

AUDIO TRANSCRIPTION OF 341 MEETING

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1 (Beginning of audio)

2

3 P R O C E E D I N G S

4

5 THE COURT: This is the continuing Section
6 341 meeting for Del Kimball, case number 15-42262. Today
7 is January 14th, 2016.

8 If you could raise your right hand. Do you
9 solemnly swear the testimony you're about to give will be
10 the truth?

11 THE WITNESS: Yes.

12 BY QUESTION BY THE COURT:

13 Q Okay. Could you please state your name?

14 A Del Hussin (ph) Hodges Kimball.

15 Q And Mr. Kimball, have you moved since the last
16 time we met here?

17 A No.

18 Q Okay. On January 5th, 2016, you filed a set of
19 amended schedules and statement of financial affairs.

20 A I believe that Mr. Pelofsky did that on my
21 behalf, yes.

22 Q Okay. And did you work with Mr. Pelofsky to
23 prepare those schedules?

24 A Yes.

25 Q Okay. And did you sign the amended schedules

1 that you were filed on January the 5th?

2 A I signed the, the statement, the schedule, yes.

3 Q Okay. Good. When you were completing the
4 amended schedules, did you sit down with Mr. Pelofsky and go
5 through all the questions that you were asked of you?

6 A Yes.

7 Q And to the best of your knowledge and belief,
8 do you think everything is true and correct?

9 A I believe so.

10 Q Okay. For the record, the verification with
11 your signature on it was dated January 4th of this year.

12 A We met the day before he, he had filed them.

13 So --

14 Q Okay. And were you here in Kansas City on that
15 date?

16 A Yes.

17 Q Okay. And then the schedules were actually
18 filed on January 5th and they were filed as if you signed them
19 on January 5th, were you on town on January the 5th?

20 A I believe so.

21 Q Okay. All right. So, are you personally
22 familiar with the information contained in the paperwork you
23 filed?

24 A Yes.

25 Q Okay. And do you now believe that you've

1 identified all of your assets and all of your liabilities?

2 A I believe so.

3 Q Okay. Are you aware of any changes that you
4 need to make at this time?

5 A There may be a few minor things but --

6 Q Okay.

7 A -- nothing major.

8 Q Okay. And could you tell me what those minor
9 things are?

10 A There's a piece of artwork listed on my rider
11 of my insurance that I informed Mr. Pelofsky about yesterday
12 and he said that we would just amend that in the future.

13 Q Can you tell me what that artwork is?

14 A It's called Ronnie Wood, Pensive.

15 Q Okay. Can you spell that, Pensive?

16 A Pensive, like anxious, pensive.

17 MR. PELOFSKY: P-e-n-s-i-v-e.

18 BY THE COURT:

19 Q Okay. And how much do you think that's worth?

20 A I have it listed at replacement value of 1,000,
21 I think, 950 dollars.

22 Q Okay.

23 A I have the record in here someplace if you want
24 to maybe --

25 Q And you understand that I've subpoenaed your

1 insurance records?

2 A Oh, I understand.

3 Q Are there any other changes that you're aware
4 of that you need to make?

5 A Was there anything I was asking you about
6 yesterday?

7 MR. PELOFSKY: I don't remember.

8 THE WITNESS: Right.

9 MR. PELOFSKY: There are some corrections
10 to the statement of affairs, some of the numbers are not
11 correct.

12 BY THE COURT:

13 Q Okay. Before we get there, Mr. Kimball, when
14 did you pay Mr. Pelofsky?

15 A I paid him in, I think in, somewhere in August.

16 Q Okay. And that was obviously after the filing
17 of the involuntary --

18 A Yes --

19 Q Okay.

20 A -- because I did not know I was going to be in
21 bankruptcy.

22 Q Okay. Did you have any knowledge of the
23 involuntary being filed before it was filed?

24 A No.

25 Q You hadn't heard rumors about it?

1 A I'd heard rumors but I was told that that was
2 not going to happen.

3 Q Okay. And how did you pay Mr. Pelofsky?

4 A I think by check.

5 Q Okay. You think by check. And what account
6 did it come from?

7 A Missouri Bank and Trust.

8 Q Okay. Is that your individual account?

9 A Yeah. It's the only individual account I have.

10 Q Okay. All right. Well, let's look at the
11 statement of financial -- well, before we do that, I want to
12 ask you a couple of questions about what I've previously asked
13 you. I previously asked for information regarding the sales of
14 accounts receivable from LTS.

15 A Okay.

16 Q Okay. And if you look in front of you, your
17 attorney provided a response dated January the 12th, 2016. You
18 see that letter?

19 A Okay. I have not seen this letter.

20 Q Is this the first time you saw or, is this the
21 first time you've seen this letter dated January the 12th --

22 A Yes.

23 Q -- from your attorney to myself?

24 A Yes.

25 Q Okay. So you didn't assist him in the

1 preparation of that letter?

2 A Not -- no.

3 Q Okay. But, Mr. Kimball, you recall me asking
4 about the sale of accounts receivable from LTS?

5 A Right.

6 Q Okay. And have you provided information to
7 your attorney regarding any sales of receivables?

8 A No.

9 Q Okay. Have you looked, have you looked at any
10 documents in response to my questions regarding the sale of
11 receivables?

12 A Yes.

13 Q Okay. And what have you looked for?

14 A I've looked for the sale of receivables.

15 Q Okay. And where have you looked?

16 A Well, I think that there's a misconception of
17 what -- I want to understand what you define as a receivable.

18 Q Okay. Have you looked at any of the books and
19 records of LTS to determine if any of their receivables were
20 sold?

21 A Yes. If you're referring to receivables like
22 furniture or computers, stuff like that, nothing's been sold.

23 Q Well, I don't want to argue about it but I
24 don't think that furniture and chairs and things like that are
25 receivables but --

1 A Are you talking about --

2 Q **The monies that are due LTS.**

3 A Monies that are due we sent on the LTS
4 schedule, the accounts receivable to LTS, there was a document
5 we filed with the schedule and we also received, filed accounts
6 payable schedule.

7 Q **Okay. Has LTS sold any of its accounts**
8 **receivable?**

9 A Accounts receivable, if you're talking about,
10 like, customer data, are you talking about --

11 Q **Anything that's booked as a receivable.**

12 A No, we haven't.

13 Q **You have not. Okay. Has anybody used those**
14 **accounts receivable?**

15 A Not to my knowledge.

16 Q **Okay. I'd like you to refer to Mr. Pelofsky's**
17 **letter to me dated January the 12th, 2016, in particular,**
18 **paragraph three. And if you would read that and if you would**
19 **provide maybe a more detailed explanation.**

20 A See, I think there's a misconception of what
21 LTS actually was. LTS was a call center --

22 Q **Okay.**

23 A -- company that didn't own a loan portfolio.
24 Okay? So, the receivables of loans that, when Operation Choke
25 Point shut down the, just for a round number let's say 50

1 LLCs --

2 Q Mm-hmm.

3 A -- I don't know exactly how many there were.

4 Q Right.

5 A Just for, just for fun, call it 50.

6 Q Okay.

7 A Those receivables had nothing, LTS did not own
8 those receivables. Does that make sense?

9 Q Well, was there accounts receivables on the
10 books of LTS?

11 A Not for those loans.

12 Q Okay. Not -- so what were the receivables,
13 what did that number represent or what did it represent --

14 A There were accounts receivables that I found
15 were intercompany transfers.

16 Q Okay. So, some of these other companies that
17 lent money --

18 A Let's just take for example Eldridge Marketing.

19 Q Okay.

20 A That's the group, I think, that Brennan
21 represents.

22 Q Okay.

23 A They had a loan portfolio, they had a debt
24 instrument with one of the entities, with Eldridge, that loan
25 pool, once they were written off, did not belong to LTS. It

1 belonged Eldridge.

2 Q Okay.

3 A Does that make sense?

4 Q No, I don't know. Did Eldridge owe LTS?

5 A I don't know. I'd have to look at the accounts
6 payable and receivable for, what I filed on the schedule.

7 Q Okay. Well, I think what I'm going to do is
8 before we get involved in LTS too much, because that's going to
9 be for tomorrow --

10 A Yeah. I'm just trying to explain.

11 Q Okay. I appreciate that.

12 A So, just, just real quickly. So, LTS had 50
13 companies that it ran loan portfolios for. It didn't have
14 ownership of any of those loans. Okay? So, once those loans
15 were written off, they were collected upon by, at that point,
16 Glacier employees.

17 Q Collected upon by Glacier employees, what do
18 you mean by that?

19 A We had a collection department within Glacier
20 Management Services.

21 Q Okay.

22 A That make sense?

23 Q All right. Okay. Go ahead.

24 A We had a lending department.

25 Q Mm-hmm.

1 A We had an IT department. We had an HR
2 department. We had an accounting department. We had, you
3 know, executive team. We had a collections department. Just
4 like any other, same organizational chart as most companies
5 have.

6 So, once a file, for example, let's say Bill
7 Smith --

8 **Q Mm-hmm.**

9 A -- a loan went into default, it was sent to the
10 collection department to try to receive it back, regardless of
11 who the owner was, but the owner was not LTS.

12 **Q Okay. So, the owner would have been one of**
13 **these other entities --**

14 A The entities were not, they were not, they were
15 not owed that money for that receivable because in the debt
16 instrument, all that were owed was the debt payment.

17 **Q Okay.**

18 A Does that make sense?

19 **Q So, all they being Glacier or LTS, no. Okay.**

20 A Glacier, LTS didn't own the loans.

21 **Q Okay.**

22 A They employed the people who made the loans for
23 these 50 companies. So, if this company made a loan --

24 **Q Mm-hmm.**

25 A -- we made the loan on their behalf and that

1 loan defaulted, we put it into a write-off status.

2 Q Mm-hmm.

3 A Then it was collected upon by a collection
4 department. That receivable was not anywhere for LTS or
5 Glacier, had nothing to do with LTS or Glacier.

6 Q Okay.

7 A It was with the LLC.

8 Q But Glacier would collect some of those
9 receivables?

10 A And the money would go back into the overhead
11 of Glacier or LTS.

12 Q Okay. Into the overhead of LTS or Glacier.

13 A The overhead, the rent, payroll.

14 Q Okay.

15 A You know, we had to pay, you know, obviously
16 when you have over 200 employees, you pay 401K matching,
17 insurance, all the other things that are overhead.

18 Q Okay. Okay. That being said, please explain
19 to me what Mr. Pelofsky means in response in paragraph three,
20 "The sale would have bundled LTS receivables, if any, as a very
21 small part of the sale."

22 A He's saying, in my reading what he wrote --

23 Q Mm-hmm.

24 A -- that if we sold any receivables to a third
25 party, that any loans that had been made by LTS would have been

1 a very small portion, if any, of that bundle amount.

2 Q Okay. All right. Did you orchestrate or
3 control the sale of any other receivables from, due to these
4 other entities?

5 A We sold receivables all the time.

6 Q Okay. And was there one particular entity that
7 you would sell receivables to?

8 A No. We would use, typically sell them back,
9 until, pre-Operation Choke Point, which is, you know, 2000 --

10 Q Mm-hmm.

11 A -- '09, '10, '11, '12, let's say those three
12 years, there was a group of entities that would sell them back
13 to the E-Data group who would then pay us for the receivables
14 and then that, then what they did with them after that, I have
15 no idea.

16 Q Okay. So, post Operation Choke Point --

17 A We, we had one bundled sale of receivables but
18 none of those were LTS receivables. Those were --

19 Q Okay.

20 A -- all the other 50 --

21 Q And what, who did those go to? Who purchased
22 those receivables?

23 A A group called UVH, I believe. I cannot find a
24 record of that unfortunately.

25 Q And who did they pay?

1 A I don't know.

2 Q Can you get that information?

3 A I've been looking for, since the first meeting.
4 Trust me.

5 Q Okay. So, they paid someone. Do you remember
6 how much they paid?

7 A It was somewhere between 8 and \$900,000.

8 Q Okay. And do you remember a time frame that
9 this occurred?

10 A January or February of 2014.

11 Q Okay. So you're going to look for where this
12 money went?

13 A Yeah. We only have a couple of bank accounts.

14 Q Okay.

15 A I just haven't found it yet.

16 Q And I'm assuming there was some document that
17 reflected the sale?

18 A There was but nobody could find it.

19 Q Okay. But you're going to continue to look?

20 A Yeah.

21 Q Who was in possession of the documents that
22 might be relevant to that transaction?

23 A John Kimball did the transaction for me. He
24 picked out the, the people who were -- you have to understand,
25 these are people who have been written off for a long time, not

1 just recently.

2 Q Okay.

3 A And so, I think we received, like, a penny on
4 the dollar for those receivables.

5 Q Okay. And were the funds placed in one
6 particular bank account?

7 A I believe so.

8 Q Okay. So, you're going to look for that?

9 A Yeah. I've been looking for it. Trust me.

10 Q Okay. And was that bank account a company bank
11 account or was it yours, for example?

12 A It's not mine.

13 Q Okay.

14 A You would have seen it in my bank statements.

15 Q Maybe not that far back but, yeah, okay.

16 A Anything in the last two years.

17 Q So you're looking for that. And John Kimball,
18 where is he, where is he?

19 A He lives in the north part of Kansas City.

20 Q Okay. Where does he work now, do you know?

21 A He has his own company.

22 Q Okay. What's the name of his company?

23 A No idea.

24 Q Okay. Is he in the payday lending industry at
25 all?

1 A Payday lending industry doesn't exist anymore.
2 It's installment lending.

3 **Q Okay. Is he in the installment lending?**

4 A I believe so.

5 **Q But you don't know the name of his company?**

6 A Do not.

7 **Q Okay. All right. So let's move on. In**
8 **addition, I've asked for, a couple times, for you to explain**
9 **what happened to the loan proceeds you received from your March**
10 **2015 loan from JTL.**

11 A Yes.

12 **Q Okay. So, in response to my request, your**
13 **attorney again responded in the January 12th letter,**
14 **specifically paragraph four. And if you take a look at that**
15 **and tell me if, if you assisted Mr. --**

16 A Well, we went through, we went through my bank
17 statements. So, that's, I'm sure, where he pulled these
18 numbers out.

19 **Q Well, did you help Mr. Pelofsky come up with**
20 **this information?**

21 A Yes.

22 **Q Okay. And do you believe it accurately**
23 **reflects what you did with the funds?**

24 A Well, there's, well, there's some, it's -- I
25 have a deposit here on the 13th of 247, which should be not in

1 there because that's part of the 406.

2 Q Well, part of the other problem I have is so
3 obvious, you received the funds in March of 2015, is what I was
4 told.

5 A I received 150,000 in November and then the
6 remaining in --

7 Q Okay. So that was never disclosed anywhere.
8 So, that's the number one problem, okay?

9 A I told you that in the first meeting.

10 Q Okay.

11 A Because I saw the letter you wrote to
12 Mr. Lippert about the \$150,000 in November and then we
13 remodified into a mortgage in March --

14 Q Okay.

15 A -- against my house at 5501 High Drive.

16 Q Okay. So, in reality, in March of 2015, you
17 really got about \$250,000 from JTL, is that right?

18 A Yes.

19 Q Okay. And the balance of that 406 was from a
20 previous loan that was --

21 A One hundred fifty thousand.

22 Q Okay. And you got that loan in November of
23 2014?

24 A Yes.

25 Q Okay. So, is Mr. Pelofsky's response to my

1 inquiry, is it an attempt to respond to what happened to the
2 150 plus the \$250,000?

3 A Except that he's adding in the 250 --

4 Q Deposit.

5 A As a deposit.

6 Q Okay.

7 A All the other things are payments.

8 Q Okay.

9 A Does that make sense?

10 Q Yes. Okay. So, but you helped Mr. Pelofsky
11 come up with that information?

12 A Yes.

13 Q Okay. So let me ask you a few questions. Who
14 is, is it Rinello Investment?

15 A Rinello.

16 Q Who is that?

17 A It's an individual who's involved in the
18 Russian project.

19 Q Okay. And who is the individual?

20 A His name is Boris Abronovich (ph).

21 Q Can you say that again?

22 A Boris Abronovich.

23 Q Okay. And, Mr. Kimball, why would you transfer
24 \$71,000 to him?

25 A It was a, some money to keep the Russian

1 operations calm.

2 Q Okay. Can you expand on that just a little
3 bit?

4 A To keep everybody calm in Russia while we were
5 having turmoil over here.

6 Q Okay. So, who were you trying to keep calm and
7 why did they need \$71,000 to keep calm? That's what I don't
8 understand.

9 A I was told to send the money to keep everybody
10 calm.

11 Q Who told you to send the money?

12 A Different individuals that have consulted me in
13 Russia.

14 Q Can you tell us names or --

15 A Well, we sent the money to keep, to try to keep
16 our business from being, going into chaos like it is now.

17 Q Is that business that you're referring to
18 Evonix?

19 A Nope.

20 Q Pardon me.

21 A It's Bistro Denge (ph).

22 Q Okay. And this Boris --

23 A Abronovich.

24 Q What did he do with the \$71,000?

25 A I have no idea.

1 Q Okay. So he told you or somebody told you send
2 \$71,000 to Boris in Russia and that was going to --

3 A Boris has lent us money in the past and in an
4 effort to keep the peace, we continued to pay him as best we
5 could.

6 Q Okay.

7 A And when we couldn't pay him, I borrowed my own
8 money to pay him to keep the peace.

9 Q Okay. So, that was going to be my next
10 question. Where did you get the money to pay Boris, from JTL?

11 A From all this, all the money I borrowed.

12 Q Okay.

13 A My own personal money.

14 Q All right. So, there's another entry there for
15 a payment of \$71,000 on 3/13/15 --

16 A Yes.

17 Q -- to the same entity. Was that for the same
18 reason?

19 A Yes.

20 Q Okay. And did you owe that entity or Boris
21 money at the time that you sent him the 71,000?

22 A Yes.

23 Q Okay.

24 A Yes.

25 Q And do you owe him any more money?

1 A Yes.

2 Q How much more do you owe him?

3 A That's a difference of opinion.

4 Q Okay. What's your best guess?

5 A I believe I owe him about \$200,000. He
6 believes I owe him more than that.

7 Q Okay. Have you been in contact with him since
8 this bankruptcy was filed?

9 A Many times.

10 Q Okay. Has he asked for money?

11 A Many times.

12 Q Okay. Have you sent him any money?

13 A Not since 3/13.

14 Q Okay. Okay. So, just kind of a clean up. I
15 don't think that that was disclosed in the statement of
16 financial affairs. I think you're required to disclose that.
17 I don't think that's in the ordinary course of business.

18 I noticed in your bank account statements that
19 you did have several payments to Northwestern Mutual and to
20 Prudential.

21 A Yeah. Those are life insurance payments.

22 Q Okay. Do you have a loan against some of your
23 life insurance policies?

24 A I have a, three life insurance policies that
25 are, for lack of a better term because I'm not an insurance

1 salesperson, whole life annuities --

2 Q Okay.

3 A -- with Northwestern Mutual and I borrowed all
4 the money that was in those. And the Prudential is a term
5 policy that has no cash value. So that's a simple, quarterly
6 payments.

7 Q Okay. Because I noticed on Northwestern Mutual
8 there's times you're making payments of, like, \$8,000 a month.

9 A It was up to \$21,000 a month at one point.

10 Q Okay. And that's because there's loans against
11 that policy?

12 A No. Because I had approximately \$9.5 million
13 insurance and I maxed out my contribution when I was making a
14 bunch of money and when I wasn't making money, I borrowed the
15 money against it. And then I asked them to see how long I
16 could go without making payments and just pay the basic minimum
17 payment to keep the death policy alive.

18 Q Okay.

19 A And that's kind of the counter term, to keep
20 the death policy, you know --

21 Q Okay. And that's what that, basically, \$8,000
22 a month was going towards?

23 A Yeah. Those were maxed out.

24 Q Okay.

25 A You know, you know, like, when you can max --

1 Q Right, right.

2 A -- out on your 401K? I maxed out what I could
3 on those four different, three different annuities.

4 Q Okay. And you continue to make those payments?

5 A I have not, I made a payment recently, a
6 minimum payment but not a contribution towards the annuity.

7 Q Okay.

8 A Just to keep the policy.

9 THE COURT: Joel, just another, I don't
10 think that's in the Schedule J, which it probably should
11 be if that's what he's making. I don't believe that's
12 there.

13 BY THE COURT:

14 Q Okay.

15 A The thing is, Ms. Stanton, they're, they're not
16 a consistent monthly policy like they were before. They will
17 inform me --

18 Q When --

19 A -- when it's, like, they day it's, like, crisis
20 day. So, it's almost impossible for me to tell Mr. Pelofsky
21 what the due date is because they give me very little warning.

22 Q Okay. But it sounds like to me you are
23 continuing to make those payments, if you can.

24 A If I can, yes.

25 Q Okay. So, I would think that that's the --

1 A I'd be more than happy to show you the, the
2 emails from them and whatever. But it's, I'm not doing the
3 maximum by anywhere, by any means.

4 **Q Okay. Claw Consulting, you paid \$80,000 and**
5 **that's your company, is that right?**

6 A Yes.

7 **Q And you're the sole owner of Claw Consulting?**

8 A Yes.

9 **Q Okay. And so, apparently in response to my**
10 **inquiry, you put, "As reserved for future payments." What does**
11 **that mean?**

12 A As you know, as I told you at the last or maybe
13 the first meeting, that my attorneys advised me because of
14 potential garnishment from Missouri Bank to open up another
15 account. And when payments came due at Missouri Bank I would
16 write a check that day for a Northwestern Mutual payment or a
17 Jefferson or a Nation Star, not Nation Star, but anything that
18 was a reoccurring payment, I would know the date within a day
19 or two or they'd email and say, hey, Del, you need to deposit
20 \$6,900. So, I put that money in Claw Consulting to avoid a
21 potential large garnishment. As you know, I was garnished in
22 June for about \$500 from E-Data.

23 **Q Okay. And this, what, the entry as reserved**
24 **for future payments --**

25 A Future payments for, for --

1 Q For your personal Northwest Mutual --

2 A Yep.

3 Q -- Prudential? And Claw Consulting, so do you
4 use that account for personal business as well?

5 A Very rarely. That was, the majority of it was
6 that.

7 Q Okay. And so, I know that that was not
8 disclosed in a statement of financial affairs either. So, I
9 think that's a payment that's considered outside the ordinary
10 course of business. So --

11 A It wasn't a payment. It was just a transfer
12 from one account to the other.

13 Q Okay. So that's a transfer outside the
14 ordinary course of business. So, I think you need to disclose
15 that --

16 MR. PELOFSKY: We'll amend it.

17 BY THE COURT:

18 Q -- as well.

19 A Sorry. I don't understand the technical terms.

20 Q Have you or, excuse me, has Claw Consulting
21 paid you any money back from that \$80,000?

22 A I -- paid me? If I took anything, it was a
23 minimal amount of money.

24 Q Okay. So, the other thing --

25 A The majority of the money went to pay my

1 monthly bills.

2 Q Okay. So, it appears to me that based on what
3 you're telling me that the \$80,000 is also an asset of this
4 bankruptcy estate.

5 A That was for the mortgage of JTL.

6 Q Well, you transferred the \$80,000 to Claw
7 Consulting, right? And you haven't been paid back.

8 A I paid it back into Missouri Bank, yes, all of
9 it.

10 Q Okay. So, if you had done that then I'd like
11 to see that --

12 A Sure.

13 Q -- transfer because I couldn't follow that.

14 A I can. I can show you all of it.

15 Q All right. All right. So, let's look at the
16 statement of financial affairs that's in front of you there.

17 A This right here?

18 Q Yes, sir. That's the amended statement of
19 financial affairs that you filed on January 5th.

20 A This is part of it or all of it?

21 Q It's the complete copy of the statement of
22 financial affairs.

23 A Okay.

24 Q But not your schedules --

25 A Okay. Sorry. I misunderstood you.

1 Q That's all right. So, let's, what I'd like you
2 to do is to focus on part two, question number 4 --

3 A Yes.

4 Q -- which is at the end of that page.

5 A Mm-hmm.

6 Q So, Mr. Kimball, since the filing of the
7 bankruptcy, the information that I received shows that you've
8 gone from zero income to \$10,000 of income on November the
9 12th, 2015, to \$200,000 in income for 2015 in the most recent
10 amendment. First of all, why such a vast difference?

11 A Well, I think Mr. Pelofsky was double counting
12 these transfers back and forth from Claw Consulting to Missouri
13 Bank as income. When we went back and went through this this
14 week and it came up with approximately about \$30,000 in income.

15 Q Okay. So, wait. Let me make sure, you're
16 saying that now the number is really \$30,000 of income?

17 A Yes. I relayed that to Mr. Pelofsky.

18 Q Okay. So why is it that you put \$200,000 here?

19 A He double counted this money is what he told
20 me.

21 Q Okay. Who answered question number four?

22 MR. PELOFSKY: Well, both of us.

23 THE COURT: Okay. So you worked together
24 to come up with the \$200,000?

25 MR. PELOFSKY: We did but I think we just

1 miscommunicated on the question, some of this money moving
2 back and forth.

3 THE COURT: Okay. And with all due
4 respect, I'm going to say this again, we've gone through
5 this over and over and over again and the, the answers to
6 the questions on the paperwork continue to change
7 drastically. So, is the number going to be \$30,000?

8 THE WITNESS: Yes.

9 BY THE COURT:

10 Q Okay. And can you please give me the support
11 for that \$30,000?

12 A Yes.

13 Q Okay. When are you going to amend your
14 schedules to reflect the correct amount?

15 A I discussed it with him yesterday. I don't
16 know when he's going to do that.

17 THE COURT: Okay. Joel?

18 MR. PELOFSKY: Well, we've got it just
19 about finished.

20 THE COURT: Okay. So before you leave
21 town?

22 MR. PELOFSKY: So, in the next couple of
23 days.

24 THE COURT: Okay.

25 MR. PELOFSKY: Yes, before we leave town.

1 THE COURT: Because, I mean, I'm not going
2 to conclude this meeting until we get an accurate set of
3 schedules or --

4 MR. PELOFSKY: Right.

5 THE COURT: So, we know that there's
6 already problems with some of these things. So --

7 MR. PELOFSKY: Sure.

8 THE COURT: -- we need to fix them.

9 THE WITNESS: He asked me to go through all
10 these statements and see where there was, where he double
11 counted and I went back through it.

12 BY THE COURT:

13 Q But Mr. Kimball, it's not he that double
14 counts, it's the information. You're supposed to complete
15 these papers.

16 A Yes.

17 Q You're supposed to look for the information and
18 provide it to your attorney.

19 A I did yesterday.

20 Q Okay. All right. So, again, I'm trying to
21 figure out why is it \$200,000 --

22 A It's inaccurate.

23 Q Okay.

24 A There's no other answer.

25 Q Okay.

1 A It's inaccurate.

2 Q Now, question number four also asks you to
3 identify your income for 2014. I understand that you provided
4 your tax returns but you need to disclose that information in
5 that question. Okay.

6 MR. PELOFSKY: That will be in the
7 amendment.

8 THE COURT: Okay. Very good.

9 BY THE COURT:

10 Q Now, moving on to question number five. It
11 asks you to identify other income you've received and you
12 provided a lot of new information in this most recent
13 amendment. I guess what I need, first of all, is some
14 information about where all this money was deposited. We, at
15 the first 341 meeting you told me any income you would have
16 received would have been in your Missouri Bank account. Is
17 that accurate?

18 A More than likely, yes.

19 Q Okay. So, what I want you to do, kind of like
20 what Mr. Strauss asked --

21 A -- some of these were --

22 Q Yeah. Go through each item that you got
23 identified there and tell me when you received the money and
24 where it was deposited if it was deposited. And if it wasn't
25 deposited, what happened to the money.

1 A Okay.

2 Q Okay?

3 A No problem.

4 Q Now, the first thing I want to talk to you
5 about is the sale of the painting, Woodrow Black, to Corey --

6 A Loggerstrum (ph).

7 Q Yep. And that's something new as well.

8 A Yes.

9 Q Can you tell me when you sold that painting to
10 him?

11 A Somewhere in the end of June of 2015.

12 Q Okay. And did you receive \$25,000?

13 A I haven't received all of it.

14 Q Okay. Does he still owe you money?

15 A I think about 2,000 or \$1,500.

16 Q Okay. So, once again, that's considered an
17 asset of the bankruptcy estate.

18 A Okay.

19 Q Okay.

20 A I didn't know that.

21 Q So, you need to identify that in your Schedule
22 B as an asset. Okay. So, the other, the balance of the 25,000
23 you received in June of 2015?

24 A No, I didn't.

25 Q Okay. So, tell me how you got that money.

1 A I got a check for 10,000. He gave me \$5,000 in
2 cash and he, that was, we, since I officially own his house, I
3 was due a check from DuPont and Prellis (ph) on a, everybody
4 lives in Mission Hills, and I'm sure you probably got one in
5 your neighborhood for the, they paid a settlement to every
6 house that they sprayed with this stuff that killed everybody's
7 trees. We filed a class action lawsuit with Mr. John Mullen,
8 who I think you know, to sue DuPont. After three years of no
9 action, I signed a waiver of the class action lawsuit in May or
10 June to get my check for Verona Drive.

11 **Q In May or June?**

12 A Of 2015.

13 **Q Okay.**

14 A And when that check arrived, I can't remember
15 when, that was about \$8,000 that was, since he was living
16 there, I was going to give him that check, he gave it to me as
17 part of the payment towards the painting.

18 **Q Okay. So, let me make sure I understand. You**
19 **got the check in May or June --**

20 A No. I did not get the check.

21 **Q Okay.**

22 A I applied for the check.

23 **Q Okay.**

24 A Because you, I had to drop out of the class
25 action lawsuit and I signed a document saying I'm dropping out

1 of this class action lawsuit, can you pay me the settlement
2 that they proposed.

3 Q Okay.

4 A And --

5 Q And when was that?

6 A I did that in May or June.

7 Q When did you receive the check?

8 A I don't know.

9 Q Was it after May or June?

10 A Oh, yeah. It took a while.

11 Q Okay. Was it in August?

12 A I don't remember.

13 Q Was it after the filing of the involuntary
14 bankruptcy?

15 A I don't know. I'd have to check.

16 Q Could it be?

17 A Fifty-fifty.

18 Q Okay. So, so it sounds like to me that, based
19 on what you're saying, he got the painting --

20 A Immediately.

21 Q Immediately. In June of 2015, before he ended
22 up paying for it.

23 A Well, I'll give you an example. So, my house
24 on 5501 High Drive, when I signed the release of the paperwork
25 --

1 Q Mm-hmm.

2 A -- I got my check in one week.

3 Q Okay.

4 A Right? For whatever reason, his check took
5 much longer.

6 Q Okay.

7 A So --

8 Q Was there any assignment of your claim to him?

9 A No.

10 Q Okay. Are you entitled to any more money out
11 of that class action lawsuit?

12 A No. We dropped it because DuPont seemed like a
13 worthy foe.

14 Q Okay. So, what I need is some paperwork on
15 that lawsuit, when you got the check.

16 A Sure.

17 Q Did you deposit the check into your bank
18 account and then give the check to Corey or you just kept it
19 because --

20 A I just kept it because it was written to me
21 because the house is titled in my name.

22 Q Okay.

23 A But I was going to, originally, since he was
24 supposed to have bought the house, was part of the sale was he
25 was going to get the settlement.

1 Q **Mr. Kimball, when did you give possession of**
2 **the painting to --**

3 A In June.

4 Q **In June. So, that painting wasn't there when**
5 **my auctioneer came to your house to look?**

6 A It was never in my house. It was always at my
7 office.

8 Q **Okay. Your office in Gregory?**

9 A Yeah.

10 Q **Okay. All right. Do you have other paintings**
11 **at your house by the same artist?**

12 A I don't think so.

13 Q **Okay.**

14 A There a western painting but my wife owns it
15 and I don't remember who it is.

16 Q **Okay. Does your wife own other paintings?**

17 A Yeah. She owns --

18 Q **She buy it with her own money?**

19 A Yes.

20 Q **Okay. And can you give me some examples?**

21 A There's one western painting and there's
22 another painting she bought in Mexico years ago.

23 Q **Okay. And, and you didn't pay for those?**

24 A No.

25 Q **Okay. And are those paintings also on your**

1 **insurance rider?**

2 A I think one of them is.

3 **Q Okay. All right.**

4 A My wife has her own money.

5 **Q Have you sold anything else to**
6 **Mr. Loggerstraum?**

7 A No.

8 **Q Okay.**

9 A I understand you went and saw the painting at
10 his house there, right?

11 **Q Mm-hmm.**

12 A It was a hard one to give up.

13 **Q Why did you come up with the, how did you come**
14 **up with the \$25,000?**

15 A I bought it for \$42,000, I talked to an art
16 appraiser and this particular artist that has low or no volume
17 annually on their resale of their work, if any.

18 **Q Mm-hmm.**

19 A And so, it's just kind of an arbitrary figure
20 that we felt was fair.

21 **Q What, when did you purchase that piece?**

22 A February 2008.

23 **Q Okay. And you paid \$42,000. Where did you buy**
24 **it?**

25 A In Aspen, Colorado.

1 Q Okay.

2 A I can show you the receipt if you'd like.

3 Q Yeah. I would. Also, Joel, I think that based
4 on his testimony regarding the payment through the class
5 action, I think that would have to be disclosed in a statement
6 of financial affairs. I think that --

7 A We're no longer in the class action.

8 Q I understand. But I, anything that you have
9 done outside the ordinary course of your business and I would
10 consider that to be outside the ordinary course of your
11 business --

12 A Okay.

13 Q -- has to be disclosed. Okay. So, same thing
14 with the watches, you're going to provide when you sold them,
15 the specific date and what happened to the proceeds.

16 MR. PELOFSKY: Yes.

17 BY THE COURT:

18 Q And any documents you have that relate to those
19 sales, bills of sale, you'll need to provide those too.

20 A Okay.

21 Q Do you think you have any of those?

22 A I don't have any bills of sale.

23 Q Okay.

24 A I can go and try to get them but highly
25 unlikely.

1 Q Okay. So, if you look at page three of the
2 statement of financial affairs -- well, let me go back, I'm
3 sorry. Are there any other, is there any other source of
4 income that you're aware of that hasn't been disclosed in
5 response to question number five?

6 A Hold on. Let me get my little cheat sheet
7 here. Three cars, (Inaudible) Porsche, Land Rover and then the
8 Rubicon. Is that on there, \$7,600. There it is, sorry, on
9 eBay. Real estate, Chicago, Colorado, warehouse are the three
10 real estate properties that I sold. I don't know where you
11 would have listed the Gen Company or Red River. I saw them on
12 here somewhere, so --

13 MR. PELOFSKY: Well, they were here once
14 but they are two transactions that we'll add.

15 BY THE COURT:

16 Q Okay. Let me ask a couple of other questions
17 regarding that. Did you or do you own a Hertz fine art carpet,
18 wool carpet that you have at your house?

19 A Hertz.

20 Q It's a Hertz fine art carpet. It was set forth
21 in your insurance rider.

22 A Can I look at my --

23 Q Yeah. I mean, you don't know if you own that
24 carpet that's --

25 A I don't know.

1 Q **Okay. What about a 2012 Mercedes? You ever**
2 **own the 2012 Mercedes?**

3 A My wife had a leased one.

4 Q **Okay. Only leased?**

5 A Leased.

6 Q **Okay. And does she still have that?**

7 A No.

8 Q **Okay. What about a 2013 BMW?**

9 A That was leased.

10 Q **Okay. Is that gone?**

11 A Which one?

12 Q **Well, it says, "760".**

13 A That's gone.

14 Q **Okay. When did that go?**

15 A In February 2015.

16 Q **Okay. And that was leased?**

17 A Yes.

18 Q **Okay. And what about, there another 2013 BMW?**

19 A Yeah. The lease is up in April, we're going to
20 turn it in any time now.

21 Q **That's the same BMW that --**

22 A Nope. It's the 335I.

23 Q **So, you still have that?**

24 A Yeah.

25 Q **Okay. So, you have to BMWs at your house?**

1 A No.

2 Q Okay.

3 A The 760 was turned in a year ago.

4 Q Okay. So you just have the one?

5 A Yes.

6 Q Okay. Okay. All right. Let's go to question
7 number eight of the statement of financial affairs. I think
8 that, I think that you probably need to amend question number
9 eight. We've already talked about this. I think you've made
10 payments to your brother, I believe.

11 A Yeah.

12 Q Okay. So, those aren't disclosed.

13 A Okay.

14 Q Mr. Kimball, do you have a trust?

15 A I have a, it's a Del Kimball Revocable Trust
16 for my life insurance policies set.

17 Q Okay. And how long have you had that trust?

18 A Ever since I took the policies out. They were
19 put up, set up that way.

20 Q Okay. Besides the life insurance policies,
21 what else is in the trust?

22 A Nothing.

23 Q Okay. Who prepared the trust for you?

24 A Donald Friend.

25 Q Donald who?

1 A Friend.

2 Q Okay. Has anything else ever been in the
3 trust?

4 A No.

5 Q Okay. So, because there's a trust, it's not
6 disclosed, you need to identify that in your --

7 A Well, when we gave you the life insurance, I
8 thought --

9 Q No. You need to disclose it in the paperwork.

10 A Okay. Sorry.

11 Q Okay. Is there a Kimball Family Trust?

12 A Yes.

13 Q Okay. And are you a beneficiary under that?

14 A No.

15 Q Or a party to that trust?

16 A That's my father's.

17 Q Okay. Have you made any payments to the
18 Kimball Family Trust in the last two years?

19 A I may have, I can't remember.

20 Q Okay. So that's another place that would need
21 to be disclosed. And why would you make transfers to the
22 Kimball family trust?

23 A When my father invested in the company in 2001,
24 we originally paid his distributions or payments to Paul
25 Kimball.

1 Q Uh-huh.

2 A And then we switched it over to Kimball Family
3 Trust sometime, five, six, seven years ago. I can't remember.

4 Q So, your father's name is Paul Kimball?

5 A Yes.

6 Q Okay. Is he still living?

7 A Yes.

8 Q Okay. And now, it's, it was switched over to
9 family, or the Kimball Family Trust?

10 A Yes.

11 Q Okay. And do you still owe your father money?

12 A That's a relative term.

13 Q Okay. Do you believe you owe him any money?

14 A I don't know.

15 Q Okay.

16 A He, he's invested probably about \$800,000 into
17 the business and has received probably about \$1.6 million over
18 the years. So he'd probably say I still owe him the 800,000.

19 Q Okay.

20 A I would disagree.

21 Q Okay.

22 A We don't have a formal contract.

23 Q Okay. So, as far as you personally transfer,
24 transferring any money to him in the last two years or to his
25 trust, that would need to be disclosed in --

1 A Yeah. It's very minimal if any.

2 Q I don't care if it's \$10.

3 A Okay.

4 Q You need to disclose that.

5 A Okay.

6 Q Because I think I saw a payment to him in the
7 bank records.

8 A Sure. There's probably two, I think.

9 Q Okay. Have you identified all of your, all of
10 your lawsuits and repossessions and things of that nature?

11 A I don't see, I don't see North Rock Net Finance
12 on here. Was that ever filed, Brennan? I can't remember.

13 BRENNAN: The judgment.

14 THE WITNESS: Okay. I can't remember if
15 they filed it or not. We had a settlement and a judgment.

16 BY THE COURT:

17 Q Okay.

18 A But it's not listed on here.

19 Q All right. So, you're required to list all of
20 the lawsuits you've been involved in in the year preceding the
21 bankruptcy case. And, you know, I don't know of all of the
22 lawsuits you've been involved in. That's why the question is
23 there. But --

24 A The other ones look correct.

25 Q Okay. I don't see the DuPont the lawsuit.

1 A Okay.

2 Q So, anything that is --

3 A I don't know if I was named --

4 Q And I think you may have been named on a tax,
5 was there a, Missouri Department of Revenue filed something
6 against you or Kansas, I don't remember which it was?

7 A Kansas Department of Revenue filed a tax lien
8 last week.

9 Q Okay. Last week?

10 A Yes, or before.

11 Q Okay. Okay. None of your property has been
12 repossessed in the last year or you haven't had a garnishment
13 in the last year?

14 A I had a garnishment from E-Data on my bank
15 account.

16 Q Okay. So, I don't think that's identified in
17 the paperwork either. And I don't think they got too much, did
18 they?

19 MR. PELOFSKY: It was a few hundred
20 dollars.

21 BY THE COURT:

22 Q How much?

23 A It was less than 500 bucks.

24 Q Okay. So you need to identify that --

25 MR. PELOFSKY: We will.

1 BY THE COURT:

2 Q -- in response to question number 10, I
3 believe.

4 A It's goes on the thing.

5 Q Within two years before you filed the
6 bankruptcy, have you given any one person more that \$600 in
7 gifts?

8 A What do you mean by gifts?

9 Q Well, money --

10 A I didn't file --

11 Q -- property.

12 A -- bankruptcy. I didn't file the bankruptcy.

13 Q Okay. So within the one year --

14 MR. PELOFSKY: We understand --

15 THE COURT: Two years, sorry.

16 MR. PELOFSKY: I'll discuss it with you.

17 THE WITNESS: Christmas gift or like money?

18 BY THE COURT:

19 Q Well, anything.

20 MR. PELOFSKY: All right.

21 THE WITNESS: Well, I'd have to --

22 THE COURT: No, Joel. I'm asking him. You
23 said, I'll explain. I want him to answer.

24 MR. PELOFSKY: No. I didn't say I'd
25 explain. I said we will amend to reflect those.

1 BY THE COURT:

2 Q Well, tell me what the answer is.

3 A I'm sure I have.

4 Q Okay. I figured you had too.

5 A I just want to make sure I understand what a
6 gift is.

7 Q Okay. So, so you need to identify that. Can
8 you tell me any gifts that you have given anybody in the last
9 two years, sitting here today?

10 A Not off the top of my head. I don't know. You
11 know --

12 Q Okay.

13 A When you say, like, a gift, like, did I go buy
14 my son a thousand dollar bike? No.

15 Q Okay. Well, it says anything more than \$600.

16 A That's what I'm thinking about. I can't think
17 of anything more than \$600.

18 Q No jewelry?

19 A Not that I can think of.

20 Q Have you taken anybody on you any trips?

21 A No. I haven't been on my trips myself.

22 Q Okay. Well, let's talk about that for a
23 second. It looked like you had been to Hong Kong last
24 November?

25 A Yes, that was business trip.

1 Q Okay. Now, did you take somebody with you?

2 A Ian Bottomley (ph).

3 Q Okay. Did you pay for him to go with you?

4 A Yes.

5 Q Okay. And where did you stay?

6 A At the Intercontinental.

7 Q Okay. So, my question is, you know, you have
8 said that you have --

9 A Is that a gift or business expense?

10 Q Well, that's -- okay. Why don't you answer
11 that?

12 A I thought it was a business expense.

13 Q Okay. And I hope you understand when I say
14 this, Mr. Kimball, you have said that you have been broke for a
15 last two years but yet you spent thousands of dollars going to
16 Hong Kong, why?

17 A I told you why. It was, we had a deal with a,
18 we were trying to close a \$150 million investment from a hedge
19 fund.

20 Q Well, you didn't tell me that, but --

21 A When we were sitting in my office, I told you
22 about the training guy that moved to Hong Kong and we went
23 there, Ian went there three times, I went there twice. And he
24 told us he was going to give us \$150 million, investment for
25 worldwide business and then buy the Russian partners out.

1 Q Okay. So, it was just you and Ian that went?

2 A Sam went I think one time.

3 Q Would he have gone last November?

4 A Yeah.

5 Q Okay. And how did you get there?

6 A Well, Cafe, Pacific Airlines.

7 Q Okay. And did you do some business
8 entertaining while you were there?

9 A We went to dinner with them almost every night.

10 Q Okay. And how long were you there?

11 A I think the first trip was 10 to 12 days, I
12 can't remember exactly, I'd have to go look at my calendar.

13 Q So was the first trip in November --

14 A Yes.

15 Q -- of 2014? And when was the second trip?

16 A I think I went in February. That was just Ian
17 and I.

18 Q Okay.

19 A And then Ian went by himself, I believe in
20 April.

21 Q Okay. And did you pay for Ian to go --

22 A Yes.

23 Q -- in April? Okay. And how did you pay for
24 that for Ian?

25 A From, some of it from this money that I got out

1 of the --

2 Q Okay. And did you pay for that through using a
3 credit card for did you write a check to Ian to reimburse him?
4 How did you pay for it?

5 A We did a little bit of everything.

6 Q Okay. So, would you have -- do you have a
7 debit card that goes with your Missouri Bank?

8 A No.

9 Q No, okay. So, would it have come out of the
10 Missouri Bank account?

11 A No.

12 Q Okay. Would Claw Consulting have paid those
13 expenses?

14 A Because the money from the, borrowing on the
15 mortgage was in Claw, some of it came from that, yeah.

16 Q Okay. So you're saying in April --

17 A We also asked the gentleman in Hong Kong to pay
18 for the hotel room of Ian or part of the trip because he had
19 promised for a long time to give us this money and he paid for
20 part of it at well.

21 Q And what's his name?

22 A Mark Blinder, B-l-i-n-d-e-r.

23 Q Okay. And who is Mark Blinder?

24 A He's a financier from Kiev, Ukraine.

25 Q And so, and you met with him in November of

1 2014 --

2 A I have been meeting with him since 2013.

3 Q Okay. And what specifically is he interested
4 in?

5 A He was interested in buying our Russian company
6 called Bistro Denge. He was interested in putting \$150 million
7 into new projects like Bistro Denge, in addition to putting in
8 close to \$50 million into an installment loan business in the
9 United States.

10 Q Okay.

11 A And on top of that, he was going to help settle
12 my debts with North Rock, E-Data, and other groups, i.e., Kyrus
13 (ph) along the way.

14 Q Okay. So, what happened with your negotiations
15 or dealings with Mr. Blinder?

16 A Blinder.

17 Q Yeah. What happened there?

18 A We got sick of his promises, so we, and it was
19 very expensive to go to Hong Kong even for three or four days
20 so basically now I do all my contacts with his, what was
21 supposed to be is CEO, an American gentleman named Mark Davis.
22 And Mark Davis is, was supposed to be the CEO of his hedge
23 fund. And so, I've not spoken to Mr. Blinder since, probably
24 May, when you were in my office, remember we were talking about
25 trying to get back in touch with him to see if he would be

1 interested in buying the Russian project. As far as I know,
2 according to, from Mark Davis, he has not received his funding
3 yet.

4 Q So, but he may still be interested?

5 A He's absolutely, 100 percent interested.

6 Q Has he loaned you any money investing in payday
7 lending or --

8 A No.

9 Q -- installment loans?

10 A Nope. He's never lent me any money.

11 Q Well, has he -- you said you went to talk to
12 him in April, or Ian did, to talk about investing 150 in the
13 Russian project and 50 --

14 A To buy the Russian project, \$150 million to
15 create new projects like Russia. And then \$50 million to put
16 into the United States in the installment loan business.

17 Q Okay. And what's specifically, what
18 installment loan business were you asking him to invest in?

19 A Well, when we started working with him, the
20 business was in business.

21 Q What business, what's the name of the business?

22 A The, the installment loan business in 2013, the
23 beginning of 2013 --

24 Q Okay. So you start talking to him at that
25 point?

1 A Oh, yeah.

2 Q Okay.

3 A So, when we started talking about this, this
4 was a long drawn out process, he only wanted to allocate that
5 much money toward the United States business.

6 Q Okay. And has he invested in any installment
7 business?

8 A Nothing.

9 Q And you haven't talked to him since last May?

10 A No, I haven't.

11 Q Okay. Has Ian?

12 A When they got in a big argument in April but
13 not since then.

14 Q Okay.

15 A But Mark Davis talks to him about every month.

16 Q Okay. Okay. Look, while we're talking about
17 Ian, I also think there needs to be a disclosure regarding the
18 payments made to Ian from Mr. Kimball on the statement of
19 financial affairs. Okay. And to the extent that you paid for
20 Ian to go to Hong Kong in April, I think all that needs to be
21 --

22 A Sure.

23 Q -- disclosed and how much you paid.

24 A Okay. I did not know if that's, I considered
25 that a business, part of the business expense, not a gift. So,

1 I didn't quite see it, if you want us to list it as a gift,
2 that's fine.

3 Q Well, it needs to be disclosed one way or the
4 other, whether or not it was a gift or just --

5 A I think it falls more under the, you know, as a
6 business expense because it really wasn't a gift. He went over
7 there for a specific purpose.

8 Q Okay. Now, if you would refer to question
9 number 18, part seven, question number 18 in the statement of
10 financial affairs. It asks you to identify any transfers
11 outside the ordinary course of your business. And we've
12 already identified a couple that you need to amend. But other
13 than that, if you would take a minute to, to look through your
14 response and tell me that, whether or not, to the best of your
15 knowledge and belief, that accurately reflects all of the
16 transfers outside of ordinary course of business, other than
17 what we just discussed.

18 A Other than the ones that we, the watches and
19 stuff before?

20 Q Other than the ones that we just discussed, the
21 payments to Ian, the payments to Claw Consulting.

22 A Well, I don't know where, I know that on, in
23 some part of the schedule, I saw the write off of debt to
24 Rennington which is Garth Selth (ph), who you know --

25 Q Mm-hmm.

1 A -- is our consultant in Moscow. So would that
2 fall into this category, any payments made to him?

3 **Q I'm not sure I know what you're referring to.**

4 A Garth Selth, you spoke with he and Ian about
5 the sale of Russia.

6 **Q Mm-hmm. Well, first of all, Mr. Kimball, I**
7 **can't answer the questions for you and you have an attorney to**
8 **help you understand what you're supposed to put there.**

9 A Okay.

10 **Q If you've paid Mr. Garth or Mr. Selth --**

11 A See, I was looking --

12 **Q -- any money or his company, I would consider**
13 **that something that you need to identify.**

14 A Okay. Because I was looking at this as, like,
15 properties and stuff or, like, watches.

16 **Q Okay. So, just so I'm certain, are you telling**
17 **me you have not identified any transfers and money of property**
18 **to anyone outside the ordinary course of business?**

19 A The only two would have been, like I said, my
20 brother, Garth and Ian, as far as I can tell off the top of my
21 head.

22 **Q Okay. And Claw Consulting.**

23 A Well, Claw paid the money right back to, to --

24 MR. PELOFSKY: Yeah, okay.

25 THE WITNESS: -- to myself.

1 BY THE COURT:

2 Q Okay. So, those are the only additional
3 transfers that you can think of?

4 A Well, as long as I'm understanding what you're
5 trying to achieve here, which is, I thought this was sales of
6 things.

7 Q So, then I would suggest you, one more time,
8 that you need to go back through and identify any transfers of
9 money or property outside the ordinary course of your --

10 A So, if I paid a consultant or I paid for a trip
11 for Ian to go to Hong Kong, that's what you consider part --

12 Q I personally would consider that but that's why
13 you have an attorney.

14 A Yeah. I'm just trying, I'm trying to do the
15 best I can. That's all I'm --

16 Q Well, didn't you sit down with Mr. Pelofsky and
17 go through these questions?

18 A Yes. And if you look at all these things,
19 there are sales of property --

20 Q Okay.

21 A -- or watches. And so I didn't --

22 Q And didn't he explain to you that you're
23 supposed to identify all of your, the transferring of money or
24 property that's outside the ordinary course of your affairs?

25 A Well, maybe I misunderstood him then.

1 Q Okay. Okay. So, let's get that amended too.
2 Question for you, I noticed in your bank account statements
3 that there were payments from, is it Marody's (ph), is it
4 Marody's that you sold some watches to?

5 A Mm-hmm.

6 Q Okay. And so, why did you have Marody's write
7 the check to Claw Consulting?

8 A Because I didn't want to have a potential
9 garnishment.

10 Q Okay. Because Claw Consulting didn't own those
11 watches that you sold, correct?

12 A No.

13 Q Okay. All right. Okay. If you flip over to
14 page eight of the statement of financial affairs.

15 A Okay.

16 Q In question number 10, it asks you --

17 A Ten?

18 Q Yes. Or excuse me, 19, I'm sorry. It says
19 within 10 years before you filed for bankruptcy, did you
20 transfer any property to a self settled trust or similar device
21 of which you are a beneficiary, and your answer was no.

22 A I haven't transferred any property, I've sold
23 properties.

24 Q Okay. Well, it asks you did you transfer any
25 property to a self settled trust or similar device of which you

1 are a beneficiary?

2 A No.

3 Q Okay. So that's answer is accurate?

4 A No. I don't have any other trusts besides that
5 trust for my --

6 Q Okay. All right. So, moving on --

7 A -- life insurance.

8 Q Moving onto question number 20. It asks you to
9 identify any safety deposit box or storage units, and I know
10 that you have both.

11 A I don't have a safety deposit box.

12 Q Well, according to your bank you do.

13 A What bank would that be?

14 Q Missouri Bank. So you might check on --

15 A -- be my wife's and not my name.

16 Q I think you're name's on it too. So, you --

17 A I never knew about that.

18 Q -- need to check that out. And I know that you
19 also have a storage unit that needs to be identified.

20 A I thought that was identified some place else
21 in the schedule.

22 Q All right. So, we'll flip over to the next
23 page which, look at part 11, question number 27. And that
24 question asks you to identify all of your interest in
25 businesses in the last four years.

1 A Mm-hmm.

2 Q And how that you've amended your schedules, do
3 you believe that you've done that?

4 A We listed -- give me one second please. We've
5 listed all the, the LLCs that I did tax returns on.

6 Q Okay. No. It's a real simple question, I
7 don't want you to have to try to explain.

8 A I will --

9 Q All I want to know right now is have you now,
10 to the best of your knowledge and belief identified --

11 A I believe so.

12 Q -- identified all of the businesses in which
13 you have held on an in the last four years?

14 A I believe so.

15 Q Okay. And that addendum that's made a part of
16 your schedules and statement of affairs is accurate, is that
17 correct?

18 A Well, can I see it? Is this the addendum right
19 here?

20 Q Yes, sir.

21 A This looks exactly like this.

22 Q Mr. Kimball, is this the first time that you've
23 seen this addendum?

24 A No. I saw -- the top part was the only
25 addendum I had, so I had to read this.

1 **Q** **Okay. And did you help your attorney prepare**
2 **the addendum to your schedules?**

3 A Yes.

4 **Q** **Okay.**

5 A I'm just making sure all the offshore entities
6 are on there. There's one or two entities that I don't see on
7 here right now that I'm looking at it that need to be added.

8 **Q** **And what are those?**

9 A One of them is called Six Kingdom's and one is
10 called Warren Capital One, that I was saying about earlier.

11 **Q** **Are those still operate entities?**

12 A No.

13 **Q** **Okay. Question for you regarding the**
14 **addendum -- well, the other one I noticed that is not on here**
15 **is Claw Consulting.**

16 A Oh, sorry.

17 **Q** **And that's the one you're still operating,**
18 **right?**

19 A Yeah. Sorry about that.

20 **Q** **Okay.**

21 A I didn't see that.

22 **Q** **All right. Now, --**

23 A There's a lot of them.

24 **Q** **Okay. Okay. So let me ask you this, for some**
25 **reason you've identified these entities by date or by year.**

1 A Those were based upon the year they were filed
2 in tax returns.

3 **Q So, explain that to me. For example, the**
4 **entities that are identified under 2011, what's the 2011**
5 **represent?**

6 A Entities that were filed on that tax return.

7 **Q Entities that were filed on that tax return?**

8 A On my personal tax return.

9 **Q On your personal tax return?**

10 A Yes.

11 **Q Did any of these entities file separate tax**
12 **returns?**

13 A I don't know.

14 **Q Okay. And I believe I've asked for that**
15 **information and you have provided information. Do you believe**
16 **that you've provided all of the tax returns --**

17 A I was told that I provided all the tax returns.

18 **Q And who told you that?**

19 A Mr. Pelofsky.

20 **Q How would Mr. Pelofsky know?**

21 A Because he worked directly work with my
22 accountant, Becky Nelson and Russ --

23 **Q Okay. All right. Okay. So, let's see.**
24 **Trying to find Glacier?**

25 A Glacier wasn't started until 2012. So, that's

1 not on there either. No, wait, 2013, it's on there.

2 Q Okay.

3 A So it's the first year.

4 Q Okay. So, it's, it was organized in 2013?

5 A Well, no. It probably had little or zero
6 activity in 2012 but it was full in 2013.

7 Q Okay. Is Glacier still operating?

8 A No.

9 Q Okay. You heard the testimony from Mr. Furseth
10 (ph) regarding Glacier, what's your take on, when did Glacier
11 cease operating?

12 A I think around September or October 2000, what
13 is this here, '14.

14 Q Okay. Do you know whether or not it still has
15 bank accounts open?

16 A Yes, it does. I've provided you with those, I
17 believe.

18 Q Okay. So it has the, is it Five Star?

19 A Five Star Bank in Colorado Springs.

20 Q Okay. Are there any other accounts open?

21 A No.

22 Q Okay. Did Glacier have an account at BMO
23 Harris?

24 A Yes.

25 Q Okay. Is that still open?

1 A No.

2 Q Okay.

3 A They closed it on us.

4 Q Okay.

5 A I have a copy if you need one.

6 Q Who controlled the -- well, who was authorized

7 to sign on the checks at Glacier?

8 A Myself, Dave Sanchez, and Sam Furseth.

9 Q Okay. And who generally signed checks?

10 A Dave Sanchez.

11 Q Okay. Did you on occasion sign checks from

12 here, time to time?

13 A I never signed checks.

14 Q For Glacier?

15 A They just used my stamp.

16 Q Okay.

17 A Now, after Dave Sanchez left, then I would.

18 After he quit.

19 Q When did he quit?

20 A I'd say February or March of 2014.

21 Q Okay. Why did he quit?

22 A Because he knew the business was going out of

23 business.

24 Q Okay. And did he go work somewhere else?

25 A Yes.

1 Q Where was that?

2 A He started his own installment loan company.

3 Q What was the name of that?

4 A I don't, I think it's called Wind Talker.

5 Q Is he the sole owner of that installment loan
6 company?

7 A I'm not sure the ownership structure of that.

8 Q Does that operate out of Kansas City?

9 A I believe so.

10 Q Okay. Out of the same office you have Claw
11 Consulting?

12 A No.

13 Q Okay.

14 A No.

15 Q Does Dave Sanchez have anything to do with
16 Agile Fish?

17 A No.

18 Q Okay. Has he ever, as far as you know?

19 A He used to be a client of Agile Fish's as far
20 as I was, heard.

21 Q Like an investor or --

22 A No. They, they processed his loan portfolio
23 for him.

24 Q Okay. And where does Agile Fish operate out
25 of?

1 A It has an office in North Kansas City and then
2 there are some employees in my office.

3 **Q Okay. Is there a reason that you would**
4 **transfer any money to Grant Jordan?**

5 A There could be.

6 **Q Okay. Can you tell me a reason?**

7 A Maybe I wanted, he loaned me some money and I
8 paid him back.

9 **Q Okay. Does he owe you any money now?**

10 A No.

11 **Q Okay. Do you remember the last time you**
12 **borrowed money from him?**

13 A No. It's been a while.

14 **Q A year?**

15 A I can't remember.

16 **Q Okay. And do you remember how much you**
17 **borrowed from him?**

18 A I remember seeing a check for, like, \$4,500
19 dollar when I was going through my bank statements the other
20 day.

21 **Q Okay. And would that payment be a repayment to**
22 **Mr. Jordan for a loan?**

23 A More than likely.

24 **Q What else would it be?**

25 A Nothing that I can think of.

1 Q Nothing that you can think of?

2 A Yeah.

3 Q Okay. Does he owe you any money?

4 A No.

5 Q Okay. Who is Red Stag?

6 A It's a company that controls, it's a consulting
7 company to a Native American tribe.

8 Q Okay. And who is the owner of Red Stag?

9 A Grant Jordan.

10 Q Is he the sole owner as far as you know?

11 A As far as I know.

12 Q Do you know how long it's been in business?

13 A I'm not sure. Probably a year to two years.

14 Q Okay. And it's in the installment loan
15 business?

16 A No.

17 Q What, what do you say it does?

18 A It's a consultant an Indian tribe who's in the
19 installment business.

20 Q Okay. Who is the Indian tribe?

21 A The Guidiville Rancheria Tribe.

22 Q And where are they located?

23 A In Utica, California.

24 Q And that's where the server is?

25 A Yes.

1 Q Okay. And is that who has the server?

2 A It's in a server, it's in a building that they
3 own.

4 Q Okay. And tell me, why is that?

5 A Why is what?

6 Q Why is the server in a building owned by the
7 tribe, why is the server physically there?

8 A Because the, it's their server and they make
9 loans off that server.

10 Q So they are using that server?

11 A Yes.

12 Q The tribe is?

13 A Yes.

14 Q Okay. And do they pay anyone for the use of
15 that server?

16 A No.

17 Q Okay.

18 A It's their server.

19 Q Okay. How did they get the server?

20 A I gave it to them.

21 Q Okay. And did they pay you any money for it?

22 A No.

23 Q When you say you gave it to them, do you really
24 mean LTS?

25 A LTS Limited give it to them.

1 Q Okay. Is that who the owner of the server was?

2 A LTS Limited is a Isle of Man company.

3 Q Okay. So, they were the owner of the server
4 and you gave it --

5 A No.

6 Q No. I'm sorry.

7 A LTS Limited owned all the computer equipment
8 for Russia.

9 Q Okay.

10 A And when Russia changed it's privacy policy
11 laws, they required that all the data of Russian citizens be
12 in, within the country's confines.

13 Q Mm-hmm.

14 A So they bought the equipment from us. And when
15 we took the money from that, I bought a server and gave it to
16 the Indian tribe because --

17 Q Okay. Back just a second. I'm sorry, you've
18 lost me.

19 A I know, it's a little confusing.

20 Q All right. So, who, you say -- well, who
21 bought the server?

22 A Who bought the server?

23 Q Well, let's even back up further. Did LTS
24 Management ever own the server?

25 A No.

1 Q Okay. But LTS Limited did?

2 A LTS Limited owned a server in the Isle of Man
3 that was sold to Russia.

4 Q Okay.

5 A To Bistro Denge and MK.

6 Q Okay. Is that the server that the tribe --

7 A No.

8 Q No. Okay. Well --

9 A Can I just try to explain it --

10 Q Yeah.

11 A -- more simply?

12 Q Yeah.

13 A So, we had a server farm.

14 Q A server what?

15 A Farm.

16 Q Okay.

17 A In the Isle of Man, which held all the records
18 of the Russian loan company. The reason was because we
19 were scared that the Russians, if it was on Russian soil, they
20 would just come and steal the server and we'd lose all the
21 data.

22 Q Okay.

23 A Make sense? So, we put it on a server farm.
24 The server farm is a company that basically houses servers for
25 other companies so they don't have to do it themselves because

1 it requires a lot of power and all this stuff. And the Isle of
2 Man is a -- for example, our server was next to Party Poker dot
3 com which is the world's largest online gaming company. So it
4 was in a big room full of servers called a server farm. And
5 when they changed the laws in Russia, we would not allow us to,
6 because it's interacted constantly with the Isle of Man server
7 farm. So they bought the company from us and took the
8 equipment out of the Isle of Man and moved it into Russia.

9 Q Okay. Who is they that bought the equipment?

10 A MK and Bistro Denge.

11 Q Okay. All right.

12 A From the proceeds of that sale, I bought a
13 server and gave it to the Guidiville tribe in anticipation of
14 them \$50 million loan from Mark Blinder. When the loan never
15 occurred, I just let them keep it.

16 Q Okay.

17 A And they let me house some of my data on there
18 so I would be, have some -- when you saw my computer, I don't
19 have access to anything else on that server.

20 Q Okay.

21 A Does that make sense a little bit better?

22 Q Sure.

23 A And it's confusing .

24 Q Okay. So you use the proceeds from the MMK
25 sale to purchase the server?

1 A Yes.

2 Q Okay. And some of the data from L. T. S.
3 Management is on that server?

4 A No.

5 Q Okay. That's where I was confused, okay?

6 A No, no, no.

7 Q All right.

8 A That's a brand new, all on it's on, it had
9 nothing to do with LTS.

10 Q Okay. So, when I've asked you where is the LTS
11 server, I have received the response several times, it's in
12 California.

13 A Well, it's, it's not even an LTS server, it
14 belongs to the Guidiville Rancheria Indian tribe. But the data
15 that you pull off my computer is housed on a virtual server
16 within that server. It's like a cloud based server.

17 Q Okay. So, all of your various entities that
18 you've held an interest, data is on that server?

19 A No. They're segmented, they're not connected.

20 Q Okay. But data is on that server?

21 A Right.

22 Q Okay. And you just gave the server to the
23 tribe to use?

24 A We gave it in anticipation of this \$50 million
25 investment.

1 Q And when did you give them that?

2 A Summer of 2014.

3 Q Okay. So now that the investment is not going
4 through, have you asked for compensation for that server?

5 A No.

6 Q Why not?

7 A Because they're, they're housing my, what
8 little data I have and quite honestly, the server wasn't that
9 expensive.

10 Q How much was it by the way?

11 A I'd have to find out, I don't know. It was
12 probably less than \$10,000.

13 Q Okay. And I noticed in your bank account
14 statements that it appears that you have gone back and forth to
15 California a couple of times recently or in the last year.

16 A Mm-hmm.

17 Q What do you have going on in California that
18 requires you to be there?

19 A I'm working on a new business deal.

20 Q Okay. And what is that?

21 A It's in banking.

22 Q Okay. Can you, is, can you expand on that a
23 little bit?

24 A Trying to create a Native American sovereign
25 nation bank, a nontraditional financial services bank.

1 Q Okay. And who are you working with in
2 California?

3 A I mean, is that, is that relevant?

4 Q Well, I'm just trying to figure out why you're
5 spending all this money going to California when you told
6 everybody that you're broke.

7 A I'm trying to find a way to earn an income.

8 Q Okay. And so, do you want to tell me who
9 you're dealing with there?

10 MR. PELOFSKY: Well, isn't that post
11 petition activity?

12 THE COURT: No. Some of it's pre. I mean,
13 you know, there's one time he went from Hong Kong to
14 California and he was there for several days.

15 THE WITNESS: But that was not, have
16 anything to do with that. I sat there for one day to
17 return home because of the connection. That trip had
18 nothing to do with the Native American bank.

19 BY THE COURT:

20 Q Okay. So, are you refusing to tell me who
21 you're --

22 A No. It's the Sioux Tribe of South Dakota.

23 Q Okay. But you have to deal with them in
24 California?

25 A No. The guy who's partners with them lives in

1 California.

2 Q Okay. Do you have any payday lending operation
3 of any kind in California?

4 A No.

5 Q Okay. Okay. On the statement of financial
6 affairs, it also asks you to identify any closed bank accounts
7 in the last couple of years and I know that there's at least
8 one individual account that you closed. I think there's
9 actually two. So, you need to --

10 A In the last two years, I've had over 100 bank
11 accounts closed.

12 Q Well, personal bank accounts.

13 A The only one I can think of is, I closed my
14 wife's joint account at Missouri Bank that I brought the last
15 six months of the statements for you because I can't get any
16 further back than that.

17 Q Okay.

18 A And my kids both had little savings accounts
19 there. So, and I had a bank account there for a golf
20 tournament I used to run 10 years ago that I never closed.

21 Q Okay. What was the name of that account?

22 A The Back Lie.

23 Q I saw that one. Okay. All right. So, well,
24 you need to identify all of the present accounts that you
25 closed. Okay. Within the last --

1 A The only one would be the one with my wife and
2 I.

3 **Q You just need to make sure you disclose --**

4 A I have the copies right, if you want --

5 **Q You need to put it in the paper.**

6 MR. PELOFSKY: Just say yes.

7 THE WITNESS: Yes, sorry.

8 BY THE COURT:

9 **Q All right. So let's move on now to the**
10 **schedules that you filed on January the 5th. And Joel, do you**
11 **have a copy for him that he can refer to?**

12 MR. PELOFSKY: Yeah. I have -- okay.

13 BY THE COURT:

14 **Q Okay. So, let me ask you again, Mr. Kimball,**
15 **your Schedule A and B asks for all of your real property and**
16 **all of your personal property. Do you believe now that you**
17 **have identified all of that property?**

18 A This is like real estate, right.

19 **Q Well, Schedule A/B questions or tells you to**
20 **identify all of your property, whether or not it's real or**
21 **personal. My question is, have you done that to the best of**
22 **your knowledge and belief?**

23 A Well, these are my three properties, well, I
24 mean, actually, the third one is yours now, 4804 Verona Road.
25 And these are the only three real estate properties that I

1 have.

2 Q So, have you identified all of your real estate

3 --

4 A Yes.

5 Q -- and all of your personal property?

6 A Yes.

7 Q Okay. Do you have any changes that you're
8 aware of?

9 A Not that I know of.

10 Q Okay. So, let's, Schedule A, schedule of real
11 property didn't change as far as I could tell. But let's look
12 at Schedule B, which is your schedule of personal property.
13 And I have a few questions about that.

14 A Where's it at?

15 MR. PELOFSKY: Right here.

16 THE WITNESS: Right here, okay.

17 MR. PELOFSKY: Actually it starts on --

18 THE WITNESS: Okay.

19 BY THE COURT:

20 Q If you'll go to B. 8.

21 A Yes.

22 Q Specifically it asks you to identify any of
23 your collectibles.

24 A Yes.

25 Q And have you identified now all of your

1 collectibles that you're aware of?

2 A Yes.

3 Q Okay. So, for the record, I have received some
4 of these items but I want to make sure that I have received all
5 of them and that these aren't in addition to what I've already
6 gotten. Okay? So, you've got autographed balls.

7 A I believe you have those.

8 Q Did you say I can have them or --

9 A You already have them.

10 Q Okay. So, those are the three basketballs,
11 right?

12 A Four.

13 Q Is there four? Okay. And then helmets, I know
14 I've seen pictures of them. Where are those located?

15 A My house.

16 Q Okay. So, I'll need to get those turned over
17 to me as well. What kind of helmets are they?

18 A Just football helmets.

19 Q Are they signed by somebody?

20 A Yeah. Generally.

21 Q Okay. Tell me who they're signed by?

22 A Let's see. One is signed by Terry Bradshaw.

23 Wait. No, no, no. What was his name? Kit Stabler. One was

24 signed by Terry Bradshaw. One as signed by Paul Horning. And

25 then there's a KU signed helmet by the entire team.

1 Q Okay. So, those are four helmets that will be
2 turned over to me, correct?

3 A Yes. I wasn't aware that you wanted those.

4 Q Okay. And I had not asked for them yet because
5 this is the first time I saw them. Well, them in the
6 schedules, I did see pictures but they were never disclosed.

7 You've got a framed and signed covers. What is
8 that?

9 A I don't know what that is.

10 Q Okay.

11 A Covers?

12 Q I'm not the one that completed this. So --

13 MR. PELOFSKY: Well, that's the record.

14 BY THE COURT:

15 Q Is that the Led Zeppelin --

16 A Yes.

17 MR. PELOFSKY: That you took already.

18 BY THE COURT:

19 Q Okay. So is that what that refers to?

20 A Yeah.

21 Q So there's nothing in addition to the Led
22 Zeppelin signed --

23 A No.

24 Q -- album. Okay. And then, Mr. Pelofsky had
25 told me about that George Brett picture. Are there George

1 **Brett pictures?**

2 A No.

3 **Q Okay. So that's a mistake?**

4 A Quite honestly, and I told Mr. Pelofsky, go
5 ahead and schedule it. I wasn't quite sure about it because
6 it's been around our office so long. But we went ahead and
7 scheduled it.

8 **Q And is that a signed picture from George Brett?**

9 A Yeah. We would have had it forever. So, I'm
10 not quite sure when it was purchased or what purchased it.

11 **Q Okay. But you're telling me in these papers --**

12 A It's --

13 **Q -- that it's yours --**

14 A I'm saying that we went ahead and scheduled it.

15 **Q Okay. Are there any other collectibles that**
16 **you can tell me about or that you're aware of?**

17 A No.

18 **Q Okay. All right. Now let's move to question**
19 **number 12, jewelry?**

20 A Yes.

21 **Q You identified three pairs of cuff links?**

22 A Yes.

23 **Q And a Rolex Presidential?**

24 A Yes.

25 **Q Okay. I'm going to need the Rolex Presidential**

1 **turned over to me.**

2 A I can't get that Rolex Presidential until I
3 send back the Duet watch.

4 Q **Okay. Well, first of all, I'm not going to**
5 **give you back the Duet watch, okay, without a lawsuit. Second**
6 **of all, you have a duty to turn over the Rolex to me. Where is**
7 **it?**

8 A It's in Russia.

9 Q **Okay. So, some how, some way, you're going to**
10 **make arrangements to get that back to the bankruptcy --**

11 A I don't understand how you can keep somebody
12 elses property.

13 MR. PELOFSKY: Well, this is not a place to
14 make arguments.

15 THE WITNESS: Okay. I don't -- I will try
16 my best, I don't know how --

17 MR. PELOFSKY: Okay.

18 THE WITNESS: it will get stolen if they
19 mail it.

20 BY THE COURT:

21 Q **Okay. So, why is it in Russia?**

22 A Because my business partner has it.

23 Q **Who is your business partner?**

24 A Igor Profkit (ph).

25 Q **And why does he have it?**

1 A Because we traded watches on a silly night when
2 we had too much to drink.

3 Q Okay. So, I bet you're going tell me next that
4 the Duet watch is really his?

5 A It is his.

6 Q Okay. Why have you had it insured for the last
7 four years?

8 A Because if it got lost or stolen, I wouldn't
9 have to pay him back for doing, because it's substantially more
10 expensive than --

11 Q Are you ever represented to anybody that that
12 was your watch?

13 A No.

14 Q All right. So, again, I'll send an official
15 demand but I need to watch turned over to the bankruptcy
16 estate. Do you know whether or not he still has it?

17 A Yes, he does.

18 Q Why do you continue to insure that watch if you
19 don't have it?

20 A Because if something were to happen to it, and
21 I don't have the money to pay him back for it.

22 Q Okay. So, you're insuring the Rolex watch and
23 the Duet watch?

24 A Yes.

25 Q Okay. Cuff links, tell me about those?

1 A I have a pair of, you saw one pair, they're
2 St. Andrew's cuff links and another pair of Scottish Pound and
3 I have a pair that my, like, silver with my initials on them.

4 **Q Okay. And how much are those worth?**

5 A I'd say less than, you know, \$50 or less each.

6 **Q Okay. Where did you buy them?**

7 A I bought two of them on a place called Bid
8 Silver, which is like an online catalogue and the other one my
9 wife gave me for a Christmas gift.

10 **Q When you bought them at Bid Silver, how much
11 did you pay for them?**

12 A I don't have any idea.

13 **Q Was it in the last five years?**

14 A No.

15 **Q Okay.**

16 MR. PELOFSKY: They run about \$200. I get
17 the catalogue.

18 BY THE COURT:

19 **Q Okay.**

20 A But I've had them forever.

21 **Q Okay. So, do you think \$200 a pair is about
22 right?**

23 A No. I mean, they're --

24 **Q You don't think it's worth that much?**

25 A No. I mean --

1 Q Have you ever tried to sell them like you sold
2 some watches?

3 A No. They're not worth anything. Not even
4 worth the effort.

5 Q Is there any other jewelry that you own that's
6 not identified in your schedules?

7 A No.

8 Q Okay. And have you, have you or your wife sold
9 any jewelry in 2015, other than the watches that are disclosed?

10 A My wife sold jewelry, yeah.

11 Q Okay. And give me an example of what she sold.

12 A I don't know.

13 Q Okay. Isn't that something you would know
14 about?

15 A Not general. She could do it on her own.

16 Q Sir, I think you probably want to be in the
17 next -- well, maybe not. I'm sorry. Okay.

18 All right. She sold some jewelry, where did
19 she sell it?

20 A I don't know.

21 Q Okay. All right. Let's move done to question
22 number 17, deposits of money. And I see you have identified a
23 bank account at First Missouri Bank.

24 A Yes.

25 Q Is that your individual account?

1 A That's the Claw Consulting.

2 Q Okay. And are there any other accounts,
3 accounts that should be identified in Schedule B?

4 A That I own?

5 Q Mm-hmm?

6 A No.

7 Q Okay. Do you have an account or did you have
8 an account at the time this bankruptcy was filed at Charles
9 Schwab?

10 A I have a brokerage account there.

11 Q Okay.

12 A I don't know if it's still open. I tried to go
13 online the other day to check it and it, my password didn't
14 word anymore. So, I don't know.

15 Q I think I closed that. But, so, that --

16 A I don't think there was any money in there.

17 Q I think you need to identify that in your
18 schedules.

19 A You closed the account?

20 Q Are there any other accounts that you're aware
21 of that need to be listed here?

22 A Not that I know of.

23 Q Okay. So, Charles Schwab needs to be
24 identified.

25 A But, but it's closed now?

1 **Q** **I believe it should be. I sent a letter to**
2 **close it. So --**

3 **A** **That's why the password didn't work.**

4 **Q** **Okay. Let's see. Do you own any stocks of**
5 **securities?**

6 **A** **There was that Wit Basin in there. That stock**
7 **has been delisted for several years. So, I don't think there**
8 **is any -- when Sam, you asked Sam about that earlier.**

9 **Q** **Mm-hmm.**

10 **A** **The stock hasn't traded for years.**

11 **Q** **Okay. So is the only stock or security that**
12 **you own?**

13 **A** **I did own that stock but it, like I said , it's**
14 **not worth anything now.**

15 **Q** **Have you sold any securities in the last two**
16 **years?**

17 **A** **I had some stock in Housian (ph) and they,**
18 **there was a margin call on it and they sold it for me.**

19 **Q** **Okay?**

20 **A** **That was probably, may have been more than two**
21 **years ago. I can't remember but it was definitely more than a**
22 **year ago.**

23 **Q** **Okay. So, to the extent that there was stock**
24 **that you sold in the last two years, you need to identify that**
25 **in your statement of financial affairs. Okay? And my**

1 understanding was that there was but I could be wrong about
2 that.

3 Q Okay. You don't have any 401Ks?

4 A No.

5 Q Okay. Have you ever had a 401K?

6 A No.

7 Q You've never had one?

8 A No.

9 Q Have you ever represented to any of your
10 creditors that you have had a 401K?

11 A I don't think so.

12 Q Okay. You didn't have a 401K at Glacier or
13 LTS?

14 A No.

15 Q Okay. Do you own any annuities that you're
16 aware of?

17 A Well, the Northwestern Mutual's are kind of
18 quasi annuities.

19 Q Okay. I think you got those under life
20 insurance. Okay. Regarding the 529 plans that you have and
21 you did provide a statement to me, when did you open those
22 accounts?

23 A Shortly after two of my children from born.

24 Q And in the last two years, have you made any
25 contributions to --

1 A No.

2 Q -- those 529 plans?

3 A No.

4 Q Has your wife?

5 A No.

6 Q Okay. In response to question number 27,
7 Schedule B, you've identified an interest in KC Quinten's
8 Enterprise.

9 A Yes.

10 Q And you heard us discuss that at Mr. Furseth's
11 341 meeting?

12 A Yes.

13 Q Okay. Do you recall how much you paid for your
14 15 percent interest?

15 A I don't remember. I believe \$25,000 might have
16 accurate. But I think his recollection of what it, what he
17 bought was inaccurate.

18 Q Okay.

19 A Not on purpose. I just don't think he
20 remembers.

21 Q Okay. So, what do you believe he purchased?

22 A The name.

23 Q Okay. So, you purchased the right to use the
24 name?

25 A So use the name.

1 **Q Okay. And when you purchased that, what was**
2 **your intention?**

3 A The intention was to use the name and expand
4 Quinten's all over Kansas City. But since it was not a
5 successful enterprise, we decided not to do that.

6 **Q Okay. Does KC Quinten's Enterprise also. Own**
7 **an interest in, what's the place on Westport, the hamburger**
8 **joint?**

9 A No.

10 **Q No, it doesn't.**

11 A Flea Market.

12 **Q Yeah.**

13 A Joe Zwillenberg is the sole owner.

14 **Q Okay. He's the sole owner?**

15 A Quinten's and Flea Market.

16 **Q Okay. All right. What do you think your**
17 **interest in KC Quinten's Enterprises is worth?**

18 A Zero.

19 **Q Okay. You valued, well, you didn't, you didn't**
20 **disclose it or value it but your interest in Claw Consulting,**
21 **what would you say the value of that business is?**

22 A Well, little to none.

23 **Q Okay. Does Claw Consulting owe anybody, expect**
24 **yourself, money?**

25 A No.

1 Q Okay. So, here's one of the problems that you
2 need to talk to your taken about, is on the date that this
3 bankruptcy was filed, there's about \$30,000 in Claw Consulting's
4 bank account.

5 A Okay.

6 Q Okay. So, to me that means that Claw
7 Consulting has value because there's no creditors of Claw
8 Consulting.

9 A Okay.

10 Q Okay. So, that's going to be another demand
11 that I'm going to make for the turn over of that \$30,000 or
12 whatever the balance is in the bank account. Okay. That's
13 also going to cover you on part of the jewelry that was sold
14 and deposited into the Claw Consulting bank account. But
15 obviously you guys saw that and are aware of that. So I'm sure
16 that's been discussed and it won't be a surprise. But I think
17 that your interest in Claw Consulting clearly needs to be
18 identified in the schedules and the value of Claw Consulting
19 needs to be identified. Okay?

20 A Okay.

21 Q All right. Let's see here. You don't have any
22 claims against anyone that you're aware of?

23 A No. You mean personal claims?

24 Q Yeah.

25 A No.

1 Q Okay. At the last 341 meeting or the very
2 first one on November the 18th, I asked you if anybody owed you
3 any money and you said that they did and that you would have to
4 look through your records to determine who owed you money.

5 A Right.

6 Q And now, in response to that question I hear
7 the answer is nobody owes you any money.

8 A I identified, recently over the last couple of
9 days, an individual friend of mine in Chicago that is probably
10 20, \$25,000 dollars he was going to add to the amendment with
11 the gross income.

12 Q Okay. And who is that?

13 A Name's Todd Holmes.

14 Q Okay. Is his wife Tamara?

15 A Yes.

16 Q Okay. I have seen that name a couple of
17 places. And they owe you about \$25,000?

18 A I think so.

19 Q Okay. And when did they, when did you loan
20 them that money?

21 A They lent it to me.

22 Q Okay. So you owe them?

23 A I know them.

24 Q Okay. I'm asking if anybody owes you any
25 money.

1 A Oh, I'm sorry. I misunderstood you. Not that
2 I know of.

3 **Q Okay. So, again, on November 18th, you told me**
4 **under oath that people did owe you money --**

5 A I don't have any, I don't have any records or
6 promissory notes or anything like that or way to determine
7 that.

8 **Q Okay. So sometimes we borrow money from people**
9 **and we don't always have documents. Right?**

10 A We don't have any documents. I don't have
11 anyway to track this.

12 **Q Okay. So, are you telling me no one owes you**
13 **any money?**

14 A People, yes, people, there are some people I
15 lent money to but there's no way for me to figure out how I,
16 how much I owe them, I mean, sorry, how much they owe me
17 because they're from years and years ago.

18 **Q Okay.**

19 A They're personal loans to friends that are no
20 longer friends.

21 **Q Has anybody paid you any money back in 2015?**

22 A No.

23 **Q No?**

24 A No.

25 **Q Okay. You've identified a couple of country**

1 clubs that you're members of. The --

2 A Wait, wait --

3 MR. PELOFSKY: Hold on.

4 THE WITNESS: Yes.

5 MR. PELOFSKY: Let her ask the questions.

6 BY THE COURT:

7 Q The country club, Castle Pines Country Club, is
8 that a club in which you hold equity?

9 A It has a, it has a quasi equity membership.

10 Q Okay. And is that your membership?

11 A Yes.

12 Q Okay. So how much is your equity interest in
13 that?

14 A I don't think it's worth anything.

15 Q How do you determined that?

16 A I have to call them.

17 Q Okay. Do they give you statements on what your
18 equity interest is?

19 A No.

20 Q Okay. Will you give them the authority to talk
21 to me about that?

22 A Sure.

23 Q Okay. When did you join that club?

24 A 2007 or '08, I think.

25 Q And how much did you pay to join?

1 A \$150,000.

2 Q Okay. And can you sell your interest, is that
3 how you get your equity out of it?

4 A No.

5 Q How did you get your equity out of that if you
6 ever --

7 A It's up to the club.

8 Q Oh, really. Okay. All right. And are current
9 with your membership dues?

10 A No.

11 Q Okay. How far behind?

12 A Probably two years.

13 Q Okay. Okay. Are you a member of Wolf Creek?

14 A Used to be.

15 Q Okay. When, when did you stop with Wolf Creek?

16 A It's, what is this, January, probably last
17 spring.

18 Q 2015?

19 A Yeah.

20 Q Okay. What does, I know you told me before but
21 I need to ask you, what does Citation Ventures do or what did
22 it do?

23 A It takes on ventures with a loan fund that I
24 owned.

25 Q A loan what?

1 A Installment loan fund.

2 Q Okay. Is that operating any longer?

3 A No.

4 Q Were you the sole owner of that company?

5 A Yes.

6 Q Okay. And why isn't it operating?

7 A It was shut down with the Choke Point.

8 Q How was that different from any of these other

9 companies?

10 A It wasn't.

11 Q Okay. Are there any receivables left from that

12 company?

13 A Not that I know of.

14 Q Okay. Did you, did citation ventures sell any

15 of it's receivables?

16 A Like I said, when we had the sale, there may

17 have been some in there that were sold but I don't, I don't

18 have the record of the, of the sale. So --

19 Q Okay. So it was sold, the receivables were

20 sold?

21 A Potentially it could have been.

22 Q Okay. And Borne One can tell me what that

23 company did?

24 A Borne One was a Isle of Man installment loan

25 company.

1 Q Okay. And that's no longer operating?

2 A Nope.

3 Q And would its receivables also have been sold
4 as part of the sale of the receivables?

5 A Potentially, they might have been.

6 Q Okay. I want to ask you a few questions about
7 some of the bank account statements.

8 UNIDENTIFIED MALE: Judge, would this be an
9 appropriate time to take a five minute break?

10 Sure. Does everybody want a five minute
11 break? Is that okay? I don't have too much more but --

12 THE WITNESS: Yeah. I can use some water.

13 (RECESS TAKEN)

14 (PROCEEDINGS CONTINUED)

15 BY THE COURT:

16 Q Yeah. We'll go ahead and get back on the
17 record. Okay. Let's look at Schedule F on your schedules.
18 And I just have a few questions about that.

19 First of all, I noticed that none of the,
20 there's no dates identified in your schedules. Can you tell me
21 over what period of time were these debts incurred?

22 A Each one would be different.

23 Q Was it from 2013 forward, would that seem --

24 A August 2013?

25 Q Well, I'm just trying figure out over what

1 period of time was all this debt incurred because you don't
2 have any dates in here. You're required to put dates and I
3 don't see any.

4 A Most of these debts would, most of these debts
5 would have been pre-2013.

6 Q Okay.

7 A Not all of them.

8 Q Do you owe any credit card company any money or
9 did you on August the 5th of this year, or of last year?

10 A The, there's a Visa listed on here somewhere.

11 Q But other than the Visa card, any other credit
12 card company that you're aware of?

13 A American Express, not a credit card company but
14 there was a, it's on there.

15 Q Okay. So, you believe you've identified all of
16 your creditors on schedule F, all your unsecured debt?

17 MR. PELOFSKY: Let me just see something
18 here. I think we've got to add Workmart Way Capital.

19 THE COURT: Okay.

20 BY THE COURT:

21 Q Anything else that you know of?

22 A And then Todd Holmes, like I said.

23 MR. PELOFSKY: Yeah.

24 BY THE COURT:

25 Q Anybody else that you're aware of?

1 A Not off the top of my head.

2 Q Okay.

3 A IRS is on here, I think.

4 MR. PELOFSKY: They are.

5 BY THE COURT:

6 Q Okay. You identify now Shane Glacier as a
7 creditor that you owe money to personally and you show \$45,000
8 and you show that that claim as disputed. Can you tell me why
9 you dispute that claim?

10 A Why did we dispute that claim?

11 MR. PELOFSKY: My understanding --

12 THE COURT: Well, Joel, I don't want to
13 know Joel's understanding. I want to know Mr. Kimball's
14 understanding, why he put this disputed.

15 MR. PELOFSKY: Well --

16 BY THE COURT:

17 Q Do you know why you said it was disputed?

18 A Well, we, we thought we were in the, in
19 agreement for the purposes of the Plaza condo and the
20 furniture.

21 Q Okay.

22 A So --

23 Q So, you believe he paid you that \$45,000 for
24 the purchase of that condo and the furniture?

25 A Yes.

1 Q Okay. And he paid some of that to you and some
2 of it to your wife, is that right?

3 A Yes.

4 Q Okay. But you say that you owe him the entire
5 45,000?

6 A That's the way we listed it.

7 Q Okay. So why did you list it as disputed? Is
8 it because the sale didn't go through?

9 A Because the sale hasn't gone through.

10 Q Okay. So, you don't consider the \$45,000 as a
11 loan to you?

12 A It was, the intention of the \$45,000 was for
13 the closing and the purchase of the condo. And then, as far as
14 I know, it has not occurred.

15 Q Okay. So, Mr. Kimball, on November 18th, you
16 told me that the only obligation you had to Mr. Glacier was a
17 loan for \$15,000 and now it says something different.

18 A Well, I'm assuming I was inaccurate with my
19 numbers.

20 Q Okay.

21 A I'd like to say something real quickly.

22 Q Sure.

23 A You had asked me about, if I've received any
24 money from people I lent money to years and years ago, I did
25 get a couple of thousand dollars in the last two years from one

1 guy. I just want to make sure that --

2 **Q Who was that?**

3 A His name is Eric Lynch.

4 **Q Eric Lynch?**

5 A Yeah.

6 **Q And when did you receive the funds?**

7 A I don't have any, it just, while I was going to
8 the --

9 **Q Was it after the filing of this bankruptcy?**

10 A No.

11 **Q Okay. So it was sometime --**

12 A In the last two years.

13 **Q Okay. So, it was before the filing, right?**

14 A Oh, yeah.

15 **Q Okay. And it was a couple of thousand dollars?**

16 A Yeah.

17 **Q Okay. Now, if you go to Schedule J, which is
18 your schedule of expenses. Do you believe that accurately
19 reflects your normal monthly expenses going forward?**

20 A I believe so.

21 **Q Okay. You're not going to keep your car, are
22 you, the leased BMW?**

23 A No.

24 **Q Okay. Is that payment about \$735 a month?**

25 A It's right around there.

1 Q Okay. So that's not accurate. You have
2 tuition for your children?

3 A Yes.

4 Q Okay. And they go Pembroke, is that correct?

5 A Yes.

6 Q And what's that run you per month?

7 A I'd have to ask my wife. I don't know.

8 Q You have no idea?

9 A I believe it's around \$3,000.

10 Q Okay. And don't you think that would, should
11 be in your regular monthly expenses?

12 A Yeah. It should be. I'm sorry.

13 Q Okay. All right. So, other than that, are
14 there any other changes to the Schedule J that you're aware of?

15 A Well, I mean, the, the utility bills go,
16 depending on the season, they change. The other stuff seems
17 pretty accurate.

18 Q Okay. All right. I wanted to ask you some
19 questions regarding some bank accounts. In your Missouri Bank
20 account, I saw several payments to Paul Powell (ph)?

21 A Yes.

22 Q And you used to be in business with Mr. Powell?

23 A He used to work for me.

24 Q Okay. And why would you be paying Mr. Powell
25 any money?

1 A Gave him money to loan.

2 Q Pardon me.

3 A Just when he needed money.

4 Q So, the payments that I see in there are loans
5 to him?

6 A I wouldn't consider them loans. I just gave
7 him the money.

8 Q So, the -- gifts?

9 A Yes. I guess it would be gifts.

10 Q Again, those aren't disclosed.

11 A Okay.

12 Q So, for example, last December, not this last
13 December but in 2014, you gave him \$4,500.

14 A Yes.

15 Q And that was a gift?

16 A Yes.

17 Q Okay. Does he owe you any money?

18 A No.

19 Q Okay. Who is, and I'm going to definitely
20 mispronounce this, Rufat (ph) --

21 A Nosarousov (ph).

22 Q Thank you. Who is that?

23 A He's a, he was our interpreter and Russian
24 consult.

25 Q And you've transferred a lot of money to him

1 **for what reason?**

2 A Once he put, continued consulting on the
3 Russian side even though the American business is out of
4 business. And so I paid him because my account had
5 international line capabilities. And also, he was part of,
6 kind of like, he was like our Russian version of Ian.

7 Q Okay. So, were you paying him on a monthly
8 basis or did you owe him money --

9 A It just depended on how much work he did that
10 month.

11 Q Did he bill you?

12 A He did sometimes. I don't have, I haven't
13 found those records. But typically it would be, he would
14 travel with me and be a translator. He was a full time
15 translator.

16 Q Okay. Was he other than a translator?

17 A I mean, he translated for me and he, he also --

18 Q But he didn't participate in the decision
19 making of any business dealings?

20 A No, no, no.

21 Q He was solely a translator?

22 A Well, that would be, he wouldn't like that
23 description but, yeah, that's what we paid him for.

24 Q Okay. You seem to be making payments to
25 Barkley Card?

1 A That was the Visa card.

2 Q Okay. So that's scheduled, all right, good.

3 All right. And then you told me about Todd and Tamara Holmes,
4 so that's good. It looks like you went to Mexico in April of
5 2014, was that for business as well?

6 A Yes.

7 Q And what business do you have in Mexico?

8 A We were trying to create a business just like
9 we did in Russia.

10 Q Okay. And how did that go?

11 A We're in the middle of working on that right
12 now.

13 Q Okay. When you say we, who are you speaking
14 of?

15 A Me and Ian.

16 Q Okay. Anybody else?

17 A No.

18 Q Okay. And, so you have been working on that
19 since 2014?

20 A Since is 2007.

21 Q Okay. Do you have any businesses set up in
22 Mexico now?

23 A No.

24 Q Okay. Do you have any bank accounts in Mexico?

25 A No.

1 Q Okay. Who did you meet with in Mexico to try
2 to get this business going?

3 A My attorney.

4 Q Who is that?

5 A Juan Carlos Macharo (ph).

6 Q Okay. And, and that was solely for the
7 purposes of starting an installment payday loan or installment
8 loan business?

9 A Micro finance company.

10 Q Okay. When was the last time you spoke to your
11 attorney in Mexico?

12 A It's probably been six months.

13 Q Okay. Have you sent him any money?

14 A No.

15 Q Okay. Did he meet with you for free?

16 A He did unintentionally.

17 Q Okay. All right. Did you pay for Ian to go to
18 Mexico with you?

19 A Yes.

20 Q Okay. You, looks like you transferred to
21 Steven Kimball \$10,000 in August of 2014.

22 A I could have.

23 Q Okay. And what would that be for?

24 A Probably a personal loan.

25 Q Okay. So, he owes you the \$10,000?

1 A I'd have to go back and look and see what it
2 was for. I don't, off -- don't recall.

3 Q Is Steven, I can't, is that your brother?

4 A That's my brother.

5 Q Okay. And in the same month, you gave him 15
6 hundred dollars?

7 A That. The smaller amounts were always for the
8 consulting. So the \$10,000 must have been for some event that
9 I can't remember.

10 Q Okay. Would you have any support to show what
11 the \$10,000 was used for?

12 A I'll go look and see what --

13 Q Okay. Do you think you loaned him the \$10,000?

14 A I'd say it's 50/50. I don't remember.

15 Q Okay. Okay. So, that needs to be disclosed
16 several places in the paperwork that you filed with the court.

17 Okay. We talked about that. Who is Carly Kimball?

18 A My sister.

19 Q Okay. And why would you pay her any money?

20 A I gave her some money when she was broke.

21 Q Okay. So, was that a loan or a gift?

22 A Gift.

23 Q Okay. So, that needs to be disclosed. Is
24 there a patty Kimball?

25 A No.

1 Q Or somebody by the name, that starts with a P?

2 A Paul.

3 Q Paul. Okay. Is that your brother?

4 A That's my dad.

5 Q Oh, I'm sorry. Okay. And you gave him \$10,000
6 in July of 2014. Can you tell me why?

7 A Just a gift.

8 Q Okay. It wasn't a repayment on an investment?

9 A No.

10 Q Okay. Have you paid him any other money since
11 then?

12 A I'd have to double check.

13 Q Okay. So, you know, this, again, I'm going to
14 say this and I don't mean it the way I'm saying it, but when
15 you say I'm going to have to double check, double check, double
16 check, this is the third time we've been here. And every time
17 we come here, we get another long list of things that need to
18 be added to your schedules. So it's a serious proceeding and I
19 don't, I'm hoping that you understand what you need to
20 disclose. And you have to good attorney to help you with that.
21 So, we need to make sure we get complete information.

22 Who is Lance Vervack?

23 A He was an employee of Glacier Management.

24 Q Okay. Does he work in your office now with
25 anybody?

1 A No.

2 Q Okay. Why would you give him \$5,000?

3 A It was a loan, pay back.

4 Q Okay. A loan pay back?

5 A It was a, it was some money that was owed to
6 him and I paid him back on behalf of the company because the
7 company didn't have any money.

8 Q Okay. So, that's another, unfortunately,
9 that's another transfer that needs to be disclosed.

10 MR. PELOFSKY: What's his last name?

11 THE WITNESS: V-e-r-a-c-k, a-c-k.

12 BY THE COURT:

13 Q You sent a, a Western Union to Denver a couple
14 of times. Do you know, is there some business you have in
15 Denver?

16 A Well, we used to have an office in Denver.

17 Q Okay. When you say we, what was the name of
18 the company?

19 A (Unintelligible), it's in there.

20 Q I'm sorry.

21 A It was Red River Exploration.

22 Q Okay. Would there be a reason you would send
23 money to Denver at the end of December 2014, that you can
24 remember?

25 A No, I didn't know.

1 Q Okay. Just, you know, it's not my job, but I
2 would say, Joel, you need to look at the bank statements.
3 There's lots of payments to Steven Kimball that probably need
4 to be disclosed other than what I have mentioned.

5 Who's SFO Holdings?

6 A Say the name again.

7 Q SFO Holdings?

8 A SFO Holdings. I don't know.

9 Q Okay. Can you find out for me?

10 A Yes.

11 Q You paid them \$10,000 in December of 2014.

12 There's a --

13 A SFO?

14 Q That's what I'm reading in your bank
15 statements.

16 Paul Powell was given another \$3,300 at the end
17 of the December 2014. Was that another gift or loan or --

18 A Gift.

19 Q Okay. You gave Grant Jordan some money early
20 in 2015. Can you tell me what that was for?

21 A Was it \$4,500 of something like that?

22 Q No. This one was \$2,000.

23 A It probably is paying him back or something.
24 I'd have to go check.

25 Q And you don't owe him any more money?

1 A No.

2 Q Okay. Will you go check and just confirm with
3 me?

4 A Yes.

5 Q Okay. I could just not be reading this
6 correctly but is there a Lieford Club?

7 A Lieford K. Club.

8 Q What is that?

9 A It's a club I belong to in the Bahamas.

10 Q In the palms?

11 A Bahamas.

12 Q Oh, okay. And do you still belong there?

13 A Yes.

14 Q Why wasn't that disclosed?

15 A It was --

16 MR. PELOFSKY: It's in the amendments.

17 THE COURT: The amendments that haven't
18 been filed?

19 MR. PELOFSKY: That's right.

20 THE COURT: Then how would I know about it?

21 MR. PELOFSKY: You wouldn't.

22 THE COURT: When are you going to file
23 them, Joel?

24 MR. PELOFSKY: I told you in the next
25 couple of days.

1 THE COURT: Okay. Can I see the draft of
2 the amendments? I mean, it's totally unfair for me to try
3 to pull this from you and not see it and then I hear that
4 -- why didn't you file amendments before today?

5 MR. PELOFSKY: We had some technical
6 problems.

7 BY MR. PELOFSKY:

8 Q Is that true?

9 A I don't know what technical problems.

10 Q So you belong to a club in the Bahamas?

11 A Yes.

12 Q And you paid them, the beginning of 2015,
13 \$8,100. Was that for a membership or what was that for?

14 A Annual dues.

15 Q Do you have to pay monthly dues after that?

16 A No.

17 Q Okay. Are you and your wife both members or
18 just you?

19 A Both.

20 Q Okay. And when was the last time you went to
21 the Bahamas?

22 A Three and a half years, three years ago.

23 Q Okay. But you're still members of that club?

24 A Maybe four years ago. Yes.

25 Q Four years ago you were in the Bahamas?

1 A It was the spring of 2013, I think.

2 Q Okay. And yet you're still going to keep this
3 membership?

4 A Yes.

5 Q Okay. Are there membership dues, monthly
6 membership dues?

7 A No.

8 Q Just annual?

9 A Just annual.

10 Q Okay. Is this an equity membership that you
11 could sell?

12 A No.

13 Q And is it like a true country club type place?

14 A What do you mean?

15 Q Is it some place you can go swimming, play
16 tennis, go golfing.

17 A Mm-hmm.

18 Q Is it a golf club?

19 A They have a golf, tennis courts, beach.

20 Q Okay.

21 A Restaurants.

22 Q Do you have golf clubs there?

23 A No.

24 Q Do you have a bank account in the Bahamas?

25 A No.

1 Q Okay. Have you ever had a bank account?

2 A No.

3 Q Any of your kids or your wife?

4 A No.

5 Q Okay. Who is Tom, is it Austin?

6 A Friend of mine.

7 Q Okay. Does he owe you any money?

8 A No.

9 Q Why would you pay them, well, about, close to
10 14, \$15,000 at the end of December, 2014?

11 A It was some money that was owed to him from the
12 company that I paid.

13 Q So -- okay. all right. So that would need to
14 be disclosed too. Is anybody writing any of this down?

15 MR. PELOFSKY: I'm writing it down.

16 THE COURT: Okay.

17 BY THE COURT:

18 Q so, Kimball Family Trust, you paid them \$2,000
19 in December of 2014. What, why did you pay them?

20 A It was a gift.

21 Q Gift?

22 A Yeah.

23 Q Okay. So, again, you're going to need to
24 identify that. You withdrew \$49,500 in March of 2015 from the
25 Missouri Bank account. Do you know what you used that money

1 for?

2 A Yes.

3 Q What did you use it for?

4 A Used it to pay expenses related to Garth Selth
5 and Ian Bottomley and the Hong Kong trip.

6 Q In March of 2015?

7 A Mm-hmm.

8 Q Okay. So when Ian went to Hong Kong, did you
9 give him some cash?

10 A More than likely.

11 Q Okay. So, I'm sure your attorney told you that
12 you're going to need to account to me for that expenditure.

13 A Okay.

14 Q And when I say account, you know, receipts,
15 checks, if there were checks, some evidence of what you did
16 with the money as opposed to having it, you know, under your
17 couch. Okay?

18 A Okay.

19 Q So, whatever you can come up with. Do you
20 think you can come up with some documents to show what you --

21 A I'd have to ask Ian if he kept receipts from
22 the trip.

23 Q Okay. Did you keep any receipts?

24 A I, just usually would go off my bank
25 statement --

1 Q Okay.

2 A -- for my receipts.

3 Q Other than your bank statements, anything else?

4 A No.

5 Q Okay. Did, do you recall Ian turning in any
6 receipts to you?

7 A No, he did not.

8 Q Okay. And, okay. On your tax returns, if that
9 was a true business expense, wouldn't you be able to deduct
10 some of that?

11 A Yes.

12 Q Okay. So, are you, is that your intention?

13 A That was my intention, yes.

14 Q Okay. But right now, the only documents you
15 have are the bank statements?

16 A Right.

17 Q Okay. So, but you're going to talk to Ian and
18 see if he has anything else?

19 A Right. He was supposed to provide me a list of
20 all the stuff from Hong Kong. And I asked him for it, he's
21 just been busy.

22 Q Okay. And so, for \$49,500, thus far, there's
23 nothing that's come of that, you haven't benefited from the
24 expenditure of that money?

25 A Well, no. Part of it was used to pay Garth to

1 work with the different creditors and to pay for that trip and
2 also pay for Ian to continue to work on Russian business.

3 Q Okay. All right. Okay. Let's see here.
4 Regarding the Claw Consulting account at First Missouri Bank,
5 just for the record, there was a balance on the date of filing
6 of \$32,572.60. And so, to me, based on what you're telling me,
7 that's the value of Claw Consulting. So, I'm going to need
8 that turned over to me. I'm sure, again, you guys have
9 discussed that.

10 There are payments to Red Stag for \$13,000 in
11 April of 2015. Can you tell me what that is for?

12 A It was reimbursement for Hong Kong expenses.

13 Q And Red Stag is Grant Jordan?

14 A Jordan.

15 Q Okay. What Is Grant Jordan have to do with the
16 Russian expenses or the Hong Kong expenses?

17 A Because it, held have benefited from the
18 investment of the \$150 million.

19 Q How so?

20 A Because we would have invested some money with
21 his company.

22 Q Okay. And his company is Agile Fish?

23 A Agile Fish and the, and they would turn around
24 and give it to the Indian tribe.

25 Q And then what?

1 A Give it to the Indian tribe.

2 Q Okay. So you give it, you would have given to
3 it him and then they would have turned around?

4 A Yeah. I don't, I'm not involved with how that
5 works.

6 Q Okay. You don't have any idea how that works?

7 A No. I'm not involved in that.

8 Q Okay. But you've had other experience in that
9 type of business, right? So you really do know how it works?

10 A This one is different than the ones I had
11 before, so --

12 Q Okay. All right. You also look like you
13 repaid Red Stag, according to the check you wrote, for \$6,500.

14 A It was probably for something related to one of
15 those trips.

16 Q Okay. And you don't owe Red Stag any money
17 now?

18 A No.

19 Q Okay. You made a payment to Ashley Furseth on
20 August 6th, a day after the bankruptcy was filed for \$10,000,
21 how come?

22 A Personal loan.

23 Q You loaned Mr. Furseth, Mrs. Furseth --

24 A Just a loan, we were all broke.

25 Q How did you get the money to loan her?

1 A From some of the proceeds from the stuff that
2 was sold.

3 Q Okay. So, you sold the watches shortly before
4 the filing of the bankruptcy, is that the money you used to pay
5 Mrs. Furseth?

6 A Yeah.

7 Q Okay. So, you loaned her \$10,000. So do you
8 believe --

9 A You could say it was a gift if you wanted to.

10 Q It was a gift, okay. Is that what she'd say?

11 A I don't know what she'd say.

12 Q And has she paid you any of that money back or
13 --

14 A No.

15 Q -- given you any money back?

16 A No.

17 Q Okay. Oh, on the Claw Consulting bank account,
18 it shows Claw Consulting LLC, attention Rob Thompson. Who is
19 Rob Thompson?

20 A He's a friend of mine who's also done a lot of
21 legal work for me.

22 Q Does some legal work for you?

23 A He's done legal work for me.

24 Q But he's not a member of Claw Consulting, is
25 he?

1 A No. He just, is friends with the owner of the
2 bank so he just set the account up for me.

3 Q **Okay. But he's not authorized to sign on that**
4 **account?**

5 A No.

6 Q **Okay.**

7 A No.

8 Q **Okay. And is his office at 104 Armor?**

9 A I believe so.

10 Q **Okay. You don't operate out of that office, do**
11 **you?**

12 A No.

13 Q **Okay. I wanted to ask you basically the same**
14 **questions I asked Mr. Furseth on the Glacier Management**
15 **account. Who is Chinook?**

16 A Chinook.

17 Q **Chinook. Okay. Who's that?**

18 A It's a tribal lending entity.

19 Q **Tribal what?**

20 A Lending entity.

21 Q **Okay. And why would it be paying money to**
22 **Glacier Management?**

23 A To help them manage their day to day tribal
24 lending activities.

25 Q **So Glacier was helping them manage their**

1 **activities?**

2 A They were getting paid to manage their
3 activities.

4 Q **Okay. All right. But no longer, correct?**

5 A No longer.

6 Q **Okay. And is, are you involved with, is it
7 Chinook?**

8 A No, no.

9 Q **In any capacity at all?**

10 A No.

11 Q **What is Upfront Processing?**

12 A It's a tribal lending entity.

13 Q **Okay. And would they be paying Glacier for the
14 same reason?**

15 A Exact same reasons.

16 Q **Okay. I'm going to mispronounce this one too
17 but, Mr. Furseth couldn't answer the question regarding the Law
18 Firm of --**

19 A John Kennyhertz.

20 Q **Yes. And why would Glacier Management pay
21 \$300,000?**

22 A That was a settlement.

23 Q **A settlement with the law firm?**

24 A With his clients.

25 Q **So, did, did they sue Glacier Management?**

1 A No. They sued the entities that they lent the
2 money to. I can't remember the entities. They were going to
3 sue and we were, we were in the process of settling.

4 **Q Okay. So that law firm was going to sue**
5 **Glacier Management?**

6 A No.

7 **Q Okay. Who were they going to sue?**

8 A They were going to sue the entities that they
9 lent the money to.

10 **Q Okay. And who were those entities?**

11 A I don't, off the top of my head, I don't, can't
12 remember who it was.

13 **Q Can you get me documentation on that?**

14 A Sure.

15 **Q And so, Glacier Management paid --**

16 A Mr. Mullen, I can get them from Mr. Mullen.

17 **Q Okay. So, Glacier Management paid a \$300,000**
18 **settlement?**

19 A Yes.

20 **Q Okay. To settle somebody else's obligation?**

21 A It was because, we didn't have the bank
22 accounts for the other companies any more.

23 **Q Okay. But to settle somebody else's obligation?**

24 A The money wasn't Glacier's. It was, it just
25 came from Glacier's bank account.

1 Q Okay. Why would Glacier pay Agile Fish any
2 money?

3 A Probably because Agile Fish was doing some work
4 that Glacier couldn't do.

5 Q Like?

6 A IT support, Russian support.

7 Q Okay. Is there any other reason they'd be
8 paying the money?

9 A If Glacier performed some services that Agile
10 wasn't able to do and reimburse them, there typically would be
11 an invoice related to that.

12 Q And where are those invoices now?

13 A I'd have to go find them. I don't have access
14 to Agile Fish's --

15 Q Okay. So I could subpoena suppose records?

16 A I could find them for you.

17 Q Okay. So, I'd ask that any transfers to or
18 from Glacier Management to Agile Fish, you provide support for
19 those transfers?

20 A Yeah. They're in my hard drive.

21 Q Okay. Jeffrey Cumin. We talked to Mr. Furseth
22 about that, he got a payment for almost \$13,000 from Glacier
23 Management. Can you tell me why?

24 A Probably more than likely a reimburse of
25 something he probably purchased on behalf of Glacier because he

1 was a salaried employee. There was not reason, we would have
2 on invoice for that. I can get that for you.

3 Q Okay. So, if you can get me an invoice on that
4 one. Why is, why did Evergreen pay money to Glacier?

5 A I don't know. I'd have to check.

6 Q Okay. If you could get --

7 A Do you have a date?

8 Q Huh?

9 A Do you have a date?

10 Q One of the dates I wrote down is January 15th,
11 2014, but I know that there was many, not just several, many --

12 A Okay.

13 Q -- transfers between --

14 A I'll look and see.

15 Q -- Glacier and Evergreen. So, I'd like an
16 explanation on that.

17 A Okay.

18 Q Why would Borne One pay glacier money?

19 A Borne One, Borne One, would pay glacier money
20 because it originally used to pay Six Kingdoms money to be
21 it's -- same facility management company as Six Kingdoms was
22 shut down and so Borne probably paid Glacier some true up. And
23 there would be an invoice for that.

24 Q Mr. Kimball, in the Glacier Management bank
25 account, there is a lot of wire transfers going to and from,

1 and would you have been the person in control or, or making
2 those instructions for the wire transfers?

3 A Depends on the wire transfer.

4 Q Okay. Who else would have been, had the
5 ability or the authority to make --

6 A Depends on what the, who it was to.

7 Q Okay. Could anybody at Glacier do that?

8 A No.

9 Q Okay. Who was the primary person responsible?

10 A It would be, it would have, more than likely be
11 me.

12 Q Okay.

13 A Or David Sanchez if it was before he quit.

14 Q Okay. Regarding the Five Star, LTS Management
15 account. Kind of the same questions. Why would LTS pay
16 Glacier Management, for example \$40,000?

17 A I don't know. I'd have to look.

18 Q So, that was in December 2013. Why would
19 Glacier then pay LTS a month later?

20 A More than likely for some service that was done
21 monthly or do you know how much a month later it was?

22 Q Which was January of 2014, why would Evergreen
23 partners pay LTS any money?

24 A Okay. I'll have to look at invoices.

25 Q Okay. So, are there --

1 A -- Glacier to LTS?

2 Q Yeah. Any payments to, to or from, LTS to
3 Glacier to -- LTS paid Agile Fish, do you know why?

4 A They must have performed some service for them.

5 Q Okay. So you'd have an invoice that would --

6 A Should.

7 Q -- support that? Would you have an invoice in
8 the LTS records or would Agile Fish have those invoices?

9 A If LTS paid Agile fish, there should be an
10 Agile Fish invoice in the record saying why we were paying
11 them.

12 Q Okay. And would those be at your office?

13 A Yeah.

14 Q Okay. So you'll provide an explanation as to
15 why those payments were made?

16 A Yep.

17 Q Okay. All right. Do you still have the Saddle
18 House bookends at your house?

19 A I don't know what those are.

20 Q They're bronze.

21 A More than likely.

22 Q Okay. You had those when Robert Mayo came in.
23 So you still own those?

24 A Yeah. Those are my wife's, she bought those.

25 Q Okay. The Ronny Wood Ink Jet?

1 A That was on the amended statement. I asked
2 Mr. Pelofsky to add that.

3 **Q That's on the amendments I haven't seen?**

4 A Yeah.

5 **Q Okay. And then what about the, there's**
6 **another, another Woodrow Black print?**

7 A Yeah. It's the one my wife bought.

8 **Q Okay. And is that on the amended schedules?**

9 A She owns it.

10 **Q Okay. So, do you and your wife own property**
11 **separately?**

12 A Yeah. She buys stuff on her own. She has her
13 own money.

14 **Q And --**

15 A Or had her own money.

16 **Q And you do the same?**

17 A I have, yes.

18 **Q Okay.**

19 A Most of my stuff has been sold.

20 **Q Okay. Does anybody else have any questions?**

21 **UNIDENTIFIED MALE 1: I have a few.**

22 THE COURT: Okay. Whoever wants to go
23 first.

24 DAVID: Yes, sir. David (Inaudible).

25 UNIDENTIFIED MALE 2: Why don't you use --

1 THE COURT: Yeah. That would be nice,
2 David if you could come up here just so the tape, the tape
3 recorder can get you.

4 QUESTIONS BY DAVID:

5 Q Yes, sir. I'm representing 15-2011 LLLT and
6 Net Finance, LLC. I just wanted to know if you've had any
7 business transaction with Joel Tucker?

8 A For?

9 Q I was going to say you or LTS.

10 A Yes, for many years.

11 Q Okay. And what's --

12 A That was, but they weren't with Joel, they were
13 E-Data Solutions or KSQ Management.

14 Q Okay. And when's the last transactions you or
15 LTS have had with Mr. Tucker or his companies?

16 A 2013.

17 Q And when's the last contact you've had with
18 Mr. Tucker?

19 A Oh, I see him all the time.

20 Q And where do you see him?

21 A His kid plays hockey with my kid so I see him
22 at hockey practice.

23 Q Okay. Here in Kansas City?

24 A Yes.

25 Q Okay. Have you or LTS Management done any

1 **business with J.D. Marketing?**

2 A Not that I know of.

3 Q **Have you or LTS done any business with Graveway**
4 **Capital Management?**

5 A No.

6 Q **Have you or LTS done any business with D.J.R.**
7 **Hydra?**

8 A No.

9 Q **Have you or LTS done any business Archway**
10 **Funding?**

11 A No.

12 Q **Have you LTS S. done any business with**
13 **Bandelier (ph)?**

14 A No.

15 Q **Have you LTS done any business with Ashton**
16 **Asset Management?**

17 A No.

18 Q **Have you LTS done any business with David**
19 **Harbor?**

20 A Yes.

21 Q **And what business was that?**

22 A David Harbor, as far as my knowledge, is a
23 member of North Rock, that's represented by Brendan Hew. but
24 individually, no.

25 Q **When's the last transactions you've done with**

1 **Mr. Harbor or any of his companies?**

2 A I don't know. I've never done individual
3 transaction --

4 Q **You or LTS. When's the last time that either**
5 **you or LTS have done business with Mr. Harbor or any of his**
6 **companies?**

7 A I can't answer that because I never did
8 business directly with David Harbor or any of his companies.

9 Q **Okay.**

10 A It was through KSQ Management.

11 Q **All right. When's -- have you ever met with or**
12 **spoken with David Harbor?**

13 A Many times.

14 Q **When's the last time you've had discussions**
15 **with him?**

16 A Probably May or June of 2015.

17 Q **And what were those business transaction, were**
18 **those discussions about any business transactions?**

19 A It was mostly yelling at each other about the
20 fact that we weren't able to pay the settlement agreement that
21 we agreed to.

22 Q **It was about the North Rock matter?**

23 A Yeah.

24 Q **Have you or LTS paid any compensation or fees**
25 **or commissions to David Harbor?**

1 A No.

2 Q Have you LTS done any business in D and A
3 Lending?

4 A No.

5 Q Have you LTS done any business with SP
6 Management, Inc.?

7 A No.

8 Q Have you LTS done any business with Vianny,
9 V-i-a-n-n-y, Investments?

10 A Yes.

11 Q What business was that?

12 A They made a loan to us to put in the
13 installment loan business. I don't know if it was to LTS. I
14 can't remember who it was to.

15 Q Okay. And when's the last business
16 transactions that you or LTS had with Vianny?

17 A It's been at least three or four years.

18 Q And do you know who the owners of Vianny
19 Investments are?

20 A I know a person that is one of the owners but I
21 don't know the other owner. Sorry.

22 Q And who is that?

23 A Vincent Hotis (ph).

24 Q Okay. And have you had any other business
25 transactions with Vincent Hotis besides the Vianny Investments?

1 A Many.

2 Q Okay. And which are those?

3 A So numerous I'd, I'd have to go look them up.
4 He's been an investor for 10 years.

5 Q Okay. Through the LTS business?

6 A Well, affiliated businesses, not necessarily
7 LTS.

8 Q Okay. Are there any continuing business
9 transactions with Mr. Hotis?

10 A No, no.

11 Q Okay.

12 A Everything stopped when the office took over in
13 2013.

14 Q?

15 MR. PELOFSKY: He does have possession --

16 THE WITNESS: He has possession of our
17 furniture in his warehouse. It's not for payment or
18 anything, he's just letting me use his warehouse space.

19 BY DAVID:

20 Q When's the last contact you had with Mr. Hotis?

21 A We talk every couple of weeks. I haven't
22 talked to him probably since before Christmas.

23 Q Okay. That's all I have at this time. Thank
24 you.

25 THE COURT: Okay.

1 QUESTIONS BY MR. MALONEY:

2 Q Mr. Kimball, my name is Jim Maloney. I don't,
3 were you here earlier this morning for Mr. Furseth?

4 A Yes.

5 Q Okay. I had some questions, these will
6 probably be similar in terms of some, some detail here. The,
7 one of the things I wanted to get out while everybody can still
8 remember it, you know we were talking about this exhibit to
9 this statement of financial affairs?

10 A I don't remember what you asked him but I have
11 a copy.

12 Q Yeah. If you got one in front of you, that's,
13 I just kind of want to go through it and ask questions, just
14 very specific about, make sure I understand what your seeing in
15 it. Okay. When we look at the boxes --

16 A Yes.

17 Q -- that have all the entities in them, and then
18 there occasionally is an other floating name of certainty
19 entities. I want you to kind of think about that and look back
20 at that first sentence, unless otherwise stated, all of these
21 entities were located at 908 Baltimore, Kansas City, Missouri,
22 64105. And for instance, what I want to throw at you is, like,
23 one, are you confident that is true, every single company
24 listed in each one of those boxes?

25 A Well, I mean, obviously, for example, if you

1 look at D.S. LLC, it's, it's address is a registered agent in
2 Manilla. Okay. And if you look at the last page Evonix
3 Limited is, has a registered agent in the British Virgin
4 Islands. Evonix has a -- no, I'm sorry. Evergreen
5 International has a registered agent in Bermuda. And Evonix
6 has a registered agent in British Virgin Islands.

7 Q Okay. And hold on. I don't, I don't, I don't
8 mean to make it a pop quiz. It's just I've heard Janice
9 talking about some things that will get amended. If the idea
10 is that the addresses for some of these businesses are not
11 actually disclosed in this, they need to be as part of whatever
12 the new forms --

13 A The majority of the ones were --

14 Q Just a minute. I understand that. As you look
15 at the amendments that you've talked with Janice about, one of
16 them is that with the new form, it's basically requiring you to
17 describe the name of every business and the address of every
18 business?

19 A Sure.

20 Q I think that some of these may be very
21 repetitive but it's the nature of these businesses as well.
22 Anyway, there's many more on the form than disclosed here, even
23 though it certainly seems to, to be the old college try. And I
24 want to just kind of make you aware of that, again, as you go
25 back to amend these.

1 And even in the text of some of the paragraphs,
2 you might catch that as well. That wait a minute, that's not,
3 you know, like, for instance, LTS is not the actual full name
4 of a company. There's a real name of the company, two
5 companies.

6 A LTS Management Services.

7 Q Right. And what comes after all of those names
8 is things like a Missouri LLC or a Kansas LLC or something like
9 that. And if, again, if the full names of the companies and
10 addresses can be added on your next round of amendment, I think
11 that there's probably going to be interest in the companies
12 over these periods and that, to avoid any further objections to
13 it, those probably need to be written down. And you do have to
14 refer back to what the form is actually asking for on each of
15 those. Okay.

16 On these boxes, I now understand that each of
17 these was created for you kind of reaching back through those
18 four years by being able to look at your own personal income
19 tax returns and say hey, there's a company. Right? It's
20 referenced there in some way?

21 A Correct.

22 Q Okay. Therefore, it would be probably
23 indicated that for some expense or income item that made its
24 way to your personal tax return for each of these referenced
25 years, that something had gone in one of those companies. And

1 this may be a really good guide and maybe get us really close
2 to where we want to be. But I think the form of the question
3 is anything that you've owned an interest in the time periods.
4 Okay? And what, again, in the nature of completeness and maybe
5 the next round of amendment, what I can't tell looking at this
6 is anything about the year that you owned an interest in that
7 business. Okay? I know that's a year that you're getting
8 something back out of it but you'll also notice the form of the
9 question talks about the timing. Again, if you kind of take a
10 look at that on your next round, that, that would be --

11 THE COURT: You're right. It says to and
12 from dates. So, if that goes it, that would be good.

13 BY MR. MALONEY:

14 Q yes. And again --

15 A -- clarify. When it was incorporated to when
16 it stopped doing business.

17 Q Right. But again, the form is limited to that
18 the only ones that you have to talk about is if you have an
19 ownership interest in during those four years. Okay?

20 A Okay.

21 Q And, but yes, as Janice says, the duration I
22 think would be way outside that time line but just your
23 interest in those four years. So, that would be helpful, if
24 you could, sir. Let me see here. Okay.

25 Is it, is it correct, because there's a lot of

1 entities on here, like you say, some of them actually are
2 either operating or domicile foreign entities, is it correct
3 that for every one of them on there, the accountant is
4 Accounting and Advisory Services, PA?

5 A No.

6 Q Okay. And again, not a pop quiz, I just, next
7 shot of rounds, if you could kind of distinguish between who is
8 going to be the accountant for these, that would be good.

9 A The vast majority are.

10 Q Okay. Next sentence is, each was in the loan
11 business. I would generally think that's probably going to be
12 correct but I would again ask that you take a look and make
13 sure of whether that is going to be a fair description of, say
14 each of them. For instance, today, we kind of learned that
15 there is a very different function fulfilled by LTS than some
16 of the LLCs that grouped loan portfolios. So, again, just a,
17 maybe improve on that information on the next round of
18 amendments.

19 And that is a good point for me to break off
20 just that and just kind of ask you, when I see these very many
21 entities over those years, would the vast majority of them be
22 entities formed for a particular portfolio?

23 A All of them were done that way.

24 Q Okay. So, the Evergreen entities, the LTS
25 entity, the D.S. entity, those would kind of be exceptions,

1 those are actually kind of like supervisory entities of some
2 kind, right?

3 A They're, they would not be just like a pure
4 lending company.

5 Q Yeah. And by the way, if that's the easiest
6 way to talk about it, I really do want to have whatever your
7 language is about these. You know, for instance, Bristol, one,
8 another reason --

9 A That was a lending company.

10 Q Okay. Is that what you call them, they're
11 lending companies?

12 A It was a lending company that, that, that we
13 created an LLC for that pool of capital.

14 Q Okay. By the way, in the good ole days before
15 all the troubles, before even the ACH breakdown and stuff, was
16 there an average size of pooled investment before you would
17 form an LLC around that investment?

18 A Typically, we wanted to, before we created an
19 LLC, we wanted to have a half million dollar investment. We
20 got sometimes a little sloppy and let lower sized investments
21 and we put those under LTS and we should have probably, in
22 hindsight, have created an entity separately because it's only
23 \$500 dollars to create an entity. But --

24 Q Okay. So --

25 A But typically, that was kind of the minimum.

1 **Q** Okay. So, you know, again, majority, ideally,
2 each of the LLCs would enter the marketplace with, you know,
3 \$500,000 of basically, or a minimum of \$500,000, of lending
4 capital to participate, in that day and age, in what payday
5 lending was?

6 **A** Well, it's had lots of different names. I like
7 to refer to it as installment lending, but yes, it was at one
8 point known as payday lending.

9 **Q** Yeah. Okay. But again, in your ideal
10 structure, you tried to keep it, they would be, minimum size is
11 a half million dollars?

12 **A** We tried but, you know, there's so many of them
13 and to recall each and every one of them would be, I would have
14 to go look at each one of the --

15 **Q** With the same sense of recollect, just kind of
16 business judgment, was it also in terms of just, like,
17 financial risk of the market a size of LLC investment for a
18 single lender that would be too much money to have in the same
19 LLC?

20 **A** We typically tried to keep them, you know, not
21 more than, you know, \$5 million would be a big loan fund.

22 **Q** Okay.

23 **A** But we, if we had, like a large investor, we
24 would try to spread them into, some of these entities might be
25 the same investor.

1 Q And that, that was kind of, the form of that
2 question for, it occurred to me that might be the case. Some
3 of these people may, as far as individuals go, really kind of
4 fit in the same place in your mind at least. Okay.

5 So, when they put together that kind of money,
6 again, whether you advised them to spread it out a little bit
7 with the risk and whatever, did they get within, and let's
8 going back to, since LTS was the primary company there, would
9 they get a special account, entity, inside of LTS software for
10 what we were going to do with that, say \$500,000 investment?

11 A I'm not sure I'm following.

12 Q When a, when an LLC was formed or becoming a
13 lending company, and let's just say that it hit, you know, the
14 ideal figure of a half a million of something, right. When
15 that LLC basically made that investment and basically came on
16 board inside the LTS system, did it get it's own account number
17 --

18 A Yes.

19 Q -- at LTS?

20 A Yes.

21 Q And did that, and let's just say it this way,
22 that's LLC then from LTS gets some kind of, what, monthly,
23 quarterly or annual statement of how the portfolio is
24 performing?

25 A Yes.

1 Q Is it monthly or --

2 A It was monthly.

3 Q Okay. And that statement from LTS to the LLC,
4 you know, investing entity, they can distribute that
5 information further how ever they want to. I mean, they may
6 been an LLC with, like, 10 members or one member.

7 A Right.

8 Q After you give them --

9 A Typically, one person was designated as, if
10 there were more than, like, the five of us had --

11 Q Mm-hmm.

12 A Let's say Ms. Stanton would be the point of
13 contact.

14 Q Okay.

15 A And so, we wouldn't have four other people
16 asking questions.

17 Q Okay. So, each of the LLC investing loan
18 companies get a, kind of an account statement monthly?

19 A They did, yes.

20 Q Okay. And again, the best plan is that LTS did
21 not actually being a lending company itself, in it's own lane,
22 servicing of these other people's investments --

23 A In the ideal world, that's --

24 Q But sometimes investors came forward with less
25 than the kind of minimum standard and LTS would make those

1 **investments just under an account for them as opposed to under**
2 **a --**

3 A Or they would put them into one of these other
4 accounts that didn't have, you know, add onto one of the
5 accounts or they would combine several and create a new one.
6 LTS was attempting to not be a lender for several years before
7 Operation Choke Point.

8 Q Okay. Okay. And, and at that change -- I'm
9 sorry. Choke Point that Sam was talking about, what year did
10 that happen?

11 A It happened in August of 2013.

12 Q Okay. So, in August of 2013 that noose
13 tightens and it makes it much more difficult to do what
14 everybody had done up to that point?

15 A The FDIC and the Department of Justice
16 informed, I think it was 150 financial institutions, that they
17 would be under more scrutiny if they continued their
18 relationships with people who provide this business. And as a
19 result, those people dropped their customers who were in the,
20 as Ms. Stanton said, payday loan business or installment loan
21 business. And then there was a trickle down effect.

22 Q Okay.

23 A If all the other --

24 Q So that's why Glacier could operate for some
25 period of time but always on the decline?

1 A For example, Core Bank and Trust was our bank,
2 did not get listed as a known bank but decided internally to
3 shut off all of our accounts that had anything to do with,
4 actually shut off all our accounts. But all of our accounts
5 over there had, were loan accounts or, you know, LTS or payroll
6 accounts. So --

7 **Q Okay.**

8 A -- even though they weren't listed, the FDIC
9 made it very well known to the banking community that anybody
10 who was in this business would be looked at differently than
11 the ones who weren't. And it took a long time to find anybody
12 just to even give us a regular banking account.

13 **Q You know, we talked at one point about, I want**
14 **to say January, February of 2014, with a 8 or \$900,000 sale,**
15 **pennies on the dollar of some of the trailings of these lending**
16 **receivables, okay. If we go back, again, to LTS, were you guys**
17 **ever able to sell loan portfolios basically because they**
18 **performed so well?**

19 A No. We never sold performing.

20 **Q Okay. All right. All sales of the portfolios**
21 **were basically somewhat distressed?**

22 A The only time anybody would sell a receivable
23 that was written off is because it was written off, because it
24 was, collectability was so minute --

25 **Q Yeah.**

1 A -- if the, if the receivable or the customer as
2 we would call them --

3 **Q Right.**

4 A -- was paying, we would never sell those
5 customers.

6 **Q Okay. Okay. So, much earlier in the day when**
7 **you had said to Janice that you regularly sold these kind of**
8 **receivables but really it's actually the portfolio, right?**
9 **You're actually selling that, a portfolio that has been written**
10 **off?**

11 A No, no. It would be not a portfolio. When, if
12 you're talking pre-Operation Choke point, there were certain
13 portfolios that had agreements that the debt would be sold
14 after a certain time of being written off. We also had an
15 internal collection department --

16 **Q Mm-hmm.**

17 A -- that operated on 80 and 90 percent of these
18 companies and all those proceeds would go into the overhead
19 pool to pay for overhead.

20 **Q Okay. And so, when, when receivables as we**
21 **were talking about them much earlier in the day, we're still --**
22 **is that like a loan by loan basis that they were sold or as, as**
23 **a, as an LLC lender portfolio?**

24 A If you're talking about pre-Operation Choke
25 Point, they were typically, the internal department would work

1 on them for 90 to 120 days.

2 Q Mm-hmm.

3 A If there was no success, they were maybe
4 bundled together and sold or just kind of left alone because
5 they were, most people would say they were uncollectible and
6 they weren't even taking the time to have an IT person put that
7 bundle together because they were getting, you know, half a
8 cent or a quarter of a cent.

9 Q Okay.

10 A Because after a certain amount of time these
11 types of loans are, have no value.

12 Q Okay. They just decline the longer that they
13 are --

14 A That's why, that's why the, the, the rate or
15 the fee that we charge is so high because the, the default
16 rates are very high and the people who didn't pay typically
17 never paid anything.

18 Q Okay. So, and again, you've said this just
19 fine, I'm the one that has to regroup. Okay? So therefore, if
20 I looked up your list and there are, you know, lending
21 companies, Jackson and Lancer, who are just, like, next door to
22 each other on the list, each of them could have a portfolio
23 difference in value, each of them could have, you know,
24 hundreds of borrowers within the portfolio, right? But, if, if
25 each of them have say, three or four borrowers that are doing a

1 terrible job and it's not performing, it's 90 days out, nothing
2 good as happening, you're saying that those actual loans could
3 be taken out of those portfolios and bundled for sale?

4 A That was not what we did.

5 Q Okay.

6 A We worked them internally.

7 Q Mm-hmm.

8 A The majority of the written off loans were
9 never sold. They would just left --

10 Q Okay.

11 A They were left and, because they were just not
12 collectible. They were --

13 Q So when you say written off, you mean that from
14 the portfolio, they went, they went to LTS for servicing and
15 collection?

16 A They just, that was one of the services that
17 LTS provided. And that, that revenue that was generated from
18 that went to lower the overhead so they could get the higher
19 return rates on the notes that we paid people.

20 Q Okay.

21 A So someone was getting a return of 30 or 35
22 percent. That would not be possible unless the collection
23 dollars covered part of the payroll or paid part of the rent or
24 what not. So that's the way, we never distributed collections
25 revenue back to an investor or a debt holder.

1 **Q** Okay. And in the way that's structured, how
2 this basically works with LTS performing these services for
3 these, these lending companies, did they have any kind of, did
4 the lending companies have any relationship with LTS before a
5 loan went bad or a loan --

6 A I don't understand. Did the company?

7 **Q** Yes.

8 A The company had a service agreement between LTS
9 and itself.

10 **Q** Okay. It starts out with the service
11 agreement?

12 A Yeah.

13 **Q** At the very time of the initial investment?

14 A Ms. Stanton has a copy of the service
15 agreement.

16 **Q** All right. And but the collection services
17 only began if the loan starts to not perform?

18 A The loan doesn't perform when they close the
19 bank account or they revoke the authorization or they had four
20 insufficient payments in a row. So, you would know a customer
21 was bad within 21 to 30 days of the making of the loan.

22 **Q** Okay.

23 A So, typically, in this business either they
24 always paid or they never paid.

25 **Q** Okay. So, once LTS actually starts servicing,

1 somebody is behind or whatever and LTS starts servicing, using
2 the collection services, at that point who owns the account?
3 Does the receivable still belong to the, to the lending company
4 --

5 A It belongs to the lending company.

6 Q It still belongs to them. And at the end of
7 the day, so we come now back to January, February of 2014, a
8 lot of these are sold at the same time. On the day they're
9 sold, who owns them?

10 A At that point, nobody owned them because all
11 these companies were out of business.

12 Q Okay. All the lending companies were out of
13 business --

14 A Yeah.

15 Q -- by the time of that sale?

16 A Yeah.

17 Q So --

18 A But to, to, I think I understand what you're
19 getting -- if we were in business and we had done the same
20 thing, nobody would have received any of the proceeds anyway.

21 Q Okay.

22 A Because that's the way the agreement worked.

23 Q Okay. So, when , when those things were sold
24 for the 8 or \$900,000, if nobody owned the things that were
25 sold, did those proceeds all go to LTS?

1 A No.

2 Q Who did the proceeds go to?

3 A I don't know. That's what I'm trying to figure
4 out.

5 Q Okay. I also note that on the little form
6 thing, on the last box, 2014, EIN numbers quit getting written
7 down. It maybe because they're repetitive. But, if you could,
8 especially as we're naming companies and some companies have
9 very similar names, it would not be a bad idea to go ahead and
10 include those numbers if they still exist.

11 I also might point out that by the time we get
12 to the next page when we hear words like Temporia (ph),
13 Keracook (ph), Cyndial Lee and R (ph), entities in Cyprus, that
14 that will definitely, those, all those things are going to need
15 full names for anybody to ever be able to look at the exhibit
16 that way.

17 A Sure.

18 Q Okay. We've heard a little bit about some of
19 your family members but one of them seems to be somebody that
20 is reasonably good with the computer side of this. Is that
21 John?

22 A John is my cousin. He is a, he's not an IT
23 person, he's just an overall smart, very smart person.

24 Q Okay. Okay. When it comes to somebody
25 figuring out a way to make it so that a guy that wants to

1 borrow money can get online and make a connection with one of
2 these accounts and actually have money come out and actually
3 have facilities behind it, and again back in the heyday, this
4 is before the Choke Point, have all of these facilities to make
5 it all happen, right, who at your organization was smart enough
6 to set that up?

7 A Well, I, when we started in 2000, we, we
8 developed a lending profile. And as the company became
9 electronic and John graduated from college, he worked here in
10 the summers, we had a rudimentary customer management system
11 called the DMS customer management system.

12 Q Okay.

13 A When we were able to have someone like John,
14 I'm not an IT expert, John was able to take the underwriting
15 philosophies that I taught him and teach an IT person to put
16 that into the software. And then the software basically as a
17 customer management system, it makes the decision on what
18 application to buy and what application not to buy. So,
19 everything was electronic. So, if we bought an application,
20 then the system would do underwriting through the third party
21 companies and it would spit out credit score, for lack of a
22 better term.

23 Q Mm-hmm.

24 A And the credit score would determine the
25 priority with which that person would have been called. So, if

1 your credit score was perfect, you would go to the top of the
2 lending list. If your credit score was lower, you would be,
3 might not get called that day.

4 Q Okay. But this all began, the brick and mortar
5 concept --

6 A We never had a brick and mortar concept before
7 Russia.

8 Q Okay.

9 A It was a, it was not electronic. People used
10 to fax us their bank statements.

11 Q Okay.

12 A And we would highlight their stuff on their --

13 Q And this --

14 A Like Ms. Stanton did to my bank statement, like
15 a debit and credits and determine whether or not we would lend
16 them up to \$200.

17 Q Okay. And then at its highest point of
18 operation, you actually were working with companies like E-Data
19 and whatever?

20 A We worked with E-Data from, from 2001 on.

21 Q Okay. Okay.

22 A They weren't known as E-Data back then. They
23 were Bahamas Marketing Group.

24 Q Okay. Bringing back to one last point them.

25 Do you understand then, if I follow the thing about the server,

1 the how it all came to be, why it's in California, is that you
2 have a personal computer that has basically all the data about
3 this on it --

4 A Yes.

5 Q -- but it is duplicated in a server in
6 California?

7 A No. It's a virtual server.

8 Q What does that mean?

9 A It doesn't sit on the server. It's like a
10 cloud based server that I have the access to.

11 Q Okay. Is your personal computer that has all
12 that same data a hardware device?

13 A Like in my office?

14 Q Yeah.

15 A Yes, it's a PC.

16 Q Okay. I think that's it, thank you.

17 THE COURT: Brendan, do you have any
18 questions?

19 MR. HEW: No, not today.

20 THE COURT: Okay.

21 BY MR. MILLER:

22 Q My name's Adam Miller, I'm in the Office of
23 the U.S. Trustee.

24 A I'm sorry.

25 Q My name's Adam miller, I'm with the Office of

1 **the U.S. Trustee.**

2 A Okay.

3 Q I have some follow up questions. Many of my
4 questions have been asked. I want to follow up on a few points
5 that Ms. Stanton raised.

6 You testified much earlier with regard to the
7 DTL loan that you transferred \$80,000 of those proceeds to Claw
8 Consulting, is that correct?

9 A Yes.

10 Q Okay. And your testimony was, as I recall it,
11 is that you did so to avoid those funds being garnished.

12 A It was because there was potential garnishments
13 out there. I put the money in that account and then as bills
14 came due in Missouri Bank, I would write a check that day that
15 they, automatic credits or debits that were owed.

16 Q So, you would then transfer the money back to
17 Missouri Bank on the daily basis in order to pay your ongoing
18 expenses?

19 A Yes.

20 Q Okay. And you testified, I believe, that some
21 attorney advised to you do that?

22 A He just said to avoid, because everybody knew I
23 had a Missouri Bank account, that, that the potential
24 garnishment was there and since there was significant funds,
25 they want to have that garnished because I borrowed that money

1 to pay my bills.

2 Q Who was the attorney who advised you of this?

3 A Rob Thompson.

4 Q So, he had advised you to place those funds
5 into Claw Consulting?

6 A He just said put, keep your money in there,
7 when you have to pay bills, put it back in Missouri Bank, so --

8 Q Now, I also understand that you, some of the
9 watches that you sold, those funds , the funds from the sale
10 were placed in Claw Consulting, is that correct?

11 A Yes.

12 Q And did you utilize them for the same purpose,
13 to pay personal expenses?

14 A Yeah.

15 Q Okay.

16 A Anything I sold was to pay for personal
17 expenses.

18 Q Okay. When you testified about the Hong Kong
19 trip, did you personally pay out of your personal funds for
20 that trip?

21 A Some of it and some of it I borrowed from Red
22 Stag, which I reimbursed them for.

23 Q Okay. But when you made payments to people who
24 traveled with you, did you, what entity made those payments?

25 A At that point I still had the Visa card. I

1 think I put a lot of that on the Visa card.

2 Q Okay. Who was the obligor on that, was that
3 you personally?

4 A It's my personal card.

5 Q Okay.

6 A Was, they've closed it.

7 Q But I understand at the time you were the
8 person who was obligated, not --

9 A Yes.

10 Q -- one of your business entities.

11 A Right.

12 Q I'm going to give you what I believe is my
13 definition of gift on this, which is any, I think you need to
14 disclose, and I'm concerned that you haven't, any monies that
15 you have given to any personal without an intent or at the time
16 that you lent, gave that money to that person or property with
17 an intent for them to repay it.

18 A Okay.

19 Q So, if you gave any funds and there was no
20 intention for that person to ever repay you, then that's a
21 gift.

22 A That makes sense.

23 Q Okay. So, I think you need -- I'm concerned
24 that there seem to be thousands of dollars worth of such
25 transfers that were not disclosed.

1 A I understand much better now.

2 Q Okay. You also understand that you're required
3 to disclose as a subpart of that question all gifts to all
4 charitable organizations, is that correct?

5 A I don't believe so there has been any for the
6 last --

7 Q Okay. So if I looked at your tax returns for
8 the last two years, you would show no deductions for
9 charitable contributions?

10 A I can't tell you that because I have not looked
11 at it.

12 Q Okay. Well, I think you need to and I, to the
13 extent that you've taken a tax deduction for a charitable
14 contribution, then that is, similarly, needs to be disclosed.

15 A I will. I'll look through them.

16 Q Okay. When you met with, did you ever meet
17 with Mr. Blinder personally in Hong Kong?

18 A Many times. I met with him many times.

19 Q Okay. And it sounds like that that
20 relationship, the loan was never made, is that correct, or the
21 --

22 A No.

23 Q -- investment was never made? Was there a
24 reason why that investment was never made?

25 A He never received his funding.

1 Q So he was obtaining the funds from a third
2 party?

3 A Yes.

4 Q On your Schedule J, which is your list of
5 expenses, you did not list any expenses to pay any of the
6 mortgages on your real property, is that correct?

7 A I've not been paying any of the mortgages.

8 Q Okay. When was the last time you made a
9 mortgage payment on your home?

10 A I believe April.

11 Q Of 2015?

12 A Yes.

13 Q You indicated that it was your intent to
14 maintain living in that property, is that correct?

15 A The house has been on the market for since
16 February or March of 2015. So, our intent is to sell the
17 house.

18 Q Have you had that house appraised as part of the
19 sale process?

20 A Not to my knowledge.

21 Q Okay. What's the listing price on that house?

22 A 4.5 million.

23 Q You listed that you current income exceeds your
24 monthly liabilities or, I'm sorry, that your monthly
25 liabilities exceed your current income by about \$4,400 a month,

1 is that correct?

2 A More than likely, yes.

3 Q Okay. How are you funding that deficit gap?

4 A How am I funding it now?

5 Q Yes.

6 A I borrow money.

7 Q Who do you borrow, within the last month, who
8 have you borrowed money from?

9 A I haven't borrow any money from anybody for the
10 last month.

11 Q Okay. Well, these are supposed to be ongoing
12 list of your monthly income and monthly expenses. So, if you
13 have a deficit of \$4,000 a month, that money needs to be coming
14 from somewhere, I think.

15 A My understanding was everything post bankruptcy
16 petition, involuntary, was not part of that. So, maybe I'm
17 mistaken.

18 Q Okay. Well, your, your schedules of income and
19 expenses are your ongoing schedules of income and expenses.
20 So, as you sit here today, your Schedule I and Schedule J
21 should be your list of what income you are receiving on a
22 monthly basis, ongoing, and what your monthly expenses are.

23 A Okay. I didn't realize that.

24 Q So you need to complete your Schedules I and J
25 because they're used to determine how you're going to pay your

1 **expenses going forward.**

2 THE COURT: I think they already said
3 they're going to amend those too.

4 MR. MILLER: Well, I think you need to make
5 sure that, you know, and I want to make sure on the record
6 that he understands what this is. Okay. I have nothing
7 further.

8 BY THE COURT:

9 Q One follow up question. I think Corey, how do
10 you say it?

11 A Loggerstraum.

12 Q Yeah, thank you. He paid \$11,000 to you in May
13 of 2015 to pay the real estate taxes, the property taxes on the
14 Verona house.

15 A I think he paid those directly himself.

16 Q Okay. So do you believe they've been paid?

17 A If you're talking about May of 2015 --

18 Q Mm-hmm.

19 A The two deposits, he made the mortgage deposits
20 on the 1st and, like, the 31st. So those are not tax payments.
21 Those were, he made two mortgage payments within the same
22 month.

23 Q Okay. All right.

24 A But they were at the beginning and the end.

25 Q Okay. So, you don't know if the taxes have

1 **been paid or not, the property taxes?**

2 A Up until December, I was told they were paid.

3 **Q Of 2015?**

4 A Yes.

5 **Q Okay. All right. Well, I don't have any other**
6 **questions.**

7 I'm going to continue the meeting so that we
8 can get a good set of schedules. Again, I'm going to work with
9 the Trustee on LTS to try to combine those two meetings because
10 I'm sure that LTS' will be continued too so that we can save
11 everybody time.

12 **But Joel, when do you believe you can get those**
13 **amendments on file?**

14 MR. PELOFSKY: I have no idea at this
15 point. The suggestion from counsel was that we're going
16 to have to redraft all of those lists. I thought they
17 were pretty straightforward. They rather have a whole a
18 lot of additional information that's contained, for
19 example, on the CD that we gave you. So, I think I'm
20 going to ask the Court for 30 to 40 days to do this. This
21 is an extensive recasting of all of the documentation that
22 we've prepared to date.

23 THE COURT: Well, the schedules are better.
24 But again, the question's pretty straightforward about
25 what you're supposed to identify and --

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1 MR. PELOFSKY: I understand.

2 THE COURT: And it hasn't been identified.

3 MR. PELOFSKY: Well, as you have pointed
4 out, every time we come across a nuance to what is
5 happening.

6 THE COURT: Okay. Well, I think we have a
7 hearing on this case anyway next Tuesday and we can take
8 it up with the judge.

9 MR. PELOFSKY: Yes.

10 THE COURT: But you've, you've already
11 referenced some amendments that you've got prepared
12 already --

13 MR. PELOFSKY: Yes.

14 THE COURT: Do you intend to filed those?

15 MR. PELOFSKY: Well, I'm going to look at
16 them and see if we can't make, can make some further
17 adjustments that are responsive to some of your questions
18 immediately but it's going to, obviously, we're not going
19 to be able to deal with all of the issues that have been
20 raised at this meeting. We can do most of it probably.

21 THE COURT: You can do most of what?

22 MR. PELOFSKY: The amendments.

23 THE COURT: So your going to get those on
24 file pretty soon?

25 MR. PELOFSKY: Yes.

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1 THE COURT: Like next couple of days?

2 MR. PELOFSKY: Well, probably not tomorrow
3 but, Monday.

4 THE COURT: Okay. Does that sound like
5 something you could do?

6 THE WITNESS: I'm available too.

7 THE COURT: Okay. Okay. Well, I'll work
8 with Mr. Nazarra on the continued meeting of creditors for
9 your case and that will be in conjunction with LTS' with
10 case so you don't have to come back twice. But I'm just
11 going to stress again, to work together with your attorney
12 to make sure that you answer the questions that are asked
13 of you. We wouldn't have to keep coming back here if he
14 didn't have to keep going through this. So, you know --

15 THE WITNESS: I've prepared a lot, I was
16 pretty close. So, I apologize for some of the things I
17 misunderstood.

18 THE COURT: Okay. All right. So, we'll, I
19 guess, continue the meeting to a different, another date
20 to be determined. So, okay. Thanks.

21 THE WITNESS: Thank you.

22 MR. PELOFSKY: Does everyone here find the
23 people --

24 (End of recording)

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TRACY L. HACKLEMAN

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