

1 Q. Okay.
2 Was that an interest you owned personally?
3 A. I can't remember how I held it.
4 Q. Do you currently have any interest in Mad
5 Wagon?
6 A. No.
7 Q. Is it still in business?
8 A. I have no idea.
9 Q. Have you been fully paid for your interest
10 in that entity?
11 A. I was at the time, yes.
12 Q. Are you familiar with an entity called Mad
13 Tracks Group, LLC?
14 A. I am.
15 Q. How are you familiar with that entity?
16 A. It was set up ten years ago.
17 Q. For what purpose?
18 A. Large bike transaction.
19 Q. Again, bicycle as opposed to motorcycle?
20 A. Correct.
21 Q. Did you have an ownership interest in that
22 entity?
23 A. I can't remember.
24 Q. What involvement did you have with that
25 entity?

1 A. I was trying to put together a large bike
2 acquisition.
3 Q. Did you succeed?
4 A. No.
5 Q. Did this company ever do any business?
6 A. No.
7 Q. Does it have any assets?
8 A. No.
9 Q. Is it still in business?
10 A. No.
11 Q. Is anybody owed any money?
12 A. No.
13 Q. Are you familiar with an entity called
14 Mark's BR, LLC?
15 A. Yes.
16 Q. How are you familiar with that entity?
17 A. It was set up -- I was anticipating --
18 considering buying, acquiring an airplane, and then I
19 never did.
20 Q. Did you have an ownership interest in that
21 entity?
22 A. I did.
23 Q. Is it still in existence?
24 A. No.
25 Q. What happened to it?

1 A. I never bought anything so it was set up
2 and nothing ever -- they never conducted business.
3 Q. Anybody owed any money?
4 A. No.
5 Q. Are you familiar with an entity called
6 V-Track Sports, LLC?
7 A. I am.
8 Q. How are you familiar with that entity?
9 A. I was a partner in it.
10 Q. Member?
11 A. Yes. I don't know how my interest was held
12 in it.
13 Q. What was its business?
14 A. Bicycles.
15 Q. Pardon?
16 A. Bicycles.
17 Q. Buy and sell bicycles?
18 A. It was going to manufacturer and sell
19 bicycles.
20 Q. Did it ever do any business?
21 A. Yes.
22 Q. Is it still in business?
23 A. No.
24 Q. What happened?
25 A. Well, actually, I don't know that answer.

1 I don't know if it's still in business.

2 Q. Did you sell your interest?

3 A. No. It was -- that was involved in an
4 ongoing litigation. A lender took the interest.

5 Q. So somebody foreclosed your interest?

6 A. They didn't technically foreclose. That's
7 why it's in litigation.

8 Q. Still?

9 A. No. It was. It's settled. Everyone
10 walked away.

11 Q. What do you mean, "everyone walked away"?

12 A. Both sides.

13 Q. So the company is still in business then?

14 A. No. I assume not.

15 Q. So what happened to your membership
16 interest in that entity?

17 A. Gone.

18 Q. Where did it go?

19 A. It's part of the -- it was before the
20 settlement. They had taken the interest and run the
21 companies. Maybe I'm misstating this. The companies
22 were gone, yes. I lost my interest to the lender.

23 Q. Okay.

24 So they didn't just walk away, they took
25 your interest?

1 A. Correct. So I think I'm misstating. My
2 interest was taken by the lender.

3 Q. Who was the lender?

4 A. I believe it was a company called MSF
5 Properties.

6 Q. Are you familiar with a -- do you know
7 of -- are you familiar with a company called James
8 Robbins Development Company, LLC?

9 A. No.

10 Q. Are you familiar with a company called Pure
11 Management, LLC?

12 A. Sounds familiar.

13 Q. Do you know anything about it?

14 A. I don't.

15 Q. Do you have an ownership interest in it?

16 A. I have no idea.

17 Q. Do you know what its business is?

18 A. I don't.

19 Q. Have you ever done business under that
20 name?

21 A. I don't believe so.

22 Q. Are you familiar with a company called
23 Platinum Properties, LLC?

24 A. Yes.

25 Q. How are you familiar with that entity?

1 A. It was set up a long, long time ago. We
2 were going try to start a business under it, I believe.
3 Q. Doing what?
4 A. Some type of development, I think. I can't
5 remember.
6 Q. Did you have an ownership interest in that
7 company?
8 A. I don't recall.
9 Q. Did it do any business?
10 A. I don't believe so.
11 Q. Does it -- is it owed any money?
12 A. No.
13 Q. Do you know who the other members in that
14 entity were?
15 A. I don't.
16 Q. Are you familiar with an entity known as M3
17 Enterprises, LLC?
18 A. I'm not.
19 Q. Are you familiar with an entity known as
20 Equity Amenity Group, LC?
21 A. That sounds familiar.
22 Q. Did you have an ownership in that entity?
23 A. I don't know.
24 Q. Do you know what the purpose for its
25 formation was?

1 A. I don't.

2 Q. Do you know whether it's owed any money?

3 A. I don't.

4 Q. Do you know whether it has done any
5 business?

6 A. I don't.

7 Q. Are you familiar with an entity called
8 P-Links 2004-SO2, LLC?

9 A. I am.

10 Q. How are you familiar with that entity?

11 A. That was an entity with a structured note
12 through AIP -- one of AIP's entities, I believe.

13 Q. What do you mean, "with a structured note"?

14 A. I believe there was some type of debt
15 structure or some type of securities created under
16 that.

17 Q. For what?

18 A. I can't remember specifically, but it was
19 set up for one of the purposes under AIP.

20 Q. So is it a subsidiary of AIP?

21 A. I believe so.

22 Q. Do you know what its business was?

23 A. I don't remember exactly.

24 Q. Did it loan money or did it borrow money?

25 A. I can't remember.

1 Q. Did it do anything, ever?

2 A. I think so.

3 Q. Do you know of any debts it has?

4 A. I don't, but I believe you would be able to
5 find that in the documents in the office.

6 Q. Do you believe it's owed any money?

7 A. I'm not sure.

8 Q. Are you familiar with an entity called
9 P-Links 2005-R08, LLC?

10 A. Not specifically. I just remember that
11 there were P-Links accounts -- I mean LLC's set up.

12 Q. What were they for?

13 A. Different transactions and stuff in AIP.

14 Q. Are they all AIP subsidiaries?

15 A. I think so.

16 Q. That would also include the P-Links
17 2004-R04, LLC?

18 A. I believe so.

19 Q. I'm having a hard time understanding your
20 explanation of the purpose for those entities. Can you
21 help me?

22 A. Sure. If I had a chance to go back and
23 refresh my memory on the books and look at what they
24 were, I'd be able to give you a lot better answer. But
25 AIP was set up and Jeff would set up all different

1 types of LLCs and stuff to do transactions, whether it
2 be a stock loan, a real estate -- any time AIP ever did
3 a transaction, Jeff would set up, you know, LLCs and
4 stuff like that.

5 Q. So was the purpose for this entity to make
6 a loan to somebody?

7 A. It might have been. I don't know
8 specifically what one you're talking about.

9 Q. Okay.

10 Well, I thought you told me that all the
11 Links entities had a similar kind of purpose.

12 A. I didn't say similar. I said they were set
13 up to do transactions.

14 Q. Let's talk about P-Links 2004-SO2, LLC.

15 A. Okay.

16 Q. Was it set up to loan money to somebody in
17 connection with a stock purchase?

18 A. I don't remember specifically, but it could
19 have been. This is to set up for stock lending.

20 MR. WRONA: Mark, I don't want you to
21 speculate. If you know, let him know what you know.
22 If you don't know, your answer is "I don't know."

23 BY MR. WAHLQUIST:

24 Q. Again, when you say stock lending, you mean
25 lending somebody else money with them pledging stock to

1 secure repayment?

2 A. Correct.

3 Q. Do you know whether that entity actually
4 made a loan to anybody?

5 A. I don't.

6 Q. But if they did, it would be your
7 understanding that it took back a security interest in
8 stock?

9 A. Sure.

10 Q. So it's possible that entity still has a
11 security interest in stock to secure repayment of some
12 loan that's out there?

13 A. I don't believe. I don't believe AIP had
14 any outstanding loans with anyone.

15 Q. That anybody owed AIP any money, is what
16 you're saying?

17 A. Correct.

18 Q. And that would include any loans that were
19 made through these P-Links entities?

20 A. Correct.

21 Q. So if they made any loans, you think they
22 all got paid back?

23 A. I do.

24 Q. Are you familiar with an entity known as
25 AIP Jets, LLC?

1 A. I am.

2 Q. And how are you familiar with that entity?

3 A. I think that was the LLC that owned the

4 airplane.

5 Q. Okay.

6 Does it have any other assets?

7 A. I don't think so.

8 Q. And the airplane is gone?

9 A. Correct.

10 Q. Does it owe any money?

11 A. I think so.

12 Q. Are you familiar with an entity known as

13 Wasatch Cycle, LLC?

14 A. I am.

15 Q. How are you familiar with that entity?

16 A. I was a member at one point.

17 Q. What was its business?

18 A. Bicycles.

19 Q. Manufacture or just sale?

20 A. Sale.

21 Q. So was it a wholesaler or retailer?

22 A. We would manufacture the bikes and

23 distribute them.

24 Q. You've given me three or four entities that

25 were involved in that kind of business. Why did you

1 have separate entities doing the same business?

2 A. There was different partners, different --

3 they were completely different companies doing

4 different things.

5 Q. Who else were the members in Wasatch

6 Cycling?

7 A. I don't recall because Wasatch Cycle

8 was foreclosed or whatever by that lender.

9 Q. By what lender?

10 A. The MSF.

11 Q. So the same lender that your other entity

12 had?

13 A. Correct.

14 Q. Is your interest -- so all the members lost

15 the ownership of Wasatch Cycle?

16 A. Correct.

17 Q. Was Mark Jensen a member of Wasatch Cycle

18 at some point?

19 A. I don't know. He was involved with MSF

20 Properties. I have no idea if he was an owner or what

21 his role was.

22 Q. He was involved with the lender?

23 A. Correct.

24 Q. So he wasn't a member of Wasatch Cycle?

25 A. Well, they took Wasatch Cycle, so I guess

1 I'm not understanding what you're asking me. Was he at
2 some point? I mean, I don't -- can you clarify?

3 Q. At the time the company was formed, you
4 have told me you were a member.

5 A. Correct.

6 Q. Who else were the members?

7 A. Mark was not, if that's what you're asking.

8 Q. Mark became involved by virtue of his
9 relationship or ownership or membership in MSF, the
10 lender?

11 A. Correct.

12 Q. But MSF loaned money to Wasatch Cycle?

13 A. Correct.

14 Q. And Wasatch Cycle defaulted on the
15 obligation?

16 A. I don't know if it was Wasatch Cycle. I
17 can't remember the entity that actually borrowed the
18 funds, but they -- he -- the company, MSF, foreclosed
19 on those entities.

20 Q. Did it foreclose on Wasatch Cycle?

21 A. Yes.

22 Q. And as a result, ownership of the company
23 was lost?

24 A. Correct.

25 Q. Do you have any residual interest in

1 Wasatch Cycle?
2 A. No.
3 Q. Do you know what Mark Jensen's relationship
4 is to MSF?
5 A. I don't.
6 Q. Did you know him prior to the foreclosure?
7 A. He lived in my neighborhood.
8 Q. Did you negotiate the loan with him that
9 was foreclosed?
10 A. Yes.
11 Q. What was the amount of the loan?
12 A. \$8 million.
13 Q. Where did the proceeds go?
14 A. The proceeds went into buying out partners.
15 Q. Partners of which entity?
16 A. Of Wasatch and V-Track Sports. And I
17 believe that -- no. That's it.
18 Q. And then you were unable to repay MSF?
19 A. Correct.
20 Q. And so was your ownership interest in
21 Wasatch Cycle and V-Tracks pledged to secure that loan?
22 A. Yes.
23 Q. So when it was foreclosed, you lost
24 ownership of both of those entities?
25 A. Correct.

1 Q. Are you familiar with an entity known as
2 Belagio, LLC?
3 A. Yes.
4 Q. How are you familiar with that entity?
5 A. I remember Jeff Jones set it up.
6 Q. For what purpose?
7 A. I can't remember. To own some type of
8 equity in something.
9 Q. Did it ever do any business?
10 A. I don't know.
11 Q. Were you a member in it?
12 A. I'm not sure.
13 Q. Does it have any assets?
14 A. I don't think so.
15 Q. Do you know whether anyone owes it any
16 money?
17 A. I don't.
18 Q. Are you familiar with an entity known as
19 Seven, LLC?
20 A. I am.
21 Q. This is the one we talked about a little
22 earlier; is that correct?
23 A. There was multiple Seven, LLCs, different
24 ones.
25 Q. There was apparently \$100,000 of the

1 Fairstar money that went to an entity called Seven,
2 LLC; is that right?

3 A. Correct, but I think there was like a
4 Delaware Seven, LC. I think there was a Utah -- I mean
5 a Utah LC. There's different ones I believe. Jeff
6 would know that.

7 Q. Which one received the hundred thousand
8 dollars?

9 A. I don't know.

10 Q. What was the business of Seven, LLC?

11 A. Which one?

12 Q. Start with the Delaware one.

13 A. I don't remember. Jeff set them up. I
14 can't remember what -- I assumed to hold equity
15 interest in companies.

16 Q. So you just thought Seven, LLC, was a
17 holding company?

18 A. Yes.

19 Q. The Delaware and the Utah Seven, LLCs?

20 A. I can't remember specifically what
21 Jeff's -- what he said the purpose is for.

22 Q. Do either of the Seven, LLCs have any
23 assets that you're aware of?

24 A. Not that I'm aware of. I don't know.

25 Q. Are either of them owed money?

1 A. I have no idea.

2 Q. Are you aware of an entity known as White

3 Water Seven Holdings, LLC?

4 A. Sounds familiar.

5 Q. It has to do with property in Draper.

6 A. Yes. I'm familiar with that.

7 Q. Okay.

8 Are you a member of White Water Seven?

9 A. I'm not sure if I'm a member of that one.

10 I know there was a couple of entities set up, White

11 Water something.

12 Q. Okay.

13 What was the purpose of those other

14 entities being set up?

15 A. We were going to do an acquisition out

16 on -- a development out in Draper.

17 Q. What kind of development?

18 A. A TOD, transit oriented development.

19 Q. Explain for us what that is.

20 A. It's a development that is developed on

21 some type of public transit with a mixed use of

22 commercial, residential or what have you.

23 Q. Did White Water ever acquire property for

24 that development?

25 A. I don't know if it did. I lost my interest

1 in whatever entity it was.

2 Q. How did you lose your interest in it?

3 A. Because I was not able to come up with the
4 money to go forward in the development. I was having
5 financial problems. And so the other individuals and
6 people --

7 Q. Did the deal without you?

8 A. Yes.

9 Q. So did White Water Seven ever do business
10 as far as you're aware?

11 A. Not that I'm aware of. I don't know. Jeff
12 would know the answer to that one. He was heavily
13 involved with that.

14 Q. Are you aware that the White Water Seven
15 issue got a lot of media attention in Salt Lake City?

16 A. Sure. I am.

17 Q. Did you have any involvement with the
18 negotiations with Terry Deihl (phonetic) relating to
19 that issues?

20 A. Terry Deihl was -- he was with UTA on it,
21 in the developer.

22 Q. Wasn't he also a -- getting a membership
23 interest in White Water Seven for his involvement with
24 that transaction?

25 A. Terry was involved with it. I don't know

1 exactly how he was going to have interest or what have
2 you. That was between him and UTA.

3 Q. So you deny he was receiving an interest in
4 White Water Seven?

5 A. No. I'm saying I don't know how he was
6 holding it or what he was doing.

7 Q. Well --

8 A. Michael Bodell was the developer that came
9 in.

10 Q. That was after it all fell apart with you;
11 right?

12 A. Sure. That's what I'm telling you.

13 Q. At the time you were dealing with Terry
14 Deihl, Terry Deihl was acting on behalf of UTA; right?

15 A. No. He was acting on both. He had made a
16 disclosure to UTA and was on the development side and
17 on the UTA side.

18 Q. Okay.
19 How do you know he made a disclosure to
20 UTA?

21 A. Because that's public knowledge.

22 Q. Have you seen a disclosure or heard a
23 disclosure?

24 A. They made a disclosure. I believe it was
25 at a Draper meeting, and I believe Bruce Jones has made

1 that disclosure as well, who is at UTA.

2 Q. Isn't that what gave rise to the media
3 attention, to the best of your knowledge?

4 A. I have no idea. I can't speculate on that.

5 Q. And does White Water Holdings have any
6 assets to the best of your knowledge?

7 A. I don't know.

8 Q. Do you know whether it's owed any money by
9 anybody?

10 A. I don't believe so.

11 Q. Do you think you still have a membership
12 interest in that entity?

13 A. I don't.

14 Q. Do you know whether it's done any business?

15 A. I don't.

16 Q. Are you familiar with an entity known as
17 Smart Hedge, LLC?

18 A. I am.

19 Q. How are you familiar with that entity?

20 A. That was an entity that we did some
21 business in.

22 Q. What was the business?

23 A. Creation of stock lending and stock related
24 type businesses, business stuff.

25 Q. Were you a member in Smart Hedge, LLC?

1 A. I'm not sure.

2 Q. Do you believe that either you were a
3 member or AIP was a member?

4 A. I don't know how Jeff set that up.

5 Q. Well, you oversaw its business, did you
6 not?

7 A. Yes. I don't know -- you asked me a
8 question and I don't know how ownership was set up in
9 that.

10 Q. During what period of time did you do
11 business as Smart Hedge?

12 A. Total speculation, but 2006, 2007, I think.
13 2000 -- I'm not sure.

14 Q. Is that entity still doing business?

15 A. I don't believe so.

16 Q. Why?

17 A. Because I -- I don't know why. I mean,
18 it's -- it was an LLC set up and as you can see, Jones
19 set up a lot of LLCs and would transfer stuff around.

20 Q. This is one of the few that apparently did
21 actual business; right?

22 A. What do you mean, "apparently a few"?

23 Q. We've gone through a lot of names and
24 either you don't know about them or a lot of them you
25 said didn't do any business. This is one that did do

1 business; right?

2 A. Yes. I believe it did.

3 Q. You spent some of your time working on the
4 business of Smart Hedge?

5 A. Correct. My answer was I don't know how
6 the ownership was set up in it.

7 Q. Okay.
8 Why did it cease doing business?

9 A. I don't know why it ceased doing business.
10 We were doing -- we would always -- AIP would always
11 work on different type projects and stuff. Just
12 because you cease doing business didn't mean -- it
13 meant maybe I was focused on something else.

14 Q. Did you ever sell Smart Hedge, LLC, to
15 somebody else?

16 A. I don't believe so. I don't know.

17 Q. Was it making any money?

18 A. I don't recall.

19 Q. Does it have any assets?

20 A. I don't know.

21 Q. Is anybody owed any money?

22 A. I don't know.

23 Q. Who was the prime -- who was the person
24 primarily overseeing its business?

25 A. Matt Tollis.

1 Q. When did Matt Tollis cease working with
2 Smart Hedge?

3 A. He was bought out, I believe that was 2007.

4 Q. Who bought him out?

5 A. I don't know if I would call it a buyout.
6 He was doing some stuff he shouldn't have done and so
7 he -- there was a settlement agreement reached for him
8 to exit AIP.

9 Q. Well, after he left, who managed the
10 business of Smart Hedge?

11 A. I don't think there was -- I don't know. I
12 suspect -- I'm speculating, but I don't think there was
13 much going on in there.

14 Q. Okay.

15 THE WITNESS: While you're collecting your
16 thoughts, can we take a quick bathroom break?

17 MR. WAHLQUIST: Sure.

18 MR. WRONA: Great. Off record.

19 (Recess taken.)

20 MR. WAHLQUIST: Back on the record.

21 BY MR. WAHLQUIST:

22 Q. In connection with Exhibit 1, you posted a
23 \$20,000 bond with the court; is that right?

24 A. Correct.

25 Q. And my recollection is that the check that

1 was deposited with the court came through Mr. Wrona's
2 trust account?

3 A. Correct.

4 Q. And I assume you provided the \$20,000 to
5 Mr. Wrona's -- Mr. Wrona for him, then, to deposit it
6 into his trust account?

7 A. I didn't, but somebody did.

8 Q. Where did those funds come from?

9 A. From an individual.

10 Q. Named?

11 THE WITNESS: Can I disclose that name? Is
12 that okay?

13 MR. WRONA: Yes.

14 THE WITNESS: Matt Gorelik.

15 BY MR. WAHLQUIST:

16 Q. How is his last name spelled?

17 A. G-O-R-E-L-I-K.

18 Q. Did he loan you those funds?

19 A. He put them up as a -- to help me get here.

20 They're not my -- it's not my funds.

21 Q. Help me understand whose money it is.

22 A. It's his.

23 Q. So --

24 A. I was going to go to a bail bondsman and he
25 said that he would act as the bondsman and put it up

1 for me to show up.

2 Q. Okay.

3 Have you signed any notes or any other
4 documents in connection with that transaction?

5 A. No.

6 Q. Are you familiar with an entity known as
7 Talisker Canyons Acquisition Company, LLC?

8 A. Yes.

9 Q. How are you familiar with that entity?

10 A. I was the -- it was the entity -- I believe
11 that was the entity that was created to acquire the
12 different assets at The Canyons.

13 Q. The Canyons Ski Resort near Park City?

14 A. Yes.

15 Q. Who set that entity up?

16 A. I don't recall. I don't know if Jeff Jones
17 did or who specifically set it up.

18 Q. Okay.

19 (Exhibit 19 marked.)

20 BY MR. WAHLQUIST:

21 Q. I hand you a document that's been marked as
22 Exhibit 19. Can you confirm that the signature on the
23 last page over the typewritten name Mark Robbins is
24 your signature?

25 A. (Witness reviews document.) I believe so.

1 Q. Do you recognize the signature signing for
2 Talisker Canyons Acquisition Company, LLC?
3 A. I don't know how he signs his name.
4 Q. Who is that?
5 A. Jack Bistricer.
6 Q. Do you believe this is Mr. Bistricer's
7 signature?
8 A. I do.
9 Q. Were you present when he signed it?
10 A. I was not.
11 Q. Okay.
12 Do you know -- this document seems to
13 contemplate the creation of a company called Canyons
14 Acquisition Company, LLC?
15 A. Correct.
16 Q. Do you know whether that company was ever
17 formed?
18 A. I don't know.
19 Q. Did you understand that you would have a
20 ten percent interest in that company under this
21 agreement?
22 A. Yes.
23 Q. And were the purposes to the formation of
24 that company those that are stated in paragraph 3 on
25 the first page of Exhibit 19?

1 A. Correct.

2 Q. And I notice under paragraph 4 the certain

3 funding of Talisker Canyons Acquisition Company was

4 supposed to make?

5 A. Correct.

6 Q. The first of those was to be on the date of

7 the agreement, June 22nd, 2007, in the amount of

8 5,750,000, to be wired to Durham Jones Trust Account?

9 A. Correct.

10 Q. Do you know whether that was done?

11 A. Yes, it was.

12 Q. And then turning to the second page, it

13 indicates that on or before July 20, 2007, the --

14 A. Can I ask a question?

15 Q. Sure.

16 A. Just related to The Canyons, and I'm under

17 a confidentiality and protective order, am I okay --

18 MR. WRONA: Hold on here. That's a

19 question you should ask me. We're going to go off the

20 record and step outside.

21 (Discussion off the record.)

22 MR. WAHLQUIST: Back on the record.

23 BY MR. WAHLQUIST:

24 Q. You've expressed some concern with respect

25 to confidentiality agreements. One of those that

1 you've referenced is, I think, a settlement that you
2 did with respect to some litigation against Wolf
3 Mountain. Anyway, I can represent to you that your
4 responding to my questions will not be deemed to be a
5 violation of that.

6 We haven't pulled the agreement out. I
7 think it's probably limited to the terms of the
8 settlement. I'm not going to ask you anything about
9 the terms of that settlement.

10 A. Okay.

11 Q. So let me ask you, direct your attention
12 again to the second page of Exhibit 19.

13 A. (Witness reviews document.)

14 Q. It indicates that, "On or before July 20th,
15 2007, that the Company shall pay to the former members
16 of Peninsula the total amount \$9,250,000."

17 Do you see that?

18 A. I do.

19 Q. Now, the Company as defined here was
20 Canyons Acquisition Company, LLC. You said you didn't
21 know whether that was ever formed; is that right?

22 A. Correct.

23 Q. Do you know whether that payment was ever
24 made?

25 A. Yes, it was.

1 Q. Who was it paid to?

2 A. I don't recall specifically. I know it was
3 sent to Durham Jones Trust.

4 Q. Was that second payment \$9,250,000?

5 A. Yes.

6 Q. Do you know what the \$5,750,000 in the
7 initial payment was used for?

8 A. No. I mean, I don't know what it was used
9 for.

10 Q. Was this -- this money was to be paid into
11 the trust account for the benefit of whom?

12 A. I assume the benefit of me.

13 Q. As an individual?

14 A. I believe so.

15 Q. Okay.

16 And the 9,250,000 was also put into the
17 trust account for the purpose of buying out the other
18 membership interests in Peninsula?

19 A. There was a payment made to me of which I
20 was buying out my partners.

21 Q. You were supposed to use those funds to buy
22 out your partners?

23 A. I believe so, yes.

24 Q. In fact, up at the top it said actually
25 that the company was going to pay the former members of

1 Peninsula that amount. Isn't that what it says?
2 A. (Witness reviews document.) Correct.
3 Q. But in fact, the money was sent to Durham
4 Jones Trust Account for you to use to buy out those
5 members; right?
6 A. I believe so.
7 Q. How many members were there that you bought
8 out?
9 A. There were two members.
10 Q. Who were they?
11 A. I believe. I can't remember the names of
12 them, but I know the individual that controlled them.
13 Q. Okay.
14 Tell me those names.
15 A. Stewart Paperin, P-A-P-E-R-I-N.
16 Q. Who's the other one?
17 A. And then the other one was a trust, and the
18 individual that was directing or that I was working
19 with on it is Ed Davies.
20 Q. Okay.
21 Did Steve Norris have any interest?
22 A. No.
23 Q. Okay.
24 Did you buy out Stewart Paperin's interest?
25 A. Yes.

1 Q. How much did you pay him?
2 A. I don't recall.
3 Q. Did you buy out Ed Davies's interest?
4 A. Yes.
5 Q. How much did you pay him?
6 A. I can't remember what the split was. It
7 was more heavily weighted, a lot more towards Ed, their
8 side. I can get you the exact numbers.
9 Q. Well, I think I've seen the numbers before.
10 Isn't it true that you paid one of them about a hundred
11 thousand dollars for their interest?
12 A. No.
13 Q. Isn't it true you paid the other one about
14 300,000 for their interest?
15 A. No. Definitely not.
16 Q. It didn't cost you \$9,250,000 to buy out
17 their interest, did it?
18 A. Yeah. It cost -- well, you can get the
19 exact numbers. It's around that price. You're way off
20 on your numbers.
21 Q. Okay.
22 Where is it that you can get those numbers?
23 A. The settlement agreement. From Jeff Jones.
24 Q. Okay.
25 Between Jeff Jones and -- settlement

1 between whom?

2 A. I mean not settlement, sorry. The purchase
3 agreement.

4 Q. With these individuals?

5 A. Yes. In fact, I think it was over that.

6 Q. Well, the documentation I've seen is
7 woefully less than that.

8 Have you had any of these partners come
9 back to you and complain to you that you did not
10 disclose to them prior to the buyout that you had
11 entered into this agreement?

12 A. No.

13 Q. Okay.

14 The bottom sentence on page 2 of Exhibit 19
15 indicates that there would be a third payment made in
16 the amount of \$10 million. Was that payment ever made?

17 A. No.

18 Q. Do you know why?

19 A. Because the transaction was never
20 completed.

21 Q. What part of the transaction was never
22 completed?

23 A. The -- finishing the acquisition of Wolf.

24 Q. Okay.

25 And that was a condition to that payment?

1 A. Yes.

2 Q. Paragraph 6 talks about you making an
3 initial capital contribution in the company of
4 \$3 million. Did you ever do that?

5 A. I'm sorry, where are you?

6 Q. On paragraph 6 on page 2.

7 A. (Witness reviews document.) No, because
8 the third payment was never made.

9 Q. Okay.

10 Over on paragraph 8 it talks about a
11 consulting fee that was to be paid to you in the amount
12 of \$3 million per year.

13 Do you see that?

14 A. Yes.

15 Q. That was supposed to last for five years?

16 A. Correct.

17 Q. Has any part of that consulting fee ever
18 been paid to you?

19 A. No.

20 Q. Do you claim that it's owed to you?

21 A. No.

22 Q. Why is that?

23 A. Because the transaction never happened.

24 Q. So what did Talisker Canyons Acquisition
25 Company get for the \$15 million that it sent to the

1 Durham Jones Trust Account?

2 A. What did they get?

3 Q. Yes.

4 A. At the end of the day, they didn't get

5 anything.

6 Q. You don't know what you did with the 5

7 million, the first payment?

8 A. That payment went to me.

9 Q. But you don't know what you did with it?

10 A. No. Part of it I know was used -- that's

11 why your numbers are way wrong. Part of the buyout of

12 the partners was actually more than the second payment

13 amount.

14 Q. Do you think Stewart Paperin and Ed Davies

15 would confirm that?

16 A. Sure.

17 Q. Okay.

18 Do you claim you're owed any additional

19 sums under this agreement?

20 A. I don't.

21 Q. Has Mr. Bistricher ever told you he wants

22 you to repay him the \$15 million?

23 A. No.

24 Q. Has he told you he wants anything from you

25 for the 15 million he paid to the Durham Jones Trust

1 Account?

2 A. We entered into this to try to -- for Wolf
3 to honor their agreement. As you know, they didn't.

4 Q. I guess I don't know that they didn't. I
5 think Wolf Mountain's position was you didn't honor
6 yours and there was never any funding to purchase their
7 part of the deal. They waited at Jeff Jones's office
8 forever and were promised money to come in, but it
9 never came in.

10 MR. WRONA: Objection. Argumentative. I
11 don't think that was a question. We'll certainly agree
12 there is a dispute over that issue.

13 BY MR. WAHLQUIST:

14 Q. Did you have a time that you thought that
15 the -- that Peninsula Advisors, LLC, was going to
16 acquire Wolf Mountain's interest in The Canyons?

17 A. Sure.

18 Q. And this agreement contemplated that that
19 was going to -- that acquisition right was going to be
20 delivered to this new company, Canyons Acquisition
21 Company, LLC?

22 A. Yes. We showed up to close.

23 Q. And do you recall a time when Wolf Mountain
24 representatives showed up at Mr. Jones's office to
25 close and were waiting for the funding to come through?

1 A. And didn't sign?

2 MR. WRONA: Hold on. The question that I
3 heard, Mark, was do you recall being told that Wolf
4 Mountain showed up at Jeff Jones's office to close?
5 That's the only question on the table. Were you told
6 that?

7 THE WITNESS: I can't remember
8 specifically. I know Kenny at one point went down to
9 Jeff's office.

10 MR. WRONA: Why -- were you told that? I
11 mean, it's very important, and I'm interrupting and I
12 apologize, Dave, but it's very important that you
13 listen to the question and that you answer the question
14 that's asked of you.

15 THE WITNESS: Can you ask it again?

16 MR. WRONA: And moreover, that you don't
17 speculate. If you're going to say you know something
18 happened, that means you witnessed it. Now, if
19 somebody told you something happened, you need to be
20 very clear.

21 THE WITNESS: Sure.

22 BY MR. WAHLQUIST:

23 Q. Are you aware that representatives of Wolf
24 Mountain came to Mr. Jones's office to close the deal?

25 A. That's not my understanding.

1 Q. I guess your answer is a little confusing
2 to me. Are you aware they came or are you not aware
3 they came?
4 A. I guess I was doing what Jeff -- what -- to
5 answer your question, I was not aware of that.
6 Q. Okay.
7 Are you aware that they were told before
8 they came that the funds were there to do the closing
9 of the deal?
10 A. I'm not aware of what they were told.
11 Q. Are you aware that when they got there, the
12 funds weren't there?
13 A. I'm not aware of that. I'm aware that
14 there were documents there for them to sign.
15 Q. Are you aware that Mr. Jones had them wait
16 all day in his office while he represented funds would
17 be coming at any moment?
18 A. That's definitely not my understanding.
19 Q. Okay.
20 Are you aware that they came and went
21 without the funds arriving?
22 A. No. That's definitely not...
23 Q. You apparently have some understanding as
24 to why the deal didn't close. Would you explain your
25 understanding is as to why the deal didn't close?

1 A. Sure. Kenny or Paul, either member, didn't
2 show up and sign.

3 Q. Okay.

4 So you're claiming there was some closing
5 set that they did not show up and sign?

6 A. Correct.

7 Q. Do you know when it was?

8 A. I don't. I don't recall specifically.

9 Q. Okay.

10 Were the funds there from -- were the funds
11 there that were to be paid on the closing?

12 A. That's my understanding.

13 Q. Where do you get that understanding?

14 A. From Jack Bistricher.

15 Q. Jack told you the funds were there?

16 A. The funds were ready to be wired.

17 Q. Well, they were to be wired where?

18 A. I have no idea. I think I -- if I remember
19 correctly, it says that in the documents somewhere.

20 Q. Is it your recollection they were to be
21 wired to Jeff Jones who was to close the deal?

22 A. I don't recall where.

23 Q. Do you know whether the funds ever arrived
24 at Jeff Jones's office or Jeff Jones's accounts?

25 A. Not to my knowledge.

1 Q. Not to your knowledge? They did not
2 arrive?

3 A. I don't believe so, because my
4 understanding was you had to execute the docs before
5 the funds were sent.

6 Q. Okay.

7 Do you claim that Jack Bistricher owes you
8 any money?

9 A. No.

10 Q. Do you claim that either you individually
11 or AIP are entitled to any interest in The Canyons?

12 A. I do not.

13 Q. Are you familiar with an entity known as
14 Peninsula Advisors, LLC?

15 A. I am.

16 Q. How are you familiar with that entity?

17 A. I did own it, so...

18 Q. When was it formed?

19 A. I don't recall specifically, but I think
20 2006.

21 Q. Did Jeff Jones form it?

22 A. Yes.

23 Q. What was the purpose for forming that
24 entity?

25 A. It was -- we were setting up a company to

1 do different type private equity deals and different
2 type stuff.

3 Q. Did it do any business?

4 A. Yes.

5 Q. What business did it do?

6 A. It did the transaction with Wolf.

7 Q. Okay.

8 Was the contract to purchase the Wolf
9 Mountain Resort?

10 A. Yes.

11 Q. Anything else?

12 A. I don't recall. That was the main focus.

13 Q. You said you owned Peninsula Advisors, LLC?

14 A. Yes.

15 Q. Were you the sole member?

16 A. When you say I -- I don't know what -- how
17 the interest was held or any of that stuff, but I was
18 part of it.

19 Q. Do you know of anybody else that was part
20 of it?

21 A. I don't. I don't know if my wife was or
22 not.

23 Q. Okay.

24 Do you know of any assets Peninsula
25 Advisors has?

1 A. No.

2 Q. Do you know whether anybody owes Peninsula

3 Advisors money?

4 A. No.

5 Q. Do you know of debts that Peninsula

6 Advisors has?

7 A. To me.

8 Q. Okay.

9 How much does Peninsula Advisors owe you?

10 A. I would have to get it back, but it's -- I

11 mean, I would have to go back through everything, but

12 when I was putting money in, I was going to do it as a

13 loan. It was never documented or anything because it

14 was to myself.

15 Q. How much?

16 A. I don't know. I would have to go back

17 through. I can get you that number, though.

18 Q. If Peninsula Advisors sole business was to

19 enter into a contract with Wolf Mountain, what did --

20 what expenses did Peninsula Advisors have?

21 A. Legal bills and other stuff. Primarily

22 legal bills, though.

23 Q. To Durham-Jones?

24 A. Durham-Jones and other law firms.

25 Q. Do you or any entity that you have any

1 ownership interest in currently have any claims
2 asserted in any litigation?
3 A. Not to my knowledge.
4 Q. Okay.
5 Are you familiar with an entity known as
6 Pelican Equity, LLC?
7 A. I am.
8 Q. How are you familiar with that entity?
9 A. I helped with a transaction with it.
10 Q. Have you ever had any ownership interest in
11 Pelican Equity?
12 A. I have not.
13 Q. What was its business?
14 A. What was Pelican's?
15 Q. Yes.
16 A. It was set up for several different things,
17 but as I stated, I don't have any equity or ownership
18 in it.
19 Q. So what did you do for it?
20 A. That's when I helped set up that
21 transaction to get you guys \$350,000.
22 MR. WRONA: Mark, can you clarify what you
23 mean when you say "you guys"?
24 THE WITNESS: Sorry. Fairstar Resources.
25 BY MR. WAHLQUIST:

1 Q. Okay.

2 Well, I don't think we got any money from

3 Pelican Equity, LLC. So help me understand better what

4 you're talking about there.

5 A. When that -- I mean this is all public

6 knowledge. When that payment was made to you guys for

7 \$350,000, the owners of Pelican, that's when that --

8 that's what the consideration for -- when I transferred

9 some of the stock rights to Pelican, it was in

10 consideration for \$350,000 that I gave Fairstar.

11 Q. Well, did you have an ownership interest at

12 that time?

13 A. In Pelican?

14 Q. Yes.

15 A. No.

16 Q. Well, what was it you were selling, then,

17 for \$350,000?

18 A. Some of the IP rights in AIP.

19 Q. Okay.

20 Did you sell them to Pelican Equity, LLC?

21 A. Yes.

22 Q. What were the IP rights that you sold to

23 Pelican?

24 A. Some of the stock lending data and stuff

25 like that.

1 Q. Did you have some kind of a program that
2 you sold them?

3 A. No.

4 Q. What was the data that you sold them?

5 A. Research and just different personal IP
6 knowledge.

7 Q. Who was the principal in Pelican Equity,
8 LLC, that you dealt with?

9 A. Doug Roberts.

10 Q. Do you know whether Pelican Equity, LLC, is
11 involved in any litigation with respect to those IP
12 rights?

13 A. They're involved in litigation. I don't
14 know if it's specifically on the IP rights.

15 Q. Who is the litigation with?

16 A. It's in New York, against a company called
17 Talis (phonetic) Partners.

18 Q. Are you familiar with a gentleman by the
19 name of Rob Brazelle?

20 A. I am.

21 Q. Is he one of those Talis Partners?

22 A. Yes.

23 Q. You told me you didn't have any lawsuits
24 against anyone, but you've told me earlier today you
25 had some claims that you thought you asserted against

1 Bob Pinder in that litigation.

2 A. Yes, I misspoke and I think you corrected

3 me. My wife has claims and I think I do. I'm not

4 sure.

5 Q. Okay. But that is -- your last answer you

6 gave me when you're not aware of any was not intended

7 to contradict that testimony?

8 A. No.

9 Q. That lawsuit does exist?

10 A. Yes.

11 Q. And of course, if there's any interest that

12 you have in AIPRD or Hermitage, there's two pieces of

13 litigation that we have talked about, relating to

14 Little Exuma; right?

15 A. Correct.

16 Q. You mentioned Matt Gorelik?

17 A. Yes.

18 Q. Is it Grelik or Grelnik?

19 A. Gorelik.

20 Q. How is his name spelled?

21 A. G-O-R-E-L-I-K.

22 Q. Thank you. I think you may have spelled

23 that before.

24 Have you done any business transactions

25 with Mr. Gorelik?

1 A. No.

2 Q. How did you become acquainted with him?

3 A. Through friends.

4 Q. When did you become acquainted with him?

5 A. I've known Matt for probably a year and a
6 half.

7 Q. Where did you become acquainted with him?

8 A. You mean like what state?

9 Q. Yes. Was this in California?

10 A. Yes. California.

11 Q. Pelican Hill?

12 A. No.

13 Q. Did he live in Pelican Hill?

14 A. No.

15 Q. Did he have any involvement in Pelican
16 Hill?

17 A. Matt lives in Los Angeles.

18 Q. Are you currently under discussion with
19 Mr. Gorelik about any developments through which you or
20 any entity you have an interest in might receive some
21 compensation?

22 A. No.

23 Q. Has your relationship with him been purely
24 social?

25 A. No, I mean, I've tried to, you know,

1 Matt -- I would love to do something with Matt some
2 day, but he's at JP Morgan.

3 Q. Have you had any discussions, then, with
4 him about any specific business opportunities that he
5 might be involved in with you?

6 A. Over the last year and a half, we've talked
7 about lots of stuff.

8 Q. Do you have any you're currently working
9 on --

10 A. Not right now.

11 Q. -- in that regard?

12 A. No.

13 Q. And you haven't done anything with him
14 business-wise; is that right?

15 A. Correct.

16 Q. How about Mr. Bistricher, have you done any
17 business transactions with him, other than Exhibit 19?

18 A. No.

19 Q. I guess you've had some discussions with
20 him about the Hermitage Estates issue and the Little
21 Exuma Island; is that right?

22 A. A long time ago, but yes.

23 Q. Has Mr. Bistricher or any of his entities
24 ever paid you any money, other than the monies you
25 described were paid pursuant to Exhibit 19?

1 A. No.

2 Q. Has he ever loaned you any money?

3 A. No.

4 Q. Have any of his entities ever loaned you
5 money?

6 A. No.

7 Q. Does he or any of his entities currently
8 have any obligations to you?

9 A. No.

10 Q. Are you acquainted with a person by the
11 name of Mark Jensen?

12 A. I know Mark.

13 Q. How did you become acquainted with Mark?

14 A. I've known Mark for 12 years. He lived in
15 my neighborhood.

16 Q. I think he's the one you said was related
17 to MSF.

18 A. Correct.

19 Q. Is Mark also involved in the Pelican Hill
20 project?

21 A. No.

22 Q. Have you had any discussions with Mark
23 Jensen over the past two years about doing business?

24 A. Yes.

25 Q. During the time that you lived in

1 California, did you have discussions with him about
2 doing business together?

3 A. Yes.

4 Q. Did you, in fact, ever pursue any business
5 together?

6 A. No.

7 Q. What was the nature of the business that
8 you were discussing?

9 A. Just trying to figure out what the -- you
10 know, to do anything.

11 Q. What's Mr. Jensen currently doing as far as
12 business?

13 A. Nothing that I'm aware of.

14 Q. Did your discussions with him about
15 potential opportunities -- well, you said you were just
16 looking to try and do anything. I mean, did you get
17 any more concrete than that?

18 A. No.

19 Q. So all you did was talk about some day we
20 ought to do something together?

21 A. Still do.

22 Q. But you never talk about anything specific?

23 A. No. He can't. I mean, no, we don't.

24 Q. He can't what?

25 A. Right now Mark has something with the state

1 and he can't do certain type businesses and stuff.

2 Q. With which state?

3 A. Utah.

4 Q. Are you aware he has been convicted of a
5 felony in the State of Utah?

6 A. I am.

7 Q. Is that why you understand he can't do
8 certain kinds of businesses in the state?

9 A. Correct.

10 Q. Are you acquainted with Mark Shurtleff?

11 A. I know who he is.

12 Q. Have you ever had meetings with him?

13 A. I've had lunches with him before.

14 Q. Has he met with you in California?

15 A. Yes.

16 Q. What were the purposes for those meetings?

17 A. Friend.

18 Q. How did you first become acquainted with
19 him?

20 A. I believe a couple of years ago.

21 Q. Under what circumstances?

22 A. Just mutual friends. They were trying
23 to -- I mean, just mutual friends.

24 Q. They were trying to do what?

25 A. Nothing. They were -- we like each other.

1 Q. Do you know why Mr. Shurtleff would fly to
2 California to meet with you?
3 A. He didn't fly down there to meet with me.
4 He was down there.
5 Q. You just met with him while he was down
6 there?
7 A. Uh-huh.
8 Q. Is your answer yes?
9 A. Yes.
10 Q. And you said you had had some lunches with
11 him. Is that where you had the lunches with him?
12 A. Correct.
13 Q. Did you discuss any business issues?
14 A. No.
15 Q. Did the State of Utah ever ask you to be a
16 witness against Mark Jensen?
17 A. Yes.
18 Q. Did Mr. Shurtleff ever have any discussions
19 with you with regard to that issue?
20 A. Mr. Shurtleff did not.
21 Q. Did any of his deputy attorney generals
22 have discussions with you about that?
23 A. Yes.
24 Q. Did you ever offer to do any fundraising
25 for Mr. Shurtleff?

1 A. I believe I've probably offered to help or
2 something at some point.

3 Q. Have you ever done any of it?

4 A. No.

5 Q. Do you currently have any retainers with
6 any law firms?

7 A. No.

8 Q. How are you paying for Mr. Wrona's
9 services?

10 MR. WRONA: He hasn't. Sorry. I'm not
11 under oath.

12 THE WITNESS: I haven't.

13 MR. WAHLQUIST: I feel pretty strongly Mr.
14 Wrona will join me in that question.

15 THE WITNESS: I haven't.

16 BY MR. WAHLQUIST:

17 Q. How are you planning on paying him?

18 A. When I get a job.

19 Q. Do you have any kind of a retainer
20 agreement with him?

21 THE WITNESS: I think you're still --

22 MR. WRONA: I don't think so.

23 THE WITNESS: -- still an attorney for me.

24 MR. WRONA: And I apologize, I'm going to
25 interrupt because I think it will help us move quickly.

1 Mr. Robbins has a case pending in Summit
2 County regarding the Brook Bishop divorce. And I
3 entered an appearance in that matter recently, and
4 there's about a three- to four-hour hearing that's
5 coming up in May. And I've entered an appearance and I
6 will be handling that for Mark. I have not been paid,
7 but I'm billing my time hourly and I hope to be paid
8 one day. And the same situation exists for my
9 appearance here today.

10 MR. WAHLQUIST: Okay.

11 MR. WRONA: Whether I'm foolish for doing
12 so and hoping to be paid is -- you're welcome to keep
13 those thoughts to yourself.

14 MR. WAHLQUIST: Okay.

15 BY MR. WAHLQUIST:

16 Q. Have you ever had any real estate licenses?

17 A. No.

18 Q. Have you had any securities licenses?

19 A. No.

20 Q. Did you bring your wallet with you today?

21 A. It's in Joe's car. I didn't bring it.

22 Q. What's your driver's license number?

23 A. My driver's license has expired. I have a
24 passport.

25 MR. WRONA: I drove.

1 BY MR. WAHLQUIST:

2 Q. Do you ever drive?

3 A. No.

4 Q. Was your last driver's license issued by
5 the State of Utah?

6 A. Yes.

7 Q. Do you currently have any credit card
8 accounts?

9 A. No.

10 Q. Do you have a debit card?

11 A. No.

12 Q. How do you pay for anything you buy?

13 A. Family. Friends. It's been a -- I've been
14 blessed to have a lot of people trying to help me out
15 over the last couple of years.

16 Q. So you just do it all on a cash basis?

17 A. Yes.

18 Q. So you have no bank accounts, no credit
19 card accounts, no debit accounts?

20 A. Zero.

21 Q. Okay.

22 I want to be clear on -- I'm not sure I'm
23 clear on my understanding.

24 Where is your wife living right now?

25 A. We go in between.

1 Q. Today. Today, where is she?
2 A. Right now? She's visiting a friend.
3 Q. Where?
4 A. In Arizona.
5 Q. Before she went to Arizona, where was she
6 living?
7 A. Her mom's.
8 Q. In South Jordan?
9 A. Correct.
10 Q. When was the last time she has lived in
11 Texas?
12 A. When you say "lived," I mean we go back and
13 forth. So it's like --
14 Q. You don't really have a residence?
15 A. No. I mean, we're -- it's hard. No.
16 Q. Where was your last -- what would you
17 consider to be your residence?
18 A. Corey Mountain up in Park City.
19 Q. During the three-month period you were in
20 California, did she live there with you?
21 A. Yes.
22 Q. Is she generally living in the same place
23 you are --
24 A. Yes.
25 Q. -- or are you both going different

1 directions?

2 A. I mean, it's been all over the board, but
3 we try to. It's just whatever the families can help
4 out with.

5 MR. WAHLQUIST: Let's take a break for a
6 few minutes and I'll see whether we've got anything
7 else and go over my notes, if that's okay.

8 MR. WRONA: Take five at least?

9 MR. WAHLQUIST: I don't know to tell you
10 how much I'll come back with, but I think it would be
11 a -- I think it would be safe to -- I mean, it's
12 probably not going to be two hours, I can tell you
13 that.

14 MR. WRONA: I'm pleased to hear that.

15 MR. WAHLQUIST: I hate to tell you a time
16 and have somebody wait.

17 THE WITNESS: Don't worry about it.

18 MR. WAHLQUIST: But it's possible I could
19 be another just 30 minutes or something like that. I
20 told you I'd give you a 30-minute warning and we may be
21 there.

22 THE WITNESS: Can we talk for five minutes
23 after?

24 MR. WRONA: Maybe. You can talk to me
25 first.

1 THE WITNESS: Yeah.

2 MR. WAHLQUIST: We're in the middle of some
3 settlement discussions and I was waiting to hear back
4 from him.

5 THE WITNESS: I was going to talk to you
6 first.

7 MR. WRONA: Maybe while you're on break,
8 I'll talk to Mark about that.

9 MR. WAHLQUIST: And that's fine.

10 THE WITNESS: Do you have time today?

11 MR. WAHLQUIST: Yes, I have time.

12 (Recess taken.)

13 MR. WAHLQUIST: Back on the record.

14 BY MR. WAHLQUIST:

15 Q. You indicated earlier in your testimony
16 that in the past several months you've been living off
17 of -- as far as your cash needs, off of donations from
18 friends and family. Can you tell me specifically who
19 has been funding your cash needs?

20 A. My father.

21 Q. Okay.

22 A. And Allison's mother.

23 Q. Anyone else?

24 A. That's mainly it.

25 Q. Okay.

1 Are you acquainted with a gentleman by the
2 name of Steve Newman?

3 A. Yes.

4 Q. What's his relationship to you?

5 A. He's my brother-in-law.

6 Q. Where does he live?

7 A. Switzerland.

8 Q. Have you done any business transactions
9 with him or any company he's involved with?

10 A. No.

11 Q. Have you had discussions about doing
12 business activities with Mr. Newman?

13 A. No.

14 Q. When was the last time you had a discussion
15 with Mr. Newman?

16 A. I don't know. Four months ago, five months
17 ago.

18 Q. Is it business or social?

19 A. Social.

20 Q. You never discussed any business
21 relationship with him; is that right?

22 A. No, I haven't.

23 Q. All right.

24 You talked about Exhibit 19 for a few
25 minutes and some of the money that was paid out, I

1 believe you said to Mr. Paperin's entity and
2 Mr. Davies's entity?
3 A. Correct.
4 Q. Do you remember how much was paid to
5 Mr. Davies?
6 A. I don't.
7 Q. Was all of the money that you paid to
8 Mr. Davies to buy his interest in Peninsula or was part
9 of it to pay for other obligations you had to him?
10 A. No. Interest.
11 Q. Pardon?
12 A. No, to your first. It was to buy it all
13 out.
14 Q. So you're saying everything that you've
15 paid him for was to buy his interest in Peninsula?
16 A. Yes.
17 Q. It was not to pay any prior obligation that
18 you had to him?
19 A. Zero.
20 Q. Does Peninsula have any obligation to him?
21 A. Yes.
22 Q. What was Peninsula's obligation to him?
23 A. He had a line of credit.
24 Q. Did the deal wherein you bought his
25 interest out also pay him back for the loan he had made

1 to Peninsula?

2 A. I assume that's it, yes.

3 Q. Did Jeff Jones document that deal?

4 A. Yes.

5 Q. Were copies of those documents kept at your
6 office?

7 A. Yes.

8 Q. Have you had any business dealings with Ed
9 Davies other than buyout of his interest in Peninsula?

10 A. No.

11 Q. Never had any loans from him?

12 A. No.

13 Q. None of your entities that you've had an
14 interest in have had any loans from him, other than
15 Peninsula?

16 A. No.

17 Q. Can you give me an approximate amount that
18 your father has funded for you in the last year to
19 provide you support? And I don't mean letting you live
20 at his place. I'm talking about out-of-pocket cash.

21 A. I don't know. I mean -- it would be hard
22 to put a range on it. It was more -- I mean, a lot of
23 it's been more like letting me live there.

24 Q. I'm just asking for the cash part. Has he
25 loaned you money?

1 A. No.

2 Q. Is he giving you money?

3 A. He has just paid for things.

4 Q. Like what?

5 A. Travel, food, that kind of stuff.

6 Q. Do you have any estimate as to how much

7 that's totalled over the last year?

8 A. I don't.

9 Q. How about, is it more than \$10,000?

10 A. I don't know.

11 Q. Are you not keeping track of that?

12 A. Not really. He's my father. He's just,

13 you know -- it's family.

14 Q. How about Allison's mother, how much has

15 she contributed in cash to you over the last year?

16 A. No cash. Just helping.

17 Q. In what way?

18 A. Place to live. Food. That kind of stuff.

19 Q. So who has provided you your cash if not

20 your father or Allison's mother?

21 A. When you're living there, you know, when

22 they're providing a place to stay and food, you don't

23 need cash.

24 Q. Don't you ever go anywhere where you have

25 to pay to park or do anything else?

1 A. I mean, not a lot, no.

2 Q. Well, the few times that you do, where do

3 you get the cash?

4 A. Family.

5 Q. From whom in your family?

6 A. Well, I told you, my dad.

7 Q. I thought you said he hadn't provided cash

8 other than for food and transportation.

9 A. I don't understand what you just said.

10 Q. I didn't hear you tell me that he gave you

11 cash, just that he paid things for you.

12 A. But you said if I ever go somewhere or

13 something like that, I mean --

14 Q. Then he gives you cash?

15 A. Yes, but I'm saying the majority of it has

16 been...

17 Q. Did you bring some cash with you today to

18 this trip -- on this trip?

19 A. I think I've got 40 bucks.

20 Q. Okay.

21 In your wallet?

22 A. Yes.

23 Q. You talked a little bit about -- was it

24 Mike Bodell?

25 A. Yes.

1 Q. In connection with the White Water deal?
2 A. Yes.
3 Q. Did he ever file a suit against you?
4 A. He did.
5 Q. Was that suit ever resolved?
6 A. It's ongoing right now.
7 Q. So it's never been settled?
8 A. No. It was a -- I had won on summary
9 judgment and then it was appealed and overturned.
10 Q. Who's representing you in that case?
11 A. I don't have counsel in it.
12 Q. Is anything happening in the lawsuit?
13 A. Not to my knowledge.
14 Q. So it just still exists but it's just idle
15 right now?
16 A. Yes. I would have to check. I don't know
17 where it's at right now.
18 Q. Have you ever been paid any money in
19 connection with the White Water project?
20 A. No.
21 Q. I mean anything about the real estate,
22 anything about the project at all?
23 A. No.
24 Q. You indicated earlier that in connection
25 with the closing of a transaction with Wolf Mountain,

1 that Jack Bistricer had funding available to close that
2 deal. Do you remember how much funding was required to
3 close that deal?

4 A. I don't specifically.

5 Q. So somewhere in the neighborhood of 150 to
6 \$200 million?

7 A. It was over a hundred million. It was
8 whatever was in the contract. I can't remember.

9 Q. Which contract?

10 A. The Wolf Mountain.

11 Q. The Wolf Mountain?

12 A. Yes.

13 Q. And your understanding was that Jack
14 Bistricer was supposed to provide that funding?

15 A. Yes.

16 Q. You indicated that we could confirm that he
17 had that available. How would we confirm he had that
18 available?

19 A. Who are you talking about?

20 Q. Jack Bistricer.

21 A. You said how we could? Who is "we"?

22 Q. How could I confirm that?

23 A. I don't know.

24 Q. I think you said you can confirm that. How
25 should I confirm that? How can I confirm that he had

1 those funds available?

2 A. You would have to confirm with him.

3 Q. All right.

4 So when you said that, "I could confirm

5 it," you had in mind just asking him whether it was

6 available?

7 A. Sure.

8 Q. Okay.

9 Are you aware of any other Pelican entities

10 other than Pelican Equity, LLC?

11 A. I'm not.

12 Q. Okay.

13 Have you had any ownership interest in any

14 Pelican entities?

15 A. No.

16 Q. When are you leaving Utah?

17 A. Probably tonight.

18 Q. Do you have a plane ticket out tonight?

19 A. Yes.

20 Q. When was the last time you were in Utah?

21 THE WITNESS: Do you remember when that

22 was, Joe?

23 MR. WRONA: No.

24 THE WITNESS: A couple of weeks ago.

25 MR. WRONA: Or longer.

1 BY MR. WAHLQUIST:

2 Q. Was that to attend a hearing in the Brook
3 Bishop case?

4 A. No. It was just coming here to meet with
5 Joe and...

6 Q. How many times have you been here this
7 year?

8 A. I don't know. I don't recall. I mean, a
9 couple.

10 Q. So this is your third trip to Utah in 2010?

11 A. Approximately.

12 Q. So you come about once a month?

13 A. No. I mean, I obviously -- you know, after
14 we had resolved this --

15 MR. WRONA: You mean the bench warrant?

16 THE WITNESS: Huh?

17 MR. WRONA: Resolved, you mean the bench
18 warrant?

19 THE WITNESS: Yes.

20 BY MR. WAHLQUIST:

21 Q. Obviously, after you resolved the bench
22 warrant, what, you come more frequently?

23 A. No. I was saying after that -- no, I
24 mean --

25 MR. WRONA: I don't think he came at all.

1 THE WITNESS: Yeah. So -- I mean, I
2 answered your question; right?
3 BY MR. WAHLQUIST:
4 Q. You've come about three times and it's been
5 since the bench warrant issue was resolved?
6 A. Yes. I think the question you asked was do
7 I come once a month; right? I mean, I don't have any
8 set reason.
9 Q. All right.
10 Are you familiar with the Dakota Lodge up
11 in Park City, or up in the The Canyons area?
12 A. I am.
13 Q. Do you have any involvement with respect to
14 the Dakota Lodge?
15 A. I don't.
16 Q. Are you aware that Jack Bistricher's
17 entities have had some recent transactions regarding
18 Dakota Lodge?
19 A. Yes.
20 Q. How are you aware of that?
21 A. It's in the newspaper.
22 Q. Is that the only way you're aware of that?
23 A. Yes.
24 Q. Have you had any discussions with Jack
25 about that?

1 A. No.

2 Q. Did you have any involvement in the
3 negotiations with respect to that deal?

4 A. No.

5 Q. Did you have any involvement with the
6 transaction at all?

7 A. No.

8 Q. With respect to Jack Bistricher, where did
9 you have your last meeting with him?

10 A. I don't recall. It's been a long time.

11 Q. Again, that's a relative term. What do you
12 mean by that?

13 A. That it's been a long time. Where I met
14 him last in person?

15 Q. Yes. Are we talking weeks? Months? Year?
16 How long?

17 A. I can't remember. It's been a while.

18 Q. But what do you mean by that?

19 A. I mean within the last six months.

20 Q. Okay.

21 Where did you meet him?

22 A. I'm trying to remember. I think it was Los
23 Angeles.

24 Q. Okay.

25 What was the purpose for that meeting?

1 A. Talk about everything.
2 Q. Such as?
3 A. Just talk.
4 Q. Talk about what?
5 A. Wanted to know what was going on with me,
6 Exuma. Just talk about everything.
7 Q. What --
8 A. How I was doing, just friends.
9 Q. Okay.
10 Do you consider Jack a friend?
11 A. No.
12 Q. Has Jack ever paid you any money aside from
13 the amounts you've identified that were paid pursuant
14 to Exhibit 19?
15 A. No.
16 Q. Have any of his entities ever paid you any
17 money aside from what's reflected in Exhibit 19?
18 A. No.
19 Q. Have you ever met with Jack in Canada?
20 A. Yes.
21 Q. How many times?
22 A. I don't know. Probably three or four.
23 Q. What were the purposes for those meetings?
24 A. Primarily The Canyons.
25 Q. Is that around the time you signed

1 Exhibit 19?
2 A. Most of it.
3 Q. During those trips, did Jack take care of
4 your accommodations in Canada?
5 A. I don't recall. Most of the time I went up
6 on my own plane.
7 Q. How many times have you met with Jack
8 personally during the five years I guess you've known
9 him?
10 A. Quite a bit.
11 Q. More than ten times?
12 A. Yes.
13 Q. More than 20?
14 A. I don't know the range, but more than ten.
15 Q. Have you ever been to France?
16 A. I have.
17 Q. Did you ever meet with Jack in France?
18 A. I did.
19 Q. When did you do that?
20 A. It was maybe 2007.
21 Q. What was the purpose for going to France to
22 meet with Jack?
23 A. Business.
24 Q. What business?
25 A. To talk about The Canyons.

1 Q. At the time you were there, did you sign a
2 document?
3 A. I can't recall.
4 (Exhibit 20 marked.)
5 BY MR. WAHLQUIST:
6 Q. I hand you what's been marked as
7 Exhibit 20.
8 A. (Witness reviews document.)
9 Q. Have you seen this document before?
10 A. I believe so.
11 Q. Did you sign it on behalf of yourself
12 individually and Peninsula Advisors?
13 A. Those are my signatures.
14 Q. Do you recall whether you signed this
15 document in France in connection with your meeting with
16 Mr. Bistricer?
17 A. I don't recall. I can't remember. I know
18 you can go back and find out in the Vail litigation.
19 Q. Is it your recollection that you backdated
20 this document from the time you actually signed it?
21 A. I can't remember the specifics. It's been
22 a long time.
23 Q. You have no recollection of that?
24 A. No, I remember I signed it. I can't
25 remember the specifics. But I know you can go back and

1 find it in the transcript.

2 Q. Don't you recall that you went to France to
3 do this document with Mr. Bistricher?

4 A. I didn't go to France to do this document.

5 Q. You said you went to France to discuss
6 business with Mr. Bistricher.

7 A. Sure. We were partners on Exuma, too.

8 Q. Don't you recall this document coming out
9 of that meeting that you had with him in France?

10 MR. WRONA: Objection. Asked and answered.

11 BY MR. WAHLQUIST:

12 Q. Go ahead.

13 A. I don't recall the specifics.

14 Q. You have no recollection of backdating the
15 document?

16 A. No.

17 MR. WRONA: Objection. Asked and answered.

18 BY MR. WAHLQUIST:

19 Q. You just don't know whether you did or not?

20 A. No, I don't recall. I'm telling you I
21 could go back and refresh my memory pretty easily,
22 though.

23 Q. How would you do that?

24 A. Go back through the transcripts of the Vail
25 lawsuit, go back through notes.

1 Q. Okay.
2 Have you had read Mr. DePaulo's deposition
3 transcript from that case?
4 A. Whose?
5 Q. Mr. DePaulo.
6 A. I haven't.
7 Q. Let me talk to you about one last area.
8 With respect to the funds that were wired
9 to Durham Jones Pinegar Trust Account for your benefit,
10 pursuant to Exhibit 19, did you receive any kind of
11 1099 from either Talisker Canyons' acquisition or any
12 other entity?
13 A. I don't know.
14 Q. Do you know whether you paid taxes on any
15 portion of that \$15 million that was wired for your
16 benefit to the Durham Jones Trust Account?
17 A. I don't.
18 Q. Do you file tax returns?
19 A. I do.
20 Q. Do you know who prepared your personal tax
21 returns for the year 2007?
22 A. I know who was in the process of doing it,
23 but I have a lot of credits and so they haven't been
24 completed yet. But it was a Jim Savage, Savage &
25 Green.

1 Q. Okay.
2 Where is his office located?
3 A. I believe out in Fort Union area.
4 Q. Okay.
5 Was he also the one that prepared tax
6 returns for AIP?
7 A. I don't believe so.
8 Q. Who is the person that prepared the last
9 tax returns for AIP?
10 A. I don't know the name of the accounting
11 firm, but it was Matt Shaw who was working at AIP.
12 Q. Matt Shaw?
13 A. Uh-huh.
14 Q. Is your answer yes?
15 A. Yes.
16 Q. He worked at AIP?
17 A. Yes.
18 Q. Did he do those returns?
19 A. I believe he did them. I think he used an
20 outside firm, though, to actually file them.
21 Q. But you don't know where they were?
22 A. I don't.
23 Q. Do you know the names of any of the
24 accountants in that firm?
25 A. I don't.

1 Q. Did they also do the tax returns for AIPRD?
2 A. I believe so.
3 Q. And also Peninsula Advisors?
4 A. I don't know on Peninsula.
5 Q. Who did the tax returns for your other
6 entities, such as Smart Hedge, LLC?
7 A. Well, that's Jim Savage & Green was going
8 to do all of those.
9 Q. So anything that was yours personally or
10 that you had had an interest in personally was done by
11 Jim Savage?
12 A. Yes.
13 Q. But the AIP group was done by somebody else
14 that Matt Shaw employed?
15 A. Yes. Correct.
16 (Discussion off the record.)
17 MR. WAHLQUIST: Let's go ahead and take a
18 break right now. We'll make the call. We do have some
19 papers that we need to have served upon --
20 MR. WRONA: We assumed that was the case.
21 MR. WAHLQUIST: -- Mark. So we don't hold
22 him off any longer, we'll have that done. You know, we
23 normally can do service through attorneys and things
24 like that. And we had an order, you know, from Judge
25 Peuler with respect to Jeff Jones. It may still be

1 effective, I don't know.

2 MR. WRONA: As far as what?

3 MR. WAHLQUIST: Service on Mark.

4 THE WITNESS: Couldn't you have just
5 contacted me by email?

6 MR. WRONA: Wait. If there's something you
7 want served right now, let's just do it. As far as
8 taking a break, what I don't want is another 20 or
9 30 minutes.

10 MR. WAHLQUIST: You're not going to have
11 that. We'll be finished by the time the constable gets
12 through with you.

13 MR. WRONA: Okay. Hold on. I'm going to
14 interject one more time.

15 I'm also going to object to replowing.
16 I've been really patient and there's been a bit of
17 replowing, but, Dave, I wanted to make it very clear
18 that we're cooperating today, but I'm going to object
19 to replowing.

20 MR. PETERS: I just want to save you some
21 time. That's fine. Let's finish.

22 MR. WRONA: Paul, you're not actually
23 entailed to even speak while we're on the record, just
24 so you know. One attorney gets to talk on the record.

25 MR. PETERS: I want to tell you that

1 there's no reason for a break, Mr. Wrona. So if you
2 are -- I'm trying to make things efficient for you.
3 What I'm saying is go ahead with your business,
4 Mr. Wahlquist, finish everything up, there's no need
5 for a break.

6 MR. WAHLQUIST: All right. Thank you.
7 Anyway, let's go ahead and do this and then
8 I'm happy to talk with you for the five minutes or
9 whatever you'd like to do.

10 THE WITNESS: Are you okay?

11 MR. WRONA: Yes.

12 MR. WAHLQUIST: But what I just wanted to
13 say, normally, you know, we wouldn't have you come and
14 hit you with a bunch of service things. But you know
15 the problem we've had in this case with you and so --

16 MR. WRONA: Dave, we knew that was coming.
17 We're not offended by it.

18 MR. WAHLQUIST: Good, because I don't want
19 to do that.

20 THE WITNESS: It doesn't bother me at all.

21 MR. WAHLQUIST: Do you have any questions?

22 MR. WRONA: No. I pass.

23 (Concluded at 4:17 p.m.)
24
25

1 STATE OF UTAH)
) ss.
2 COUNTY OF SALT LAKE)

3 I, ROCKIE E. DUSTIN, Certified
4 Shorthand Reporter for the State of Utah, certify:

5 That the foregoing deposition of MARK
6 ROBBINS was taken before me pursuant to Notice at the
7 time and place therein set forth, at which time the
8 witness was put under oath by me;

9 That the testimony of the witness and
10 all objections made at the time of the examination were
11 recorded stenographically by me and were thereafter
12 transcribed under my direction;

13 I FURTHER CERTIFY that I am neither
14 counsel for nor related to any party to said action nor
15 in anywise interested in the outcome thereof.

16 Certified and dated this 8th day of
17 May, 2010.

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ROCKIE E. DUSTIN, CSR, RPR
Certified Shorthand Reporter
for the State of Utah