
 13 \$481,000?
 14 A. Yes.
 15 Q. I am trying to time-sequence the
 16 initial transaction in which \$90,000 was paid
 17 by The Estate Department, that involved
 18 several different articles of jewelry; is
 19 that correct?
 20 A. That's correct.
 21 Q. I would like to hand you -- have
 22 your attorney hand you what has been marked
 23 as Estate Department Exhibit 41. For the
 24 record, this document has been Bates stamped
 25 TED 33 in the lower right-hand corner. Do

1
 2 you have that document in front of you, sir?
 3 A. I do, sir.
 4 Q. I know you don't have your glasses,
 5 but can you identify the four jewelry items
 6 that are listed on this exhibit?
 7 A. I see a pendant, a silver bracelet
 8 and a diamond bracelet, and it looks like the
 9 first one, a gold -- I can't make it out.
 10 Q. The first item that's listed here
 11 is for a diamond ring that states
 12 approximately 7.85 approximate carats; do you
 13 see that, sir?
 14 A. I am sorry, sir. I don't.
 15 Q. It says "With GIA certificate."
 16 A. That's the one for 56,000?
 17 Q. That's right.
 18 A. Yes, sir.
 19 Q. Was that your wife's wedding ring?
 20 A. Yes, sir.
 21 Q. And who owned that ring, sir?
 22 A. My wife.
 23 Q. Now, turning now to the next item
 24 listed, the aquamarine brooch/pendant, who
 25 owned that, sir?

1
 2 A. My wife.
 3 Q. You sold that to The Estate
 4 Department for how much?
 5 A. She sold.
 6 Q. Or she did. I am sorry, sir. For
 7 how much?
 8 A. \$10,000.
 9 Q. The next item underneath that is
 10 silver bars; there are two bars.
 11 A. Two silver bars, yes. Those were
 12 mine. Those were with me a very, very long
 13 time. I should have never sold them.
 14 Q. When did you first acquire those
 15 approximately, sir?
 16 A. 15 years. I didn't acquire them.
 17 They were given to me as a gift.
 18 MR. TIFFORD: "Acquisition" doesn't
 19 necessarily mean purchase.
 20 Q. Were those sold to The Estate
 21 Department in the initial transaction for
 22 \$2,400?
 23 A. Yes, sir.
 24 Q. The fourth item, a diamond straight
 25 line bracelet, do you see that, sir?

1
 2 A. Yes, sir.
 3 Q. Was that sold for \$21,600 to The
 4 Estate Department?
 5 A. Yes, sir. Yes, sir.
 6 Q. Who owned that?
 7 A. My wife.
 8 Q. And did the four items that I just
 9 identify represent the four items that were
 10 sold in the initial transaction with The
 11 Estate Department?
 12 A. Yes, sir.
 13 Q. And the total amount of money that
 14 was paid by The Estate Department was
 15 \$90,000; is that correct?
 16 A. Yes, sir, if the arithmetic is
 17 correct.
 18 Q. I don't know if you recognize -- do
 19 you recognize the handwriting at the very
 20 bottom of the page?
 21 A. Yes.
 22 Q. Whose handwriting is that?
 23 A. I think they asked me to sign that
 24 and I signed that.
 25 Q. Do you recognize the handwriting on

1
2 the bottom of the page of Estate Exhibit 41
3 to be yours?
4 A. To the left it looks like it's my
5 wife's and mine, but the one on the right is
6 me.
7 Q. You're identified the handwriting
8 on the bottom of the page?
9 A. I'm identifying my signature. I
10 don't know who the other signatures are. I
11 can't make that out.
12 Q. You just testified that your wife's
13 signature is also there; is that correct?
14 A. It could be. It looks like a "B."
15 I can't -- it's a little hazy.
16 Q. Although it's hazy, it appears to
17 be your wife's signature as well as yours; is
18 that correct?
19 A. I really can't say at this point.
20 I'm sorry. Oh, hold on. Mr. Tifford is
21 showing me --
22 THE WITNESS: Is that the same
23 exhibit, sir?
24 MR. TIFFORD: No.
25 A. He's showing me another exhibit. I

1
2 am sorry. I am confused. I cannot -- I
3 cannot definitively tell you that that's my
4 wife's signature on the left, although it
5 does appear to be a "B," but I can't make it
6 out from this copy. If you have the original
7 or something, I'd be happy to --
8 Q. Unfortunately, we do not.
9 Let's now turn our attention to
10 Estate Department Exhibit Number 40.
11 A. Yes, sir.
12 Q. For the record, this document is
13 Bates stamped in the lower right-hand corner
14 TED 34 sequentially through TED 38?
15 A. Yes, sir.
16 Q. Do you have that document in front
17 of you, sir?
18 A. I do, sir.
19 Q. Focusing our attention on the
20 second transaction with The Estate
21 Department, were you present when the second
22 transaction with The Estate Department was
23 consummated?
24 A. Yes, sir.
25 Q. And were articles of jewelry that

1
2 your wife owned sold to The Estate Department
3 as part of that second transaction?
4 A. Very much so.
5 Q. Were any articles of your jewelry
6 sold as part of that second transaction?
7 A. Yes, sir.
8 Q. Now, let's just start on Bates
9 stamp page TED 34.
10 A. Okay.
11 Q. There is a reference to a diamond
12 necklace.
13 A. It wasn't mine, sir. It's my
14 wife's.
15 Q. The next item that's referenced is
16 a diamond bracelet.
17 A. My wife's.
18 Q. Just for the record, I want to be
19 able to ask the question. That way it's
20 clear.
21 Who owned the diamond bracelet,
22 sir?
23 I am going to start back at the
24 first item just to make sure the record is
25 clear. With respect to the diamond necklace

1
2 that's referred to as the first property item
3 listed on Bates page TED 34 of Estate
4 Department Exhibit 40.
5 A. Yes, sir.
6 Q. Who owned that diamond necklace at
7 the time of its sale to The Estate
8 Department?
9 A. My wife.
10 Q. Turning to the next item listed
11 immediately below the first item, the diamond
12 bracelet, who owned the diamond bracelet at
13 the time of the sale to The Estate
14 Department?
15 A. My wife.
16 Q. Turn to the next item immediately
17 below the preceding item, pear-shaped
18 diamond, it looks like it's a ring, who owned
19 that at the time of the sale to The Estate
20 Department?
21 A. My wife.
22 Q. Immediately below that is a pearl
23 necklace. Who owned the pearl necklace at
24 the time of the sale to The Estate
25 Department?

1
 2 A. My wife.
 3 Q. Now, if I could direct your
 4 attention to the next page, which is Bates
 5 stamp TED 35 of Estate Department 40, there
 6 is a watch that's referred to here. I can't
 7 read the first name.
 8 A. I think -- it looks like "antique."
 9 Q. Did you have men's wristwatches
 10 that you had appraised?
 11 A. I had some men's wristwatches, but
 12 I didn't have antiques. I think that may be
 13 my wife's.
 14 Q. Did you have a wristwatch
 15 collection?
 16 A. I had about eight. I had eight
 17 watches.
 18 Q. Out of the eight watches, did you
 19 sell any of those to The Estate Department?
 20 A. Yes, sir.
 21 Q. How many, approximately how many of
 22 the eight did you sell to The Estate
 23 Department?
 24 A. I think it was six or seven.
 25 Q. I know you've testified that you

1
 2 have one watch that your wife gave you as a
 3 gift on your trip when you went to Europe --
 4 A. Yes.
 5 Q. -- is that correct?
 6 A. No, it wasn't on my trip to Europe.
 7 She bought it here in the United states.
 8 Q. But it was a gift to you; is that
 9 correct?
 10 A. Yes.
 11 Q. With the exception of that watch,
 12 did you sell all the other watches in your
 13 wristwatch collection?
 14 A. Yes, sir.
 15 Q. With the exception of the
 16 wristwatch that your wife gave to you as a
 17 gift, were all other watches that you owned
 18 sold to The Estate Department in 2007?
 19 A. Yes, sir.
 20 Q. And were any of the wristwatches
 21 that you sold to The Estate Department in
 22 2007 purchased from Les Bijoux?
 23 A. Did you say all?
 24 Q. Were any?
 25 A. Any? Some were, yes.

1
 2 Q. Did you fully pay for each one of
 3 those from Les Bijoux?
 4 A. Of course I did.
 5 Q. Based on page TED 35, there is a
 6 reference to a diamond eternity band; who
 7 owned the diamond eternity band that was sold
 8 to The Estate Department?
 9 A. Diamond eternity band, my wife.
 10 Q. If you turn to Bates stamp page TED
 11 36, there is a reference to an 18-karat
 12 yellow gold bracelet that was sold to The
 13 Estate Department. Who owned that at the
 14 time of the sale?
 15 A. My wife.
 16 MS. HUGHES: Carl, would it assist
 17 you if we would stipulate that
 18 Mr. Altomare will testify that each piece
 19 of jewelry that's on this document was
 20 owned by his wife? I understand that
 21 that's the point that you're wanting to
 22 make. I don't agree with that
 23 conclusion, but --
 24 MR. SCHOEPPPL: I think he's saying
 25 with the exception of the men's

1
 2 wristwatches.
 3 Q. Is that correct, Mr. Altomare?
 4 A. That's correct.
 5 Q. With the exception of the men's
 6 wristwatches, all the other items that are
 7 reflected on Estate Department Exhibit Number
 8 40 were owned by your wife?
 9 A. Yes.
 10 MR. SCHOEPPPL: I will accept the
 11 stipulation. There is only one item I do
 12 want to ask specifically about.
 13 Q. And that's the 11.02 carat diamond,
 14 who owned that?
 15 A. My wife.
 16 Q. Was that diamond fully paid for?
 17 A. Of course.
 18 Q. Where was that purchased?
 19 A. Les Bijoux.
 20 MR. SCHOEPPPL: If I could have a
 21 moment to confer with Mr. Tifford, I
 22 think I'm just about done.
 23 (Recess taken.)
 24 BY MR. SCHOEPPPL:
 25 Q. If you can take a look at Exhibit

1
 2 Number 40, please, and go to Bates stamp TED
 3 38, Mr. Altomare.
 4 A. Yes, sir.
 5 Q. When you have that in front of you,
 6 just look at me.
 7 A. I have it, sir.
 8 Q. Look at the bottom of that page.
 9 Do you recognize any of the signatures at the
 10 bottom of the page?
 11 A. Yes, sir.
 12 Q. What signatures do you recognize?
 13 A. Myself and my wife.
 14 MR. SCHOEPPL: I have no further
 15 questions tentative to Ms. Hughes's.
 16 EXAMINATION (CONT'D)
 17 BY MS. HUGHES:
 18 Q. Mr. Altomare, were you given notice
 19 by Les Bijoux that you owed them at least
 20 \$60,000 on the last custom-made diamond ring?
 21 A. No, ma'am.
 22 Q. Were you told to or did you offer
 23 to return a fancy clock, LeCoultre-something
 24 clock?
 25 A. It was on the clock, the \$60,000

1
 2 question, and I said that we didn't want it,
 3 and we returned it -- actually, I didn't
 4 return it. The gentleman from the estate
 5 brought it over there and returned it to
 6 them.
 7 Q. Did you ever tell Mr. Kravit or his
 8 son or any of the people from The Estate
 9 Department that you were involved with the
 10 SEC in this case?
 11 A. I don't recall. I do remember
 12 discussing that I was involved in lawsuits,
 13 but I don't recall specifically whether I
 14 spoke to Mr. Kravit about this.
 15 Q. Now, Mr. Schoeppl went through
 16 Exhibits 40 and 41 asking you about a series
 17 of jewelry which you said belonged to your
 18 wife. Many of those pieces, in fact, were
 19 paid for by you; is that correct?
 20 A. Yes, ma'am.
 21 Q. They were paid for by checks or
 22 wire transfers drawn on the bank accounts of
 23 Universal Express?
 24 A. It was still -- it was my
 25 compensation, but yes.

1
 2 Q. Then you gave the jewelry to your
 3 wife?
 4 A. Yes, ma'am.
 5 Q. At the time you made those gifts,
 6 you lived in Florida; is that correct?
 7 A. Yes, ma'am.
 8 MS. HUGHES: I have no further
 9 questions on that topic.
 10 MR. SCHOEPPL: For purposes of the
 11 record, you're not going to ask any other
 12 questions today about The Estate
 13 Department while I'm not present; is that
 14 correct?
 15 MS. HUGHES: Not that I can think
 16 of sitting here at this moment. I guess
 17 there's that possibility as we walk
 18 through other documents, but I don't
 19 intend to.
 20 MR. SCHOEPPL: It's not your
 21 intention?
 22 MS. HUGHES: It's not my intention.
 23 MR. SCHOEPPL: Thank you.
 24 (Mr. Schoeppl departs deposition
 25 conference room.)

1
 2 Q. Mr. Altomare, I looked through the
 3 Wachovia checks from your -- from actually
 4 the Universal Express account. I am
 5 switching gears on you. I am talking about
 6 Universal Express now. And there is a series
 7 of payments that I wanted to ask you some
 8 questions about. In March of 2006 you wire
 9 transferred \$49,000 and then \$50,000 to Rose
 10 & Rose, P.A. I assume that's a law firm?
 11 A. That may be the hundred thousand
 12 dollars that we were looking for earlier in
 13 my testimony about the deposit on the home,
 14 the hundred dollars.
 15 Q. Do you recall directing anyone at
 16 Universal Express to transfer those funds to
 17 Rose & Rose?
 18 A. Yes.
 19 Q. Do you recall the purpose for those
 20 transfers?
 21 A. I believe it was for the down
 22 payment of the home. As I testified earlier,
 23 I thought it would be, but it might not have
 24 shown up that way. It went to Rose & Rose.
 25 Q. I am not wanting to ask about your

1
2 privileged conversation with Rose & Rose, but
3 had you engaged Rose & Rose to provide legal
4 services for Universal Express in March of
5 2006?

6 A. Oh, yes.

7 Q. As to a named case?

8 A. Many cases.

9 Q. So for us to be able to know the
10 purpose of these payments, we would need to
11 go to Rose & Rose and get their invoice?

12 A. I--

13 MR. TIFFORD: No, no. Just a
14 minute. I can answer this and make it
15 short and sweet. The purpose of an
16 engagement, the date of an engagement,
17 the amount paid for an engagement are not
18 privileged in the federal system. So
19 unless there is a particular state law
20 that might do it, I don't think the state
21 law would override the federal rule of
22 evidence in any event. I will not object
23 to a question. I will not instruct a do
24 not answer instruction, if you limit your
25 question to dates of engagements,

1
2 identity of the attorney or attorneys
3 engaged and/or the subject of the
4 engagement.

5 MS. HUGHES: And you're not
6 objecting to me making those questions of
7 Mr. Altomare or someone at Rose & Rose?

8 MR. TIFFORD: Oh, no, you can
9 ask -- you would have to ask
10 Mr. Altomare. He's the client. Only he
11 could give up the privilege, and, as his
12 attorney in this case, and with my
13 working knowledge with the rules of
14 evidence such as they are, and they are
15 somewhat extensive, I am going to not
16 delay the proceeding or your inquiry by
17 delaying your obtaining your answers from
18 the principal, the client himself,
19 Mr. Altomare, today.

20 Q. Did you engage Rose & Rose to do
21 legal work for you during 2006?

22 A. Could you repeat the question?

23 When you say "you," do you mean me personally
24 or Universal Express?

25 Q. Thank you for that correction.

1
2 Did Universal Express engage Rose
3 & Rose to do legal work for them during 2006?

4 A. May I just comment on the word
5 "engage." We never paid Rose & Rose before
6 they began working, if that's what you people
7 mean -- if you mean by "engage." We did give
8 them a number of small cases, which were
9 handled through my general counsel and Rose
10 & Rose, and then they would give us an
11 invoice after -- or the next month or when
12 the case was resolved. The monies that
13 you're speaking of would never have been for
14 an engagement. That probably was at the
15 direction of Mr. Rose for the purchase of
16 that apartment, that hundred thousand dollars
17 that you asked for before.

18 MR. TIFFORD: Hold it, let me say
19 this into the record, too. Mr. Altomare,
20 the word "engage," when speaking about
21 attorneys and clients, universally means
22 to commence a hiring of. It has
23 nothing -- no impact on the terms of
24 being hired, requiring payment in
25 advance, along the way, periodically, in

1
2 lump sum at the end, at lump sum in the
3 beginning. It all depends on the nature
4 of the engagement. So think of the word
5 "engagement" in terms of the word "hire,"
6 and forget, in responding to the
7 questions put, forget about what the
8 particular case for which the lawyers
9 were hired may have involved payment
10 terms, forget the payment terms. They're
11 irrelevant.

12 Q. So I'm trying to determine, when
13 did you hire Rose & Rose during 2006 or when
14 did Universal Express hire them?

15 A. Well, we moved into the floor where
16 Rose & Rose became our subtenant. Rose
17 & Rose was our subtenant. So when we moved
18 into the third floor of 5295, because we had
19 previously been on the first and the fourth,
20 that's when we hired them. That was the
21 first time we met them. So I don't know if
22 it was 2005 or 2006.

23 Q. In the Universal Express checks or
24 wire transfers for March of 2006, there are
25 these two payments we just spoke about. What

1
2 was the subject of the engagement, the reason
3 for hiring them and giving them these funds?
4 A. I would say that I believe that was
5 not any hire. That was -- they were going to
6 represent me in the purchase of the Toscano
7 apartment and I needed to give them the funds
8 for the closing.
9 Q. So acting like your agent in that
10 transaction?
11 A. That's the way they said it had to
12 be done.
13 Q. Were there any -- was there any
14 litigation that was going on in March of 2006
15 for which this would be a payment of their
16 legal fees?
17 A. They never were that expensive, so
18 I do not believe so.
19 Q. Starting in April of 2006, there
20 are a series of payments, the first being
21 \$50,000 on April 3, 2006, the second being on
22 May 1, 2006, being \$25,000, and other
23 payments to a man named Hassan Mohamed. What
24 were those payments for?
25 A. I believe that he was a finder on

1
2 the investors that we had located in the Gulf
3 region, and I think he received a 5 or a 10
4 percent commission on, and that's how we paid
5 him.
6 Q. Does Mr. Mohamed hold any of these
7 monies on your behalf?
8 A. No, ma'am.
9 Q. On May 9, 2006 there was a wire
10 into the Universal Express bank account at
11 Wachovia from something called Bank Sal,
12 S-A-L, then it's O-P-P-E-N-H-E and it cuts
13 off.
14 A. Yeah, again you're welcome, when
15 Mr. Gunderson has all of those records, as
16 well as Saadia, or the receiver, because I do
17 not know the names of the corporations that
18 would have wired those funds.
19 How much was it for, ma'am?
20 Q. \$200,000.
21 A. No, I don't recall. We had many --
22 many interested investors.
23 Q. Did you ever have an account at
24 Oppenheimer?
25 A. No, ma'am.

1
2 Q. Did you ever have an account at
3 something called Bank Sal?
4 A. No, ma'am.
5 Q. On May 19, 2006, Universal Express
6 wire transferred to Barbara Altomare \$50,000.
7 What was the reason for that payment in May
8 of 2006?
9 A. I'm sure it was against my
10 compensation account and was -- I don't know
11 what the \$50,000 was used for at that time.
12 But we say Barbara, but that would be both of
13 our names are on that account, and I think it
14 kicks off where it says "Barbara" and then
15 they don't have the room for "Richard,"
16 because it's a joint account.
17 Q. Mr. Altomare, if we went back and
18 looked at the Compupay record of your payroll
19 checks, I don't see any entries like this one
20 where \$50,000 is being entered -- is being
21 paid to your account. I don't see that kind
22 of accounting --
23 A. I don't know how the account
24 department handled those. Some of it was for
25 previous salaries, and some of it would be

1
2 ongoing salaries. All I know is at the end
3 of the year, every dollar was accounted for
4 and every tax dollar was paid. And that was
5 in 2006, correct?
6 Q. Correct.
7 A. Yeah.
8 Q. Similarly along those lines, on
9 April 13, 2006 there was a wire transfer of
10 \$325,000 to Les Bijoux.
11 A. Yeah, that would be for that ring
12 that we had discussed to the point of nausea.
13 Q. But again, that I don't see on the
14 Compupay as a \$325,000 credit to your
15 account.
16 A. Yes. I don't think it would have
17 been done with Compupay, but I think Saadia
18 and the controller can better discuss that
19 with you. But it was compensation.
20 Q. Did you ever have an account with
21 something called BZ Banc, B-A-N-C,
22 Corporation?
23 A. No, ma'am.
24 Q. In July of 2006 Universal Express
25 issued a check 4185 to Rstar, one word, the

1
2 letter R, then "star," Life Insurance in the
3 amount of \$1,661.40. Do you know why
4 Universal Express made that payment?
5 A. Well, I did have a key man policy,
6 which Universal Express was the beneficiary.
7 That could be that, but I'm sure the
8 controller could better tell you. I don't
9 know the name of the insurance company.
10 Q. Do you know if that was a term or a
11 whole life policy?
12 A. I know that was a term.
13 Q. Mr. Altomare, in August of 2006,
14 Universal Express wrote a check number 4275
15 to Volvo Body Shop for \$2,376.
16 A. It must have been one of our vans
17 or one of our trucks that had an accident. I
18 don't know specifically.
19 Q. I have seen during 2006 a series of
20 checks to something called the Hartford,
21 H-A-R-T-F-O-R-D; for example, on August 1
22 there is a check for \$810.04.
23 A. There were some of our employees, I
24 may be mistaken here, there were some of our
25 employees out of state and there may have

1
2 started?
3 A. Well, actually First Capital moved
4 into our first floor space, and they came to
5 us with a number of business transactions,
6 and I believe that there is some
7 documentation on that first \$250,000, which
8 was a down payment on some gasoline stations
9 that we had a strong interest in purchasing
10 because our Middle East investors did like
11 the fuel and gasoline business, so it was a
12 thought we might be able to go into something
13 that they were more comfortable with.
14 Q. This is a payment made in July of
15 2006. Is that roughly the time frame when
16 your relationship with First Capital Lending
17 started?
18 A. I think they were there for a
19 period of time before we paid their first
20 \$250,000. I can't say how many months, six
21 months, five months, eight months, but that's
22 all I recall.
23 Q. Did you have prior dealings with
24 them on other deals before the gas station
25 purchase?

1
2 been some health policies that required
3 direct payments from the company. So it
4 could be that. We had some New York
5 employees and yet we had a Florida medical
6 program.
7 Q. On August 8, 2006, Universal
8 Express wire transferred \$35,000 to someone
9 named Sissredi Claudio. S-I-S-S-R-E-D-I,
10 capital C-L-A-U-D-I-O.
11 A. May I see that?
12 Q. Yes (handing).
13 A. I am sorry. At this moment, I
14 don't recall the name, nor do I have any
15 beneficial interest in that gentleman, if
16 it's a gentleman.
17 Q. Mr. Altomare, during 2006 there
18 were several payments made by Universal
19 Express to an entity called First Capital
20 Lending LLC. The first one that I see is a
21 check on July 12, 2006, check number 4184 in
22 the amount of \$250,000.
23 A. Yes.
24 Q. Was that the point in time when
25 your relationship with First Capital Lending

1
2 A. No, ma'am.
3 Q. That \$250,000 payment was followed
4 with an August 18, 2006 payment of \$50,000,
5 and an August 25, 2006 payment of a second
6 \$50,000; were those in furtherance of the gas
7 station purchase?
8 A. Not that particular gas station
9 purchase. Additional gas station purchases.
10 There were about five of them at the -- at
11 the peak where we were attempting to go to
12 contracts and close on. Some of those
13 payments -- and I don't have my records in
14 front of me, and if you have any, I'd be more
15 than happy to discuss them. Some of them
16 were for appraisals on the gasoline stations.
17 So that would have been what I would have
18 termed to be soft money, expenses that we did
19 not anticipate back. But the majority of the
20 capital was deposits that I did expect that
21 we would have back or it would be credited at
22 the closing of those particular gasoline
23 stations.
24 Q. Did the gasoline stations ever
25 close?

1
2 A. They never had the opportunity to
3 close. The company was closed before the
4 transactions were --
5 MR. TIFFORD: Just answer the
6 question.
7 A. No.
8 -- before the transactions were
9 completed.
10 Q. Does First Capital Lending Company
11 owe any money to Universal Express?
12 A. I believe they do.
13 Q. What do you believe they owe?
14 A. I'd have to look at all the
15 records, but I believe if those transactions
16 were not completed, that money should come
17 back to Universal Express. I think it's a
18 minimum of \$600,000. Maybe higher.
19 Q. The \$600,000 figure you're speaking
20 of were all monies that Universal Express
21 transferred to First Capital Lending?
22 A. Yes, ma'am.
23 Q. It's my understanding that there
24 was an escrow agreement for First Capital
25 Lending to hold a portion of the money; do

1
2 \$250,000 document that was signed by both
3 parties.
4 MR. TIFFORD: Do you recall any
5 other written escrow agreements related
6 to any of the other monies that you think
7 today, at a minimum, is \$600,000 due back
8 to Universal Express by First Capital?
9 THE WITNESS: I don't have a
10 knowledge of the subsequent documents,
11 but I do know the first one. I left the
12 rest to my general counsel and my
13 controller.
14 MR. TIFFORD: If I understand you
15 correctly, sir, you're saying today that
16 you have a clear memory of at least one
17 written escrow agreement; is that
18 correct?
19 THE WITNESS: Yes, sir.
20 MR. TIFFORD: And that that
21 agreement subject is the sum of \$250,000?
22 THE WITNESS: Yes, sir.
23 MR. TIFFORD: And that those funds,
24 per that escrow agreement, were due to be
25 returned to Universal Express in the

1
2 you recall signing an escrow agreement with
3 them?
4 A. Never, never. Mr. Rose -- no.
5 Q. Did you ever instruct Mr. Garrahan
6 at First Capital Lending to break the escrow
7 and use those monies to pay expenses?
8 A. No.
9 MR. TIFFORD: Could I ask a
10 question on cross instead of losing it in
11 the mass of things?
12 Mr. Altomare, do you have a clear
13 memory one way or the other whether or
14 not there was a written escrow agreement
15 relating to any \$250,000 delivered to
16 First Capital?
17 THE WITNESS: Could you repeat the
18 question?
19 MR. TIFFORD: As you sit here
20 today, sir, do have a clear memory one
21 way or the other whether or not there was
22 a written escrow agreement with First
23 Capital relating to any of the monies put
24 up in escrow?
25 THE WITNESS: I do recall a

1
2 event the conditions relating to the
3 escrow allowed the breaking of escrow and
4 the demand for the return of the money, a
5 demand for the return of the money?
6 THE WITNESS: Yes, sir. Yes, sir.
7 MR. TIFFORD: Thank you.
8 MS. HUGHES: You're welcome.
9 (Recess taken.)
10 BY MS. HUGHES:
11 Q. Mr. Altomare, in looking at the
12 Universal Express bank account for 2006, I
13 see a number of different payments, some of
14 them we've talked about. One is to something
15 called the Oxford Health Plan. What did that
16 cover?
17 A. It either covered our New York
18 employees or it covered some of our Florida
19 people. I would have to say that my
20 controller who handled the medical coverage
21 would be better able to answer that.
22 Q. So it was for medical coverage, not
23 a kind of life insurance?
24 A. Oh, no, ma'am.
25 Q. Then earlier today you had

1
2 mentioned a company called the Guardian,
3 which there are a number of payments to them.
4 I've done a little homework. It appears that
5 Universal Express had a dental plan for that.
6 A. I think I had mentioned Guardian as
7 the dental plan previously.
8 Q. At some point Universal Express
9 entered into negotiations to acquire
10 Universal Jet?
11 A. Yes, ma'am.
12 Q. Was there a formal contract between
13 Universal Express and Universal Jet?
14 A. To purchase them?
15 Q. Yes.
16 A. There was a formal agreement to
17 close, yes, ma'am.
18 Q. Do you know when that agreement was
19 signed?
20 A. Mr. Gunderson has all of those
21 documents, but I do know that the issue of
22 \$450,000 in taxes that Universal Jet owed
23 prevented us from closing it at that time,
24 and it was being worked on with the Internal
25 Revenue Service because we didn't owe it and

1
2 we didn't want Universal Express to absorb
3 it. We didn't owe it. Universal Jet did and
4 I didn't want Universal Express to be exposed
5 to that debt.
6 Q. So the closing never occurred?
7 A. It was -- it had never occurred.
8 Q. If the closing never occurred, why
9 are there these series of payments?
10 A. That was part of the contract, we
11 took care of their operating expenses as we
12 were planning to close.
13 Q. There are payments not only to
14 them, but also to some other entities that
15 have Air something in the name, such as
16 Dallas Airmotive.
17 A. Yes, those were different debts and
18 bills that they had. We were trying to
19 stabilize them and, as a matter of fact, we
20 had to get certified numbers -- we were
21 trying to stabilize their balance sheet at
22 the same time we had the responsibility to
23 the Securities and Exchange Commission to
24 have a year or two years of certified
25 statements, which Universal Jet did not have,

1
2 and that was being put together at the time.
3 That's why we didn't have the formal closing.
4 Q. At this point, do you believe
5 Universal Jet owes money to Universal
6 Express?
7 A. Yes, ma'am, I do.
8 Q. Is that under any contractual term
9 that they owe that money?
10 A. I would have to look at the
11 contracts again. I only gave you my opinion.
12 Q. Tell me the basis for your opinion.
13 A. My opinion was that Universal Jet
14 was a wholly owned -- I believed a wholly
15 owned subsidiary. We spent a substantial
16 amount of money, about a million or a million
17 one, and the agreements were that we were
18 moving to close in good faith, and when the
19 company was closed, I would think that
20 Universal Jet would owe that money back to
21 the entity.
22 MR. TIFFFORD: Could I inject a
23 question now to save getting it lost in
24 the cross?
25 MS. HUGHES: Yes.

1
2 MR. TIFFFORD: Mr. Altomare, are you
3 saying that since there was no closing,
4 that Universal Jet did not, in fact,
5 become a subsidiary of Universal Express?
6 THE WITNESS: It did not.
7 MR. TIFFFORD: Is that one of the
8 reasons why you feel some or all of the
9 monies paid by Universal Express pending
10 the closing, which never happened, are
11 due back to Universal Express?
12 THE WITNESS: I still do, sir.
13 MR. TIFFFORD: But that's a part of
14 the basis --
15 THE WITNESS: Yes.
16 MR. TIFFFORD: -- for your opinion?
17 THE WITNESS: Yes.
18 MR. TIFFFORD: You think if you
19 could study the contractual documents,
20 you may be able to fine-tune that opinion
21 for the benefit of the SEC and the
22 receiver?
23 THE WITNESS: Yes, sir.
24 Q. In November of 2006 Universal
25 Express paid \$125,000 to Norman Allen. Do

1
2 you know who Norman Allen is?
3 A. I need some backup documents on
4 that one. I am sorry, it's a substantial
5 amount of money, but I don't remember Norman
6 Allen.
7 Q. This is simply the summary that we
8 created. It's a payment made on November 2,
9 2006, a check 4543. It's a large amount of
10 money.
11 A. Let me take a shot. Maybe Norman
12 Allen was that brokerage firm that we made a
13 deposit into to purchase Skynet. I am just
14 guessing, but that could be a shot there.
15 But I would need to have some backup
16 document. Many times people I'm working with
17 and then who they're wiring it to is a
18 totally different name.
19 Q. This is happening in November of
20 2006, not November of 2007, right, okay?
21 A. Yes. If you would like to, we
22 could go back and look at the Skynet dates of
23 that press release, then maybe I could say
24 whether or not that conjecture on my part is
25 correct or not.

1
2 "USXP Signs Advertising Agreement that USXP
3 Subsidiary Luggage Express Will Begin
4 Advertising with the National Hockey League."
5 A. Yes.
6 Q. You also put out "USXP and
7 Francorp," one word, "Complete Uniform
8 Offering Circular and Franchise Agreement."
9 And then you also put out "Universal Express
10 CEO Announces Acquisition of American
11 Delivery System, Inc."
12 A. Yes.
13 Q. Are any of those announcements
14 related to a payment of Norman Allen, is
15 that what --
16 A. No, I am sorry. Maybe the last one
17 could have been a deposit to buy the trucking
18 company, which we renamed Luggage Express
19 Found.
20 Q. Mr. Altomare, on December 15, 2006,
21 Universal Express wrote a check to the
22 Gallery Collection. It's a small amount,
23 \$552.49.
24 A. Yes.
25 Q. What did Universal Express acquire

1
2 Q. Let me see what I have on press
3 releases.
4 A. Just to check the date. It might
5 be the name of the brokerage firm. It would
6 have been handled by, you know, Saadia. I
7 don't have those documents.
8 Q. Actually, I was thinking you had
9 said that you paid -- Mr. Allen may be the
10 person you paid the deposit to to purchase
11 Skynet?
12 A. Skynet, the airline that you had
13 the press release on. My apologies.
14 Q. In November of 2005 you put out a
15 few press releases, "USXP Awaits Outcome of
16 AirNet System Recent Privatization
17 Announcement." Later, on November 22nd,
18 "USXP Repeats Offer for AirNet System." But
19 we're a year prior to this payment to
20 Mr. Allen.
21 A. That's okay. We're still a year
22 later in discussions with them, we still did
23 in the AirNet.
24 Q. In November 2nd of 2006, which
25 corresponds to this date, a press release,

1
2 from the Gallery Collection?
3 A. They were a framing company across
4 the street from our building, and I believe
5 we had a racing car that someone had given
6 us, a painting, and we framed it.
7 Q. Have you prepared any kind of list
8 of the art that you and your wife own?
9 A. No.
10 Q. Do you still own several original
11 pieces of art?
12 A. Only gallery pieces. I know that
13 I've had a couple of people look at them, and
14 I don't have much hope of it being worth a
15 great deal of money, but I do have some
16 original oils, but you can buy that in any
17 gallery.
18 Q. Do you still own the Steinway
19 piano?
20 A. No, ma'am.
21 Q. Did you at one time own a Steinway
22 piano?
23 A. No, ma'am. I tried to buy one for
24 my Toscano apartment, I put a deposit down,
25 but then I couldn't complete it.

1
 2 Q. Then was the deposit returned?
 3 A. No, ma'am. Matter of fact, I was
 4 sued for the balance of the piano in the last
 5 two months.
 6 Q. And that deposit was roughly
 7 \$10,000?
 8 A. Yes, ma'am.
 9 Q. Mr. Altomare, since September 1st
 10 of 2007, have you been employed as a
 11 consultant in any business ventures?
 12 A. No, ma'am.
 13 Q. Have you owned any interest in a
 14 company, a corporation?
 15 A. Not at this time, no, ma'am.
 16 Q. The time frame I would like to talk
 17 about is from September 1, 2007 until today's
 18 date.
 19 A. Yes.
 20 Q. During that time period, did you
 21 own any interest in a corporation other than
 22 Universal Express?
 23 A. No, ma'am.
 24 Q. Have you heard of a company called
 25 Encore Holdings?

1
 2 A. Encore Holdings, yes.
 3 Q. How do you know of that company?
 4 A. Well, my wife is the president and
 5 I have been trying to get it started, but I
 6 haven't been able to do anything yet. It's
 7 just a name.
 8 Q. Is it incorporated somewhere?
 9 A. I think Delaware.
 10 Q. Who did the incorporation?
 11 A. I think it was done on the
 12 internet, but I would have to check. Maybe
 13 Mr. Gunderson.
 14 Q. Did you ask Mr. Gunderson to do
 15 that?
 16 A. I think Barbara asked Mr. Gunderson
 17 to do that.
 18 Q. Who paid for the incorporation?
 19 A. Barbara.
 20 Q. Is it a Swiss corporation?
 21 A. No. We would like it to be a Swiss
 22 corporation.
 23 MR. TIFFORD: Listen to the
 24 question.
 25 THE WITNESS: Sorry.

1
 2 MR. TIFFORD: Listen to the
 3 question. All you have to do is answer
 4 the question.
 5 THE WITNESS: Sorry.
 6 MS. HUGHES: I would like the court
 7 reporter to mark this as Exhibit 42.
 8 (Plaintiff's Exhibit 42, letter
 9 from Prime Office Centers and a business
 10 identity agreement, marked for
 11 identification, as of this date.)
 12 Q. Mr. Altomare, there is no reason
 13 for you to have seen the first letter. This
 14 just shows we got these documents from a
 15 company called Prime Office Centers here in
 16 New York.
 17 A. Yes, ma'am.
 18 Q. The second page is a business
 19 identity agreement. Does your signature
 20 appear on page 2 of Exhibit 42?
 21 A. Yes, ma'am.
 22 Q. And why did you sign this
 23 agreement?
 24 A. Because we needed to have a place
 25 to begin our new business.

1
 2 Q. The third page of Exhibit 42, there
 3 is some handwriting on that, "Application For
 4 Delivery of Mail." Do you recognize the
 5 handwriting on that page?
 6 A. It looks like Mr. Gunderson's
 7 handwriting.
 8 Q. Do recognize his signature in the
 9 lower right-hand corner?
 10 A. Yes, ma'am.
 11 Q. This document is dated November 21,
 12 2007. Is that roughly the time frame when
 13 you began operating Encore Holdings, Inc.?
 14 A. When we started to try to get
 15 started, yes.
 16 Q. Was Encore Holdings incorporated
 17 roughly in November of 2007?
 18 A. It had to have been incorporated
 19 before we began.
 20 Q. I am trying to have a sense, did it
 21 happen in 2003 or 2007?
 22 A. No. It certainly happened when we
 23 found ourselves having to start our business
 24 life over again.
 25 Q. The company who rents this virtual

1
2 office to Encore Holdings, Inc. sent a series
3 of three checks, which are at the last page
4 of Exhibit 42. Do you know why Mr. Gunderson
5 is paying the expenses for the rental on this
6 office space?

7 A. One of the reasons would be, I
8 don't have the money. Number two would be
9 he's here in New York, and he believes in our
10 future, trying to start again. But I can't
11 answer that. I just know I can't afford to
12 pay it.

13 Q. What, if any, kind of business
14 opportunities has Encore Holdings pursued?

15 A. Pursued trying to buy companies and
16 get ourselves going again, but in the past 56
17 days, nothing.

18 Q. What companies has Encore Holdings
19 tried to buy?

20 A. Different types of ecological
21 companies, different types of companies of
22 interests that were available for us to try
23 to raise the money to purchase. Obviously,
24 we can't do it here in the United States if
25 it were public. We'd have to stay private.

1
2 MS. HUGHES: I will have the court
3 reporter mark this as Exhibit 43.

4 (Plaintiff's Exhibit 43, Exhibit B
5 to the receiver's report, marked for
6 identification, as of this date.)

7 MR. TIFFORD: Let me talk to you a
8 minute before any question is asked about
9 that. Which is your good ear?

10 THE WITNESS: My good ear is this
11 ear (indicating).

12 (Witness confers with counsel.)

13 MR. TIFFORD: Is this my copy?

14 MS. HUGHES: Yes, it is.

15 A. May I see the rest of the pages? I
16 see here only one page. I don't know what
17 the first page is.

18 Q. The very first page, if you look at
19 the top, this is page 2 of 2, is Exhibit B to
20 the receiver's report that was filed earlier
21 this week.

22 A. Yeah.

23 Q. This is the only document that she
24 gave us.

25 A. Yeah.

1
2 Or we could -- basically stay private, I
3 guess.

4 Q. Do you remember the names of any of
5 the companies that you dealt with?

6 A. Not -- I am sure that -- no, not at
7 this time. I dealt with a few business
8 brokers, but I don't recall the names of them
9 from here.

10 Q. Did you ask Michael Xirinachs,
11 X-I-R-I-N-A-C-H-S, to invest in any
12 opportunity with Encore Holdings, Inc.?

13 A. I've asked a lot of people to
14 invest. I don't recall specifically if I
15 asked Michael or not. But I have no problem
16 asking people to invest in future businesses.

17 Q. Is one of the companies that you
18 were pursuing called SkyPostal?

19 A. Yes, we were trying to, but they
20 were bought by someone else.

21 Q. Were you attempting to raise money
22 for Encore Holdings through Mr. Garrahan?

23 A. I don't believe that I would have
24 ever asked Mr. Garrahan for money, but I
25 don't -- I don't believe so.

1
2 Q. So I don't know if there was a
3 prior page or a subsequent page. This is all
4 I have.

5 A. I don't recall -- I certainly -- I
6 wrote this, but I -- I don't recall in what
7 context this came. This was what we needed,
8 and we were trying to get the money and we
9 couldn't. That's about all I remember. And
10 I don't know if -- how -- it's not concluded.
11 I just don't see the next page, you know; in
12 other words, I don't see the signatory. I
13 don't know what else was said here, so I
14 don't know what to say regarding it.

15 Q. Perhaps I could ask you a few
16 questions. At the bottom of this page, if
17 you turn it upside down, there is part of a
18 fax line, which is -- the top is cut off, but
19 I believe it says DEC 21, '07.

20 A. I don't -- I think that is maybe
21 where the exhibit is marked.

22 Q. (Indicating.)

23 A. I don't know what that means.

24 Q. Did you send a fax of this document
25 to Mr. Garrahan on or about December 21,

1
2 2007?
3 A. No, I don't believe so.
4 Q. This is your handwriting?
5 A. That is definitely my handwriting.
6 Q. Do you know anyone else named Joe
7 to whom you wrote about Encore Holdings?
8 A. Yes, but I don't -- I can't say
9 that this was Joe Garrahan.
10 Q. Can you explain any other reason
11 why Mr. Garrahan possessed this letter?
12 A. No, I don't see -- and I don't have
13 a problem that he does possess it. It's just
14 a problem that I don't see the rest of it. I
15 would like to see what -- it's just the
16 beginning here and I don't see what follows.
17 Q. Nor do I.
18 A. There has to be more than this. I
19 just don't stop in the middle of a sentence.
20 Q. At this point in December of 2007,
21 was Encore Holdings located at 44 Wall Street
22 in New York City?
23 A. Yes.
24 Q. Had they signed a letter of intent
25 to purchase 60 percent of Hook SkyPostal,

1
2 Inc., located in Miami, Florida?
3 A. Yes, based upon our ability to
4 raise the money, yes.
5 Q. The terms of the agreement were
6 basically you were to infuse capital of \$6
7 million?
8 A. Well, we had to find \$6 million,
9 yes.
10 Q. In exchange for that, you were to
11 receive 12 million shares?
12 MR. TIFFFORD: Or 60 percent.
13 A. Or 60 percent.
14 Q. And that event triggered, or would
15 occur, the delivery of the shares, when you
16 pay \$3 million?
17 A. Yes. And we couldn't find the
18 investors.
19 Q. And 750,000 is due --
20 A. Was due.
21 Q. Was due?
22 MR. TIFFFORD: No, is due at
23 contract.
24 A. Is due at contract, yeah.
25 MR. TIFFFORD: If we're beating it,

1
2 the verb is in the present conjugation,
3 is due at contract.
4 A. This was what we were trying to do
5 and we didn't succeed in doing it. But I
6 would like to see the rest of the document,
7 because I don't know -- you know, I can't
8 make an evaluation on the fact that we're
9 trying to get going.
10 Q. The last sentence talks about "I
11 would like to have as much of January to pay
12 the" -- I think it says "initial \$750,000 and
13 to get my public vehicle trading." Where
14 were you going to get the vehicle trading at?
15 A. If we had been successful in
16 purchasing it, we would have gone either to
17 England or to Germany to try to list it.
18 Q. Is there anyone aside from you,
19 your wife and Mr. Gunderson who are involved
20 in Encore Holdings, Inc.?
21 A. No, we haven't gotten it started
22 yet. It's just an idea and a hope.
23 MS. HUGHES: I ask you to mark this
24 as Exhibit 44.
25 (Plaintiff's Exhibit 44, document

1
2 with the first page being an e-mail from
3 Richard Altomare on or about January 1,
4 2008 to Michael Xirinachs, and the last
5 page Bates numbered E 0000782, marked for
6 identification, as of this date.)
7 Q. Mr. Altomare, if you would quickly
8 look to the last page, what is the Bates
9 number on it?
10 A. Bates number on the last page?
11 THE WITNESS: Could you read that?
12 MR. TIFFFORD: One second. It's
13 E 0000782.
14 Q. Mr. Altomare, did you have an
15 e-mail address at RAAltomare@Yahoo.com?
16 A. I still do.
17 Q. Did you send this e-mail that's the
18 first page of Exhibit 44 on or about
19 January 1, 2008 to Michael Xirinachs?
20 A. Yes, I did.
21 Q. "The foreign Swiss company that
22 will be trading on two European exchanges,"
23 what company are you referring to?
24 A. Well, we had hoped that we could
25 bring Encore, once we had acquired a

1
2 business, onto the exchanges, which we
3 haven't done yet.
4 Q. Why do you call it a Swiss company?
5 A. Well, because it would be a Swiss
6 company. We would want it there first,
7 because a Swiss company could be accepted by
8 the German and the London exchanges faster
9 than if we went through the processes of
10 going through both of them separately. We
11 don't have it purchased yet, but it's a shell
12 that we're hoping to purchase once we have a
13 business to put into it. But we have neither
14 the business nor the investors yet.
15 Q. When you indicate that you will
16 follow this e-mail with one of the
17 to-be-acquired entities' business plan, did
18 you subsequently send the SkyPostal business
19 plan?
20 A. Yes, ma'am.
21 Q. And that follows in Exhibit 44 at
22 Bates number E 794?
23 A. Yes, ma'am.
24 Q. At the very end of this document,
25 starting at Bates number E 815, there is a

1
2 letter of intent.
3 A. Yes, ma'am.
4 Q. Did you ever sign the letter of
5 intent on behalf of Encore Holdings?
6 A. I believe Barbara signed it on
7 behalf of Encore Holdings.
8 Q. Because the copy we have here isn't
9 signed.
10 A. I see that. Yeah, yeah. But we
11 have a signed copy with them. Unfortunately,
12 we then have a document where they terminated
13 it, because we didn't -- you know, we weren't
14 able to fund it.
15 Q. On the internet we found a press
16 release that indicated Omega United, Inc.
17 acquired SkyPostal, and I don't have the
18 date.
19 A. No, I do know that it did occur.
20 Q. Do you have any interest in Omega
21 United, Inc.?
22 A. No, ma'am.
23 MR. TIFFORD: When you finish
24 writing your note, I would like to ask
25 you a question about the Bates numbered

1
2 pages comprising Exhibit 44.
3 MS. HUGHES: Yes.
4 MR. TIFFORD: Does it start with
5 E 782 or 793?
6 MS. HUGHES: I think 793.
7 MR. TIFFORD: Did you mean to give
8 me 782?
9 MS. HUGHES: No, although I'll look
10 at it for a moment and see whether we'll
11 talk about it in another context.
12 MR. TIFFORD: The only reason I
13 asked, if it was inadvertently included
14 on your extra copy that you gave me of
15 44, I don't want --
16 MS. HUGHES: It is inadvertently
17 included.
18 MR. TIFFORD: Okay.
19 Q. Mr. Altomare, we obtained some
20 e-mails that were sent to you by Brian
21 Altomare at Gmail.com. There is one dated
22 February 20, 2008.
23 (Witness confers with counsel.)
24 MR. TIFFORD: No.
25 A. Okay, yes, ma'am.

1
2 Q. It indicates here that he's wanting
3 for you to look at something called College
4 Socket PP. What is that?
5 A. Brian has been writing some
6 different business plans because he'd like to
7 go on with his life, and he had created, as
8 he created Mad Packers, another company
9 called College Socket, which I believe, as I
10 previously testified, was the company that
11 dealt with, I thought either European
12 delivery or it had to do with communications
13 amongst the colleges in the form of a
14 newspaper, but I have...
15 THE WITNESS: My son's --
16 MR. TIFFORD: I'll talk to you
17 later.
18 Q. This was the e-mail I was just
19 referring to, Bates number E 822.
20 MS. HUGHES: Could you please mark
21 Exhibit 45.
22 (Plaintiff's Exhibit 45, e-mail
23 Richard Altomare received from his son
24 Brian, marked for identification, as of
25 this date.)

1
 2 Q. Mr. Altomare, I just wanted to
 3 confirm that this was the e-mail that you had
 4 received from your son.
 5 A. Yes, no problem.
 6 MS. HUGHES: Let me mark this as
 7 Exhibit 46.
 8 (Plaintiff's Exhibit 46, document
 9 prepared by Mr. Gunderson and given to
 10 Mr. Xirinachs, marked for identification,
 11 as of this date.)
 12 Q. Mr. Altomare, have you seen Exhibit
 13 46?
 14 A. Yes, I have.
 15 Q. Who prepared that document?
 16 A. Mr. Gunderson.
 17 Q. Have you given it to anyone, in
 18 addition to Mr. Xirinachs, who we received it
 19 from?
 20 A. No, ma'am. He was the first -- you
 21 know what, I can't recall if I sent it to
 22 anyone else, but my instincts are that I just
 23 sent it to Mike because he was an old friend
 24 and I thought he might be interested in
 25 getting this new company started with us.

1
 2 Q. Do you know who are the investors
 3 that he works with?
 4 A. No, ma'am. I know they're in
 5 England, but that's all I know.
 6 Q. Does he have a hedge fund that he
 7 invests on behalf of?
 8 A. I believe he does.
 9 Q. Have you ever had a bank account in
 10 Switzerland?
 11 A. No, ma'am.
 12 Q. On May 15, 2003 Universal Express
 13 wired \$25,000 to Coutts, C-O-U-T-T-S, Bank in
 14 Switzerland, and then on June 25, 2003 the
 15 second wire of \$25,000 to Coutts Bank in
 16 Switzerland.
 17 A. If you have any support or bank
 18 backup documents on that one, I am sure the
 19 receiver has them because that would have
 20 been in our corporate records, but I have no
 21 recall in 2003 of any bank -- again, we did
 22 business all over the place, so I can't tell
 23 you who and where that came from.
 24 Q. Those are simply notations that are
 25 made on the Universal Express bank account

1
 2 the wires out, so --
 3 A. I don't know.
 4 Q. Mr. Altomare, are there any assets
 5 that you have that you have not told us
 6 about?
 7 A. No, ma'am.
 8 Q. Is there anyone who owes you money
 9 that you have not told us about?
 10 A. No, ma'am.
 11 MR. TIFFFORD: Is the word "you,"
 12 Y-O-U, individual to Mr. Altomare --
 13 MS. HUGHES: Yes.
 14 MR. TIFFFORD: -- as opposed to
 15 Universal Express, because the pronoun
 16 has been used interchangeably in the
 17 deposition, but this question is limited
 18 to Mr. Altomare personally?
 19 MS. HUGHES: Yes.
 20 A. No, ma'am.
 21 Q. Does anyone hold cash or assets on
 22 your behalf?
 23 A. No, ma'am.
 24 MS. HUGHES: Mr. Altomare, I don't
 25 have any further questions at this time.

1
 2 Mr. Tifford may have cross-examination.
 3 MR. TIFFFORD: I don't. Thank you.
 4 The few areas I thought I should act on,
 5 I did during the depo for clarity
 6 purposes, and you were kind enough to let
 7 me ask those questions out of turn, for
 8 which I again thank you.
 9 Let me say that in the deposition,
 10 as Mr. Altomare's attorney, I will look
 11 to investigate the few points about which
 12 we spoke during the deposition to try and
 13 track down some of the documents which
 14 were the subject of those limited
 15 discussions. If other documents are
 16 discovered along the way, I'll
 17 supplement.
 18 RQ MS. HUGHES: Along those lines, if
 19 I could request the document that shows
 20 the termination of the deal with Encore,
 21 between Encore and Skynet.
 22 THE WITNESS: No problem. You
 23 could get that directly from Skynet.
 24 It's right there in Miami. Albert
 25 Hernandez sent it to me, sure.

1
 2 MS. HUGHES: Let's go off the
 3 record. Let's not close it yet, but
 4 let's go off the record.
 5 (Discussion off the record.)
 6 MS. HUGHES: We're going to close
 7 it. We're not going to go back on the
 8 record.
 9 (Time noted: 4:42 p.m.)

10 _____
 11 RICHARD ALTOMARE

12
 13 Subscribed and sworn to before me
 14 this ____ day of _____, 200__.

15 _____
 16
 17
 18
 19
 20
 21
 22
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 25

1
 2 CERTIFICATE
 3 STATE OF NEW YORK)
 4 : ss.
 5 COUNTY OF NEW YORK)
 6
 7 I, THERESA TRAMONDO, a Notary
 8 Public within and for the State of New
 9 York, do hereby certify:
 10 That RICHARD ALTOMARE, the witness
 11 whose deposition is hereinbefore set
 12 forth, was duly sworn by me and that such
 13 deposition is a true record of the
 14 testimony given by the witness.
 15 I further certify that I am not
 16 related to any of the parties to this
 17 action by blood or marriage, and that I
 18 am in no way interested in the outcome of
 19 this matter.
 20 IN WITNESS WHEREOF, I have hereunto
 21 set my hand this 29th day of June, 2008.

22
 23 _____
 24 THERESA TRAMONDO
 25

1
 2 ----- I N D E X -----
 3 WITNESS EXAMINATION BY PAGE
 4 RICHARD ALTOMARE MS. HUGHES 5, 137
 5 MR. SCHOEPPL 111
 6
 7 ----- INFORMATION REQUESTS -----
 8 REQUESTS: 76, 111, 184
 9
 10 ----- EXHIBITS -----
 11 FOR ID.
 12
 13 PLAINTIFF'S EXHIBITS
 14
 15 Exhibit 1 December 6, 2006 check on the 19
 16 account of Premiere Estate
 17 Properties, Inc., payable to
 18 Richard and Barbara Altomare
 19 in the amount of \$100,000
 20 Exhibit 2 settlement dated November 3, 23
 21 2006 regarding the Toscano
 22 West condominium
 23 Exhibit 3 document regarding Pamela A. 29
 24 Altomare
 25 Exhibit 4 June 8, 2006 check drawn on 30

1 Richard Altomare's Wachovia
 2 account 5480, in the amount
 3 of \$5,000, to the NRCC,
 4 Bates number RAA-1765
 5 Exhibit 5 June 4, 2006 check, number 31
 6 3593, to the National Flood
 7 Service, signed by Barbara
 8 Altomare, Bates number RAA-1772
 9
 10 Exhibit 6 July 28, 2006 check drawn on 32
 11 Richard Altomare's Wachovia
 12 account number 5480, to
 13 National Building Inspection
 14 in the amount of \$625
 15 Exhibit 7 check drawn on Richard 33
 16 Altomare's Wachovia account
 17 dated September 11, 2006, to
 18 Fifth Avenue Building Inspections,
 19 in the amount of \$500
 20 Exhibit 8 March 13, 2006 check drawn on 34
 21 Richard Altomare's Wachovia
 22 account number 5480, check number
 23 3298 in the amount of \$1,296
 24 Exhibit 9 series of two checks, a 35
 25 deposit item and a third check

1	Exhibit 10	March 10, 2006 check drawn	41
2		on Richard Altomare's Wachovia	
3		account 5480, to Coldwell	
4		Banker for \$1,000, Bates number	
5		RAA-1518	
6	Exhibit 11	Compupay printouts of the	43
7		payroll accounts for Richard	
8		Altomare and Barbara Altomare	
9	Exhibit 12	summary of deposits into	48
10		Wachovia account 5480	
11			
12	Exhibit 13	press release titled	50
13		"Universal Express Received	
14		Saudi Investments," dated 24	
15		February 2006	
16			
17	Exhibit 14	February 22, 2006 Business	56
18		Wire report entitled "Universal	
19		Express Signs New Dubai	
20		Agreement,"	
21			
22	Exhibit 15	May 15, 2008 printout from the	58
23		website of Universal Express	
24			
25	Exhibit 16	stock purchase agreement dated	59

1		December 19, 2001	
2			
3	Exhibit 17	printout of a Form 4 showing	62
4		Richard A. Altomare acquired	
5		16,300,000 shares on 12/20/2001,	
6		Oriental New Investments, Ltd.	
7			
8	Exhibit 18	series of payments from	65
9		Wachovia account 5480	
10			
11	Exhibit 19	check dated October 7, 2006	66
12		drawn on the Wachovia account,	
13		payable to Braman Motors in	
14		the amount of \$3,595.98,	
15		Bates number RAA-1961	
16			
17	Exhibit 20	check on the Wachovia account	67
18		dated March 13, 2006, payable	
19		to Chase Auto Finance for	
20		\$1,777.74, and a summary of	
21		a series of payments made to	
22		Chase Auto Finance during 2006	
23			
24	Exhibit 21	series of statements for	68
25		Universal Express credit card	

1		4259 first on MBNA, then on the	
2		Bank of America, Bates numbers,	
3		U 50079 through 50086, then 50088,	
4		'89, 50097 and 50099	
5			
6	Exhibit 22	statements for MBNA account	75
7		7105, later Bank of America,	
8		Bates numbers 50108 through	
9		50114	
10			
11	Exhibit 23	check from Gail Samuels	82
12			
13	Exhibit 24	two checks payable to Wexler	83
14		Insurance Company, from	
15		Wachovia account 5480, Bates	
16		number RAA-0661 and 0742	
17			
18	Exhibit 25	copy of a May 26, 2006 check	85
19		on Wachovia account 5480,	
20		Bates number RAA-1741, payable	
21		to Gueits, Adams & Dolfi,	
22		in the amount of \$9,533.69	
23			
24	Exhibit 26	monthly checks to Chubb for	87
25		\$179	

1	Exhibit 27	February 25, 2006 check drawn	87
2		on Wachovia account 5480,	
3		payable to First Colony Life	
4		Insurance Company in the amount	
5		of \$1,857.63	
6			
7	Exhibit 28	summary of checks drawn on	91
8		Wachovia account 5480 and	
9		payable to the Weinstein Design	
10		Group	
11			
12	Exhibit 29	check to Deacon SSC	93
13			
14	Exhibit 30	two checks, one dated August 2,	95
15		2006, the second dated August	
16		4, 2006, both drawn on Wachovia	
17		account 5480, to Miki SRL, each	
18		in the amount of \$10,000	
19			
20	Exhibit 31	two checks drawn on Wachovia	96
21		account 5480, both dated August	
22		2, 2006, one in the amount of	
23		\$9,000, the second in the amount	
24		of \$8,280, Bates numbers	
25		RAA-1860 and 1861	

1 Exhibit 32 check dated August 5, 2006 97
 2 drawn on Wachovia account 5480
 3 in the amount of \$10,000, written
 4 to cash, Bates number RAA-1892
 5
 6 Exhibit 33 check dated August 6, 2006 99
 7 drawn on Wachovia account 5480,
 8 in the amount of \$5,000, Bates
 9 number RAA-1913, made out to
 10 "Bearer,"
 11
 12 Exhibit 34 check dated August 18, 2006, 100
 13 made out to Paola Zoccai SRL,
 14 drawn on Wachovia account 5480,
 15 Bates number RAA-1869
 16
 17 Exhibit 35 check drawn on Wachovia 101
 18 account 5480, dated June 15,
 19 2006, payable to Chopard,
 20 C-H-O-P-A-R-D, in the amount
 21 of \$12,923.08
 22
 23 Exhibit 36 two checks, one dated January 103
 24 25th and the second dated
 25 February 16th of 2006, both drawn

1 on Wachovia account 5480,
 2 payable to Mayor's, the first
 3 in the amount of \$2,000, the
 4 second in the amount of \$2,313.25
 5
 6 Exhibit 37 one-page Bank of America 104
 7 Platinum Plus credit card
 8 statement
 9
 10 Exhibit 38 August 15, 2006 statement from 106
 11 the Wachovia equity account
 12 4286, Bates number U 5
 13
 14 Exhibit 39 May 7, 2007 check paying for 107
 15 the 2006 taxes, dated 5/7/07
 16
 17 ESTATE'S EXHIBITS
 18
 19 Exhibit 40 list of items of jewelry sold 124
 20 to The Estate Department,
 21 Bates numbers TED 34 through 38
 22
 23 Exhibit 41 list of four jewelry items 124
 24 sold to The Estate Department,
 25 Bates number TED 33

1 PLAINTIFF'S EXHIBITS
 2
 3 Exhibit 42 letter from Prime Office 167
 4 Centers and a business
 5 identity agreement
 6
 7 Exhibit 43 Exhibit B to the receiver's 171
 8 report
 9
 10 Exhibit 44 document with the first page 175
 11 being an e-mail from Richard
 12 Altomare on or about January 1,
 13 2008 to Michael Xirinachs,
 14 and the last page Bates
 15 numbered E 0000782
 16
 17 Exhibit 45 e-mail Richard Altomare 180
 18 received from his son Brian
 19
 20 Exhibit 46 document prepared by Mr. 181
 21 Gunderson and given to
 22 Mr. Xirinachs
 23
 24 (EXHIBITS ATTACHED.)
 25

1
 2 *** ERRATA SHEET ***
 3
 4
 5 NAME OF CASE: SEC VS. UNIVERSAL
 6 DATE OF DEPOSITION: JUNE 26, 2008
 7 NAME OF WITNESS: RICHARD ALTOMARE
 8 PAGE LINE FROM TO
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21 RICHARD ALTOMARE
 22 Subscribed and sworn to before me
 23 this ___ day of _____, 200__.
 24
 25 (Notary Public) My Commission Expires: