

**Excerpts From Melissa Deese
Deposition Transcript
November 17, 2016**

From Article about Debtors

In the Matter of:

FTC v. Life Management Services, et al.

November 17, 2016

Melissa M. Deese

Condensed Transcript with Word Index



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Deese

FTC v. Life Management Services, et al.

11/17/2016

1 1 UNITED STATES DISTRICT COURT 2 MIDDLE DISTRICT OF FLORIDA 3 ORLANDO DIVISION 4 5 FEDERAL TRADE COMMISSION and) 6 OFFICE OF THE ATTORNEY GENERAL,) 7 STATE OF FLORIDA,) 8 Plaintiffs,) 9 vs.) CASE NO. 10 LIFE MANAGEMENT SERVICES OF) 6:16-cv-982-Orl-41TBS 11 ORANGE COUNTY, LLC, et al.,) 12 Defendants.) 13 _____) 14 15 16 - - - - - 17 The deposition of MELISSA M. DEESE was 18 taken on Thursday, November 17, 2016, commencing at 19 9:37 a.m., at the offices of Akerman LLP, 420 South 20 Orange Avenue, Suite 1200, Orlando, Florida, before 21 Lorraine Yerdonek, Court Reporter and Notary Public. 22 - - - - - 23 24 25	3 1 A P P E A R A N C E S (Cont'd.) 2 3 ON BEHALF OF THE DEFENDANT KEVIN GUICE AND THE 4 RELIEF DEFENDANTS ROBERT GUICE AND TIMOTHY WOODS: 5 AMY B. TALISMAN, ESQ. (Via Telephone) 6 Cove & Associates, P.A. 7 225 South 21st Avenue 8 Hollywood, Florida 33020 9 (954) 921-1121 10 abt@covelaw.com 11 12 RECEIVER FOR THE CORPORATE DEFENDANTS: 13 MARK J. BERNET, ESQ. 14 Akerman, LLP 15 401 East Jackson Street, Suite 1700 16 Tampa, Florida 33602 17 813-223-7333 18 mark.bernet@akerman.com 19 20 21 22 23 24 25
2 1 A P P E A R A N C E S 2 3 ON BEHALF OF THE PLAINTIFF FEDERAL TRADE COMMISSION: 4 JOSHUA A. DOAN, ESQ. 5 TEJASVI M. SRIMUSHNAM, ESQ. 6 Federal Trade Commission 7 600 Pennsylvania Avenue, Northwest 8 Washington, D.C. 20580 9 202-326-3187 10 jdoan@ftc.gov 11 tsrimushnam@ftc.gov 12 13 ON BEHALF OF THE PLAINTIFF OFFICE OF THE ATTORNEY 14 GENERAL, STATE OF FLORIDA 15 DENISE KIM BEAMER 16 Assistant Attorney General 17 ANNA CAPLAN 18 Investigating Specialist I 19 Office of the Attorney General State of Florida 20 135 West Central Boulevard, Suite 670 21 Orlando, Florida 32801 22 407-316-4840 23 denisebeamer@myfloridalegal.com 24 nannacaplan@myfloridalegal.com 25	4 1 I N D E X 2 WITNESS PAGE 3 MELISSA M. DEESE 5 4 5 6 E X H I B I T S 7 DEESE DESCRIPTION PAGE 8 Exhibit 1 Document titled "Individual Search 18 9 Results" 10 Exhibit 2 Floor plan 29 11 Exhibit 3 Document titled "Fronting" 31 12 Exhibit 4 Document titled "Fronter Script" 46 13 Exhibit 5 Document titled "Fronter Script" 47 14 Exhibit 6 Document headed "Rebutals" [sic] 48 15 Exhibit 7 Transcript, November 12, 2016 54 16 Exhibit 8 Transcript, November 19, 2015 60 17 Exhibit 9 Photograph of Mohammad 118 18 19 20 21 22 23 24 25

5

PROCEEDINGS

Whereupon--

MELISSA M. DEESE,
called as a witness, having been first duly sworn,
was examined and testified as follows:

THE WITNESS: I do.

EXAMINATION

BY MR. DOAN:

Q Good morning, Ms. Deese. Again, my name
is Josh Doan. I represent the Federal Trade
Commission in a case brought against Life Management
Services of Orange County and some other defendants.

To my right is Tej Srimushnam, who also
represents the FTC. Next to him is Denise Beamer
from the Office of the Florida Attorney General.
Next to her is Anna Caplan, an investigator with the
Florida Attorney General's Office. And I know you
met Mr. Bernet, the court-appointed receiver for the
corporate defendants in the case.

I see that you have brought counsel with
you today. Is that correct?

A Yes.

Q And that's Mr. Agranoff?

A Yes.

6

MR. DOAN: Mr. Agranoff, do you have
anything you want to add?

MR. AGRANOFF: No. I just want to
announce my appearance is for today's
deposition purposes only. We have not been
presented to continue beyond today as of this
time. So at the termination of this
deposition, any written communication to my
client may be directed to her until further
notice.

Additionally, if I could just put on
record and make sure that we're clear for my
client, that yesterday I was present
representing Brandun Anderson. You have signed
a conflict waiver. We've discussed what
conflicts are.

Are you comfortable with who representing
you knowing that I represented Brandun
yesterday?

THE WITNESS: Yes.

MR. AGRANOFF: Okay.

MR. DOAN: Great. Thank you.

BY MR. DOAN:

Q Could you please state your full name for
the record?

7

A Melissa Deese.

Q And what is your middle name?

A Mae.

Q M-A-E?

A That is correct.

Q And your maiden name is [REDACTED]?

A Yes.

Q Okay. You are originally from
Massachusetts?

A Yes.

Q Whereabouts?

A Milford.

Q Milford?

A (Nods head affirmatively.)

Q Okay. How long did you live there?

A Until I was about 16.

Q Okay. So you went to high school in
Milford, Massachusetts?

A Yes.

Q And where else?

A That's it.

Q That's it, okay.

And when you lived in Massachusetts, you
had relatives down in the Orlando area?

A Uh-huh (yes).

8

Q And you would come visit them at April?

A Yes.

Q Okay. And you would come to Disney World
sometimes?

A Yes.

Q Okay. So when you left Milford at the age
of 16, where did you move?

A We left there and went to Wisconsin.

Q Okay.

A We were in Wisconsin, I want to say, for
only about three months. My mom traveled with her
job, so we moved very often after that.

Q Okay. What year was it when you moved to
Wisconsin?

A It was 2012 -- or 2002. And we left in
2003.

Q And let me back up, because I jumped right
into asking you questions as soon as you told me
your name. Usually I like to go over some ground
rules with a deponent.

Have you ever testified at a deposition
before?

A No.

Q Have you ever testified in court?

A No.

9

1 Q Okay. So the court reporter administered
2 an oath or affirmation to you before we got started.
3 That's the same oath or affirmation that you would
4 take if you were testifying in court. Do you
5 understand that?

6 A Yes.

7 Q Okay. Another ground rule: I know that
8 Mr. Agranoff told you this off the record, but
9 today's deposition is not necessarily meant to be an
10 endurance contest. If you need to take a break at
11 any point, please let me or Mr. Agranoff know, and
12 we'll be happy to allow you to take a break. Okay?

13 A Okay.

14 Q Another ground rule and thing that I need
15 to remind deponents of, particularly people who
16 haven't testified before, is that, as you can see,
17 the court reporter is here and she is making a
18 transcript of my questions, your responses and any
19 objections from Mr. Agranoff or other counsel. So
20 that means we need to do a couple of things. One is
21 that, when you're responding to my questions, you
22 need to do so with words as opposed to nods or
23 shakes of the head or things like "uh-uh," "uh-huh."
24 We need words that the court reporter can actually
25 transcribe, okay?

10

1 A Okay.

2 Q Another thing you have to keep in mind
3 because we're making a transcript is that, ideally,
4 there will be only one person talking at a time. It
5 sometimes gets difficult because it's not
6 necessarily the way other conversations work in
7 life. But if you could do your best to let me
8 finish asking a question before you start answering,
9 even if you know exactly where my question is going
10 three words in, that would be good.

11 I will try, and if I don't do this, please
12 feel free to stop me at any time. If you have not
13 finished answering and I go right into another
14 question, I'll try not to do that, but if I
15 interrupt you while you're answering, please don't
16 hesitate to let me know that you have more to say,
17 okay?

18 A Okay.

19 Q So with that, could you tell me your home
20 address, please?

21 A Currently?

22 Q Currently, yes.

23 A It's [REDACTED]

24 Q Okay.

25 A And that's in Orlando.

11

1 Q Okay.

2 A The ZIP is [REDACTED]

3 Q [REDACTED], okay.

4 MR. AGRANOFF: Actually, Counsel, before
5 we get too far, can I put a housekeeping matter
6 on the record?

7 MR. DOAN: Sure.

8 MR. AGRANOFF: As this goes forward,
9 although I understand that she's not a
10 defendant in a civil case and is simply here as
11 a witness under subpoena due to the potential
12 criminal issues for -- that may arise in the
13 civil case, or the underlying civil case, there
14 is a possibility my client may wish to exercise
15 her Fifth Amendment right so she is not
16 inadvertently linking herself in the chain of
17 evidence or a nexus of criminality, regardless
18 of whether she's done wrongdoings.

19 So while we're not asserting that she has
20 done anything wrong, to the extent that certain
21 issues come up, she may be asserting her Fifth
22 Amendment rights. We would ask that, unless
23 there's any objection, she able to say "I take
24 the Fifth" so that we can keep moving forward
25 with the remaining questions.

12

1 MR. DOAN: Okay.

2 Q Do you understand what your counsel has
3 explained to you, Ms. Deese?

4 A Just now?

5 Q Just now, yes.

6 A Not really, no.

7 Q All right.

8 MR. AGRANOFF: For example, if they said
9 to you, "Did you steal ten dollars from the
10 conference room," and you're under oath, you do
11 not -- you're not obligated to testify against
12 yourself.

13 THE WITNESS: Okay.

14 MR. AGRANOFF: You can say, "I take the
15 Fifth."

16 THE WITNESS: Okay.

17 MR. AGRANOFF: That said, the soda cans,
18 you're welcome to have one.

19 THE WITNESS: Okay.

20 BY MR. DOAN:

21 Q Do you understand, though, Ms. Deese, what
22 Fifth Amendment right or privilege you would be
23 invoking?

24 A Yes.

25 Q Okay. And what is that?

21

1 Q Okay. Had you personally met Wayne before
2 he referred you there?

3 A One time, yes.

4 Q Okay. When was that?

5 A It's -- I mean, I don't know exactly -- or
6 exactly when it was, but it was at a car race down
7 Bradenton, and it was just in passing.

8 Q Is your husband into car racing?

9 A Yes.

10 Q Okay. Was he racing or was Wayne racing,
11 or were they both spectating?

12 A I believe they were both just watching.

13 Q Okay. Okay. So Wayne Norris referred
14 you, John interviewed you. And how long after your
15 interview did you start working at Life Management
16 Services?

17 A Probably the following Monday.

18 Q Okay. And what positions did you hold at
19 Life Management Services of Orange County?

20 A I choose to take the Fifth on that.

21 Q Okay.

22 MR. BERNET: I think there's going to be a
23 waiver issue, but that's fine.

24 BY MR. DOAN:

25 Q And so one thing I had hoped to clarify,

22

1 just because you've now started invoking your Fifth
2 Amendment privilege against self-incrimination, is
3 that it's only appropriate to invoke the Fifth
4 Amendment when you are concerned with your own
5 potential criminal liability. Do you understand
6 that?

7 A Yes, I do.

8 Q Okay. Thus you cannot invoke the Fifth
9 Amendment to protect somebody else. Do you
10 understand that?

11 A Yep.

12 Q Okay. Now, were you in Life Management
13 Services of Orange County's offices on June 9th,
14 2016, when Mr. Bernet and some of the rest of us
15 arrived at the premises?

16 A Yes.

17 Q Okay. And did Mr. Bernet interview you on
18 June 9th?

19 A That same day?

20 Q Yes, that same day.

21 A No.

22 Q Okay. And, in fact, you came back the day
23 after, on June 10th, Friday, correct?

24 A Correct.

25 Q Okay. And before you went to the offices,

23

1 you went to Dunkin' Donuts, as I see you did today;
2 is that right?

3 A That's correct.

4 Q And you saw Reeve Tyndall, an investigator
5 from the Federal Trade Commission, in Dunkin'
6 Donuts, right?

7 A If that's their name, yes.

8 Q Okay. You recall seeing an investigator
9 from the FTC?

10 A Yes.

11 Q And you approached the FTC investigator?

12 A I did.

13 Q And you asked him if he was the person
14 from the LI room from yesterday?

15 A Correct.

16 Q Okay. In fact, Mr. Srimushnam and I were
17 there too; is that right?

18 A I don't recall.

19 Q Okay. I guess we're not as memorable as
20 Mr. Tyndall, but I won't take any offense at that.

21 And then after you went to Dunkin' Donuts,
22 you went to Life Management Services of Orange
23 County's offices, right?

24 A Correct.

25 Q And those offices were at 12001 Science

24

1 Drive?

2 A Correct.

3 Q Suites 125 and 180?

4 A Yes.

5 Q Okay. And you entered through the 180
6 side?

7 A In the back.

8 Q By Nikki McNealy's desk?

9 A Yes.

10 Q Okay. And at some point on June 10th you
11 then conducted an interview with Mr. Bernet,
12 correct?

13 A I wouldn't call it an interview.

14 Q Okay. You spoke with Mr. Bernet? Would
15 you -- do you at least agree to that?

16 A Yes.

17 Q Mr. Bernet asked you some questions?

18 A Yes.

19 Q You answered Mr. Bernet's questions?

20 A To the best of my knowledge, yes.

21 Q Okay. And Ms. Caplan, who's sitting here,
22 was there as well, right?

23 A I believe so.

24 Q Okay. And you showed Mr. Bernet and
25 Ms. Caplan where your desk was at the Science Drive

25

1 premises, correct?
 2 A I take the Fifth.
 3 Q Okay. Telemarketers in the state of
 4 Florida are required to display a copy of their
 5 license at their desks, correct?
 6 A I assume.
 7 Q Okay. When you've worked as a
 8 telemarketer, you displayed a copy of your license
 9 at your desk, right?
 10 A It was put up by my boss.
 11 Q Okay. But the desk where you sat had a
 12 copy of your license, right?
 13 A Correct.
 14 Q Okay. And now when you work at Higher
 15 Goals Marketing, a copy of your license is displayed
 16 at your desk, correct?
 17 A Of my license?
 18 Q Yeah.
 19 A No.
 20 Q No?
 21 A (Nods head affirmatively.)
 22 Q Do you have a telemarketing license at
 23 Higher Goals Marketing?
 24 A Yes.
 25 Q Where is it posted in the building?

26

1 A We have a company license posted in the
 2 building, and my license is in a binder.
 3 Q Where is the binder kept?
 4 A In the office at my desk.
 5 Q Okay. Is it just your license, or do you
 6 have other people's licenses in that binder?
 7 A There's other licensing.
 8 Q Who else's licenses are in the binder?
 9 A Oh, man. Everyone that works there.
 10 Q Okay. Everyone who works there, or only
 11 the people who work there and actually have
 12 telemarketing licenses?
 13 A Everyone that's required to be licensed is
 14 licensed.
 15 Q Okay. What are the requirements to be
 16 licensed in the state of Florida as a telemarketer?
 17 A I don't know.
 18 Q Then how do you know that everybody who is
 19 required to have a license has a license?
 20 A Because that's what I'm told.
 21 Q By whom?
 22 A By boss.
 23 Q Who's that?
 24 A Brandun Anderson.
 25 Q Okay. What questions do you remember

27

1 Mr. Bernet asking you on June 10th, when you spoke
 2 with him at the Science Drive premises?
 3 A I don't recall.
 4 Q Do you recall what you told him?
 5 A No.
 6 Q Okay. You don't recall telling him that
 7 you were a fronter?
 8 A I take the Fifth.
 9 Q So you do recall, you're just invoking
 10 your Fifth Amendment privilege against
 11 self-incrimination?
 12 A I choose to take the Fifth.
 13 Q Okay. But do you recall or do you not
 14 recall, putting aside your invocation of the Fifth
 15 Amendment?
 16 MR. AGRANOFF: She's invoking her Fifth,
 17 and we'll stick with that.
 18 BY MR. DOAN:
 19 Q All right. Do you understand, Ms. Deese,
 20 that although your invocation of the Fifth Amendment
 21 can't be used against you in a criminal case, it can
 22 be used to create what are called adverse inferences
 23 in a civil case?
 24 MR. AGRANOFF: Calls for a conclusion of
 25 law. She's not qualified to answer.

28

1 MR. DOAN: Is that an objection?
 2 MR. AGRANOFF: That's an objection.
 3 BY MR. DOAN:
 4 Q Okay, go ahead and answer my question.
 5 A I don't understand what your question is,
 6 to be honest.
 7 Q Okay. Do you understand that the case
 8 that you're testifying in today is a civil lawsuit?
 9 A If you're telling me it's a civil lawsuit,
 10 then yes.
 11 Q Okay. Were you served with a copy of the
 12 temporary restraining order by Mr. Bernet?
 13 A Yes.
 14 Q Okay. Did you read it?
 15 A Most of it.
 16 Q Okay. That's good. I mean, for a
 17 non-lawyer, you got through most of it, I think
 18 that's impressive.
 19 But you didn't take away, from reading the
 20 temporary restraining order, that the lawsuit was a
 21 civil lawsuit as opposed to a criminal case?
 22 A I don't fully understand the difference,
 23 to be honest with you.
 24 Q Oh, okay.
 25 A I mean, I know the difference between

41

1 did not want to go.

2 **Q Okay.**

3 A My husband doesn't like to go out. So if
4 he doesn't go, I don't go type of thing.

5 **Q I see.**

6 A So I kind of dragged him out because I was
7 invited and felt that I should go.

8 **Q Okay. Did you bowl?**

9 A No.

10 **Q Okay. Are you more of a candlepin bowler?**

11 A No.

12 **Q Okay. Have you ever candlepinned bowled?**

13 A Yeah.

14 **Q I'm just making sure you're really from
15 Massachusetts.**

16 **How about duckpin bowled, have you ever
17 duckpin bowled?**

18 A No. Actually, I have not.

19 **Q Okay. Have you ever bowled with like the
20 big standard pins?**

21 A Yeah.

22 **Q Okay. You just -- were people bowling
23 or ...**

24 A Yeah.

25 **Q Okay. Just not --**

42

1 A My husband hurt his hand and he's -- like
2 I said, he does not like to go out. He doesn't like
3 crowds of people that he doesn't really know. So he
4 didn't want me to leave him sitting by himself and
5 go bowl with everybody and just leave him alone.

6 **Q Okay.**

7 A So I sat with him and we watched everybody
8 bowl.

9 **Q Okay. All right.**

10 **Inez Vest, do you know who Inez Vest is?**

11 A Who?

12 **Q Inez Vest.**

13 A No.

14 **Q Okay. That might be everybody.**

15 **Aside from the bowling alley party, have
16 you met Robert Guice before?**

17 A Who is Robert Guice?

18 **Q That's Kevin and Nikki's father. You said
19 that Kevin -- you said that Nikki's parents were
20 there.**

21 A Oh, yeah, yeah, yeah. I --

22 **Q Bob, I mean.**

23 A I just know him as Dad.

24 **Q Okay.**

25 A I mean, I never called him that, but

43

1 that's -- any time he was there, Nikki would be
2 there, so ...

3 **Q Okay.**

4 A He's come up to the office a couple of
5 times.

6 **Q To do what?**

7 A Just -- talk to everyone, I guess; I don't
8 know. I know John did like a football pool, we
9 would do, on football season.

10 **Q John Kunz?**

11 A Correct.

12 **Q Okay. And so Kevin and Nikki's dad would
13 participate in the pool?**

14 A Yeah.

15 **Q Okay. Okay. But you wouldn't see him
16 there on a weekly basis or anything like that?**

17 A Oh, no.

18 **Q Okay. How about Kevin and Nikki's mom,
19 how often would you see her?**

20 A Is that Heather's Mom? Is that the same
21 mom?

22 **Q As far as I know, yes. Kevin and Heather
23 are brother and sister. Nikki is actually their
24 cousin, but she was adopted, and so they consider
25 her their sister too.**

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1 A Okay. So I would see her any time that
2 she would drop Heather off at work.

3 **Q Heather Cline?**

4 A Correct.

5 **Q Because -- was there some reason why
6 Heather couldn't drive herself?**

7 A I don't know.

8 **Q Okay. All right. So let's go to page 3
9 of Deese Exhibit 3, where we had left off. There's
10 some handwriting. It says, "Read this on every
11 call" at the top. Do you see that?**

12 A Uh-huh (yes).

13 **Q Okay. And it's -- then below that it
14 says, quote, "What is this about/Why are you calling
15 me?"**

16 **And then it says, "Because of the recent
17 changes in credit card regulations, your lenders are
18 required to place you up for review every 36 to 48
19 months." Do you see that there?**

20 A Yes.

21 **Q Okay. And so when you were a fronter at
22 Life Management Services, that's something that you
23 told consumers when you spoke on the phone with --**

24 **MR. AGRANOFF: Objection. She did not --
25 misstates testimony.**

45

1 BY MR. DOAN:

2 **Q Go ahead.**

3 A I --

4 **Q Can you answer the question, please?**

5 MR. AGRANOFF: Objection. She's asserted
6 privileges to --

7 MR. DOAN: Well, she hasn't to this,
8 so ...

9 MR. AGRANOFF: The position of her company
10 [verbatim]. It's already been asserted.

11 BY MR. DOAN:

12 **Q All right. When you worked at Life**
13 **Management Services of Orange County, this is**
14 **something that you read to customers; is that right,**
15 **Ms. Deese?**

16 A I take the Fifth.

17 **Q Okay. And when you go down lower in that**
18 **paragraph, it says, "We are the enrollment center,**
19 **all caps, in quotation marks, "WITH" Visa, MC, Amex**
20 **and Discover." Do you see that there?**

21 A Yes.

22 **Q Okay. And that's something you also told**
23 **consumers when you worked at Life Management**
24 **Services of Orange County, correct?**

25 A I take the Fifth.

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1 **Q Okay. All right. I'm going to hand you**
2 **what's been marked as Deese Exhibit 4.**

3 MR. AGRANOFF: Thank you.

4 (Exhibit No. 4 was marked for identification.)

5 BY MR. DOAN:

6 **Q Have you had the opportunity to look at**
7 **Deese Exhibit 4, Ms. Deese?**

8 A Yes.

9 **Q Okay. You'll see at the top, in the upper**
10 **left-hand corner, it says, "account qualification**
11 **program." Do you see that?**

12 A Yes.

13 **Q And then it says, "Who I work with AQP."**
14 **Do you see that?**

15 A Yes.

16 **Q And AQP was an abbreviation for account**
17 **qualification program, correct?**

18 A I would assume.

19 **Q Okay. And that's why there is an arrow**
20 **pointing back from "AQP" to "account qualification**
21 **program"?**

22 A I guess.

23 **Q Okay. And so when you worked at Life**
24 **Management Services, you told consumers that you**
25 **worked for account qualification program or AQP,**

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1 correct?

2 A I take the Fifth.

3 **Q Okay. If I told you that Deese Exhibit 3**
4 **and Deese Exhibit 4 are documents that we collected**
5 **from your cubicle at Science Drive, would you have**
6 **any basis for disputing that?**

7 A I'm not sure I understand your question.

8 **Q Okay. Were Deese Exhibit 3 and Deese**
9 **Exhibit 4 at your cubicle at Science Drive?**

10 A I take the Fifth.

11 (Exhibit No. 5 was marked for identification.)

12 BY MR. DOAN:

13 **Q Okay. I'm handing you what's been marked**
14 **December Exhibit 5. You'll see at the top it says**
15 **"Fronter Script." And then again you'll see**
16 **there's, in handwriting, it says, "Account**
17 **Qualifications," and then next to that, "AQP" with**
18 **an asterisk. Do you see that, Ms. Deese?**

19 A Yes.

20 **Q Okay. This document was also found at**
21 **your cubicle at Science Drive. Do you agree with**
22 **me?**

23 A I take the Fifth.

24 **Q Okay. You had this document posted at**
25 **your cubicle at Science Drive, didn't you?**

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1 A I take the Fifth.

2 **Q I'm handing you what's been marked as**
3 **Deese Exhibit 6.**

4 (Exhibit No. 6 was marked for identification.)

5 BY MR. DOAN:

6 **Q Have you had a chance to the look at**
7 **December Exhibit 6?**

8 A Yes.

9 **Q Okay. You'll see at the top it says,**
10 **"Rebutals."**

11 A Uh-huh (yes).

12 **Q Spelled with one "t" in this instance, in**
13 **handwriting. Is that your handwriting, Ms. Deese?**

14 A No, it's not.

15 **Q Okay. Do you know who's handwriting it**
16 **is?**

17 A No, I do not.

18 **Q Okay. There are several paragraphs in**
19 **this. Some of them are numbered, some of them are**
20 **not, "this" being Deese Exhibit 6. The first one**
21 **says, "Why did you call me?" Do you see that there?**

22 A Yes.

23 **Q Okay. And it says, "Actually, the**
24 **corporate offices of Visa, MasterCard, American**
25 **Express and Discover, who are the merchants of the**

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1 551 nationwide lenders, sent out the automated
2 message, so when you pressed 1, you were transferred
3 over to the first representative in the
4 qualifications department available to speak to
5 you." Do you see that there, Ms. Deese?

6 A Yes.

7 Q Okay. And so that's something that you
8 told consumers on the phone when you worked at Life
9 Management Services at Orange County, correct?

10 A I take the Fifth.

11 Q Okay. If you go down to the fourth
12 paragraph on the first page of Deese Exhibit 6,
13 which has a handwritten numeral "3" next to it, even
14 though it's the fourth paragraph, it says, "How much
15 is this going to cost?" Do you see that, Ms. Deese?

16 A Yes.

17 Q Okay. And then it says, "As long as you
18 come back in excellent standings with one of your
19 lenders and do qualify, there is absolutely no
20 out-of-pocket expense." And "absolutely no
21 out-of-pocket expense" is underlined. Do you see
22 that there, Ms. Deese?

23 A Yes.

24 Q And that too is something that you would
25 tell consumers over the phone when you worked at

50

1 Life Management Services of Orange County, correct?

2 A I take the Fifth.

3 Q Okay. If you turn to page 2 of Deese
4 Exhibit 6, please. The first paragraph, which has a
5 handwritten numeral "4" next to it. "Who are you,"
6 it says. And the rebuttal is, "We are Credit
7 Assistance Program," parentheses, "(CAP)," close
8 parentheses. Do you see that there, Ms. Deese?

9 A Yes.

10 Q And that's something you told consumers
11 when you worked at Life Management Services of
12 Orange County, correct?

13 A I take the Fifth.

14 Q Okay. And it continues, after a
15 semi-colon, "we work directly with the corporate
16 office of Visa, MasterCard, American Express and
17 Discover, which are the merchants of the 551
18 nationwide lenders, like Chase, Bank of America,
19 Capital 1, etc." Do you see that there, Ms. Deese?

20 A Yes.

21 Q Okay. And that too is something that you
22 told consumers over the phone when you worked at
23 Life Management Services of Orange County, correct?

24 A I take the Fifth.

25 Q Okay. The next paragraph down, page 2 of

51

1 Deese Exhibit 6 says, "Refuse To Give Card Over The
2 Phone." And then the rebuttal is, "I completely
3 understand. I'm a card holder myself. Are you
4 familiar with the Consumer Protection Act?" Do you
5 see that there, Ms. Deese?

6 A Yes.

7 Q What do you know about the Consumer
8 Protection Act?

9 A I don't know anything about it.

10 Q Okay. But you would talk to consumers
11 about the Consumer Protection Act when you worked at
12 Life Management Services of Orange County, correct?

13 A I take the Fifth.

14 Q Okay. And Deese Exhibit 6 was a document
15 that you had at your desk at Science Drive, correct?

16 A I've already taken the Fifth on that
17 question.

18 Q Okay. All right. It's 10:29. We've been
19 going about an hour. Do you want to take a short
20 break?

21 A I'm fine as long as you guys are.

22 Q Okay, then we will keep going. I
23 anticipate what we're about to move into is going to
24 take 20-plus minutes at least. Does that change
25 your thinking, or do you want to keep going?

52

1 A No, I'm okay.

2 MS. TALISMAN: Josh, it's Amy. Are you
3 hearing anything from my phone?

4 MR. SRIMUSHNAM: No.

5 MR. DOAN: Teg says no. I haven't been
6 paying attention, so, yeah, I'll take that as a
7 no. Thank you, though.

8 MS. TALISMAN: All right.

9 BY MR. DOAN:

10 Q All right. So I'm going to move my
11 computer a little closer to the phone and to you and
12 Mr. Agranoff, and I'm going to play something for
13 you. And I'm going to hope that you can hear it.
14 Got it up to 11. All right.

15 (Audio recording plays.)

16 BY MR. DOAN:

17 Q I'm going to fast-forward this a little
18 bit so we don't have to listen to hold music, okay?

19 A Uh-huh (yes).

20 (Audio recording plays.)

21 BY MR. DOAN:

22 Q All right, Ms. Deese. I have played for
23 you, as you heard Mr. Tyndall say, a recording of a
24 call that you received on November 12th, 2015 from a
25 telephone number 248-215-0437. You heard the

53

1 representative say that her name was Melissa, that
2 she was from Massachusetts and that she used to come
3 down to Orlando during April breaks as a child. Do
4 you recognize the voice of Melissa that you heard in
5 the recording I just played for you?

6 A I take the Fifth.

7 Q Okay. I'll play for you another short
8 recording.

9 MR. AGRANOFF: Counsel, if I may ask a
10 quick question.

11 MR. DOAN: Sure.

12 MR. AGRANOFF: What state was the caller
13 recording the call in?

14 MR. DOAN: The District of Columbia.

15 MR. AGRANOFF: Is that a one-party or
16 two-party recording state?

17 MR. DOAN: Well, I'm not hear to answer
18 legal questions. You can research that
19 yourself, Counsel.

20 MR. AGRANOFF: I'll just -- I'm not sure
21 how far the objection will go, but I will --
22 I'll object to her being questioned on anything
23 that could potentially have been illegally
24 recorded by the department, agency, state or
25 federal government.

54

1 MR. DOAN: Okay.

2 BY MR. DOAN:

3 Q Short recording.
4 (Audio recording plays.)

5 BY MR. DOAN:

6 Q All right. That was a call that
7 Mr. Tyndall recorded on November 13th, 2015 from the
8 telephone number 361-271-4848. Do you recognize the
9 voice of the person who called Mr. Tyndall?

10 A I take the Fifth.

11 (Exhibit No. 7 was marked for identification.)

12 BY MR. DOAN:

13 Q Okay. I'm going to hand you what's been
14 marked Deese Exhibit 7.

15 MR. AGRANOFF: Thank you.

16 BY MR. DOAN:

17 Q All right, Ms. Deese. Deese Exhibit 7,
18 I'll represent to you, is a transcript prepared for
19 the Federal Trade Commission of the recording that
20 you just heard from November 12th, 2015. So the
21 first two recordings that I just played for you.

22 It says on here, "Telephone conversation
23 with Melissa, 2482150437, Call No. 1." You can see
24 it also is marked down at the bottom of the page
25 "PX 51." Do you see that, Ms. Deese?

55

1 A Yes.

2 Q Okay. This was an exhibit, Plaintiffs'
3 Exhibit 51, in support of our memorandum -- sorry,
4 Plaintiffs' Exhibit 51 to Plaintiffs' Memorandum in
5 Support of Their Motion for a Temporary Restraining
6 Order in the case of Life Management Services of
7 Orange County and the other defendants.

8 Could you turn to page 8 of the
9 transcript, please, Ms. Deese?

10 A Okay.

11 Q All right. And so you'll see at the
12 bottom of that page, line 24, Melissa says, "The
13 name of our company is the Credit Assistance
14 Program. We're a licensed enrollment center for
15 Visa, MasterCard, American Express and Discover."
16 Do you see that there?

17 A Yes.

18 Q Okay. That is a statement that you made
19 to Mr. Tyndall on November 12, 2015, isn't it?

20 A I take the Fifth.

21 Q Okay. Moving down, on page 9, we just
22 finished at the top of page 9, Mr. Tyndall says, on
23 line 2, "So do you work directly with my bank?"

24 Melissa replies, "Yes, sir."

25 Mr. Tyndall says, "Okay."

56

1 Melissa says, "We have a business
2 relationship with your bank. We work with the
3 merchant, which would be Visa, that logo on your
4 card." Do you see that there, Ms. Deese?

5 A Yes.

6 Q Okay. That's a statement that you made to
7 Mr. Tyndall on November 12, 2015, isn't it?

8 MR. AGRANOFF: Objection; misstates --
9 misstates testimony. She never mentioned that
10 it was her.

11 BY MR. DOAN:

12 Q Go ahead and answer the question,
13 Ms. Deese.

14 A I take the Fifth.

15 Q Okay. Page 14 of the transcript, which is
16 PX 51 in Deese Exhibit 7, line 11. Do you see that
17 there, Ms. Deese?

18 A Yes.

19 Q Okay. "The next step would be to contact
20 Citibank with you on the line and negotiate a
21 substantially lower rate." That's a statement that
22 you made to Mr. Tyndall on November 12, 2015, isn't
23 it, Ms. Deese?

24 A I take the Fifth.

25 Q Okay. Page 15 of Deese Exhibit 7,

57

1 Plaintiffs' Exhibit 51, line 4, you'll see Melissa
2 says to Mr. Tyndall, "Right. And the rate that we
3 get you is a fixed rate, so it's for the whole life
4 of the account." Do you see that there, Ms. Deese?

5 A Yep.

6 Q That's a statement that you made to
7 Mr. Tyndall on November 12, 2015, isn't it?

8 A I take the Fifth.

9 Q Okay. Continuing on that page, starting
10 at line 8, you'll see that Melissa says to
11 Mr. Tyndall, "It's not just a 12- or 18-month
12 promotional rate. It's forever as long as you
13 continue making your payments on time." Do you see
14 that, Ms. Deese?

15 A Yes.

16 Q Okay. That's a statement that you made to
17 Mr. Tyndall on November 12, 2015, isn't it?

18 A I take the Fifth.

19 Q All right. Let's go to page 20 of Deese
20 Exhibit 7, Plaintiffs' Exhibit 51, line 13. Are you
21 there, Ms. Deese?

22 A Yep.

23 Q Okay, thank you. You'll see that Melissa
24 says to Mr. Tyndall, "But as a child, I was actually
25 from Massachusetts, so we would come down here to

58

1 visit family members every April vacation." Do you
2 see that there, Ms. Deese?

3 A Yes, I do.

4 Q That's a statement that you made to
5 Mr. Tyndall on November 12, 2015, isn't it?

6 A I take the Fifth.

7 Q Okay. Page 22 of Deese Exhibit 7,
8 Plaintiffs' Exhibit 51, line 15. Are you there,
9 Ms. Deese?

10 A Uh-huh (yes).

11 Q Thank you. Melissa says to Mr. Tyndall,
12 in response to a question about whether there's a
13 customer service number, in case Melissa doesn't
14 call him back the next day at 10:30, Melissa says,
15 "I don't have one because all of my calls get
16 transferred to me, transferred to me by Visa,
17 MasterCard, American Express and Discover." Do you
18 see that there, Ms. Deese?

19 A Yes, I do.

20 Q Okay. That's a statement that you made to
21 Mr. Tyndall on November 12, 2015, isn't it?

22 A I take the Fifth.

23 Q Okay. Would you like to take a break,
24 Ms. Deese, or would you like to keep going?

25 A I'm fine.

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1 Q Okay.

2 MR. AGRANOFF: I'm going to at least ask
3 Melissa to stand up and stretch.

4 MR. DOAN: Madam Court Reporter, would you
5 like to have a break, or are you okay?

6 THE COURT REPORTER: We could take a
7 minute.

8 MR. DOAN: Okay. Why don't we take a
9 two-minute break. We'll go off the record for
10 two minutes, Amy, and anybody else on the
11 phone.

12 MS. TALISMAN: Okay. Thank you.

13 MR. DOAN: Thanks.

14 (Recess taken.)

15 MR. DOAN: All right, Amy, we are back
16 from our brief break. Mr. Agranoff has
17 requested a 15-minute break at noon, so we will
18 do our best to give him that.

19 MR. AGRANOFF: Or within a couple minutes,
20 I'm fine.

21 MR. DOAN: Okay.

22 Q All right. I'm going to hit "play" again.
23 This time I'm going to do my best to really skip all
24 of the hold music and stuff and just get right to
25 the meat of the call. So with that in mind, I'll

60

1 try not to screw it up.

2 (Audio recording plays.)

3 BY MR. DOAN:

4 Q Okay, Ms. Deese. I have played for you a
5 recording made by an FTC investigator on
6 November 19, 2015 of a call that he received from
7 248-215-0437 from someone named Melissa, who listed
8 her employee ID as 1016. Do you recognize the voice
9 of Melissa in that call with Mr. Tyndall?

10 A I take the Fifth.

11 (Exhibit No. 8 was marked for identification.)

12 BY MR. DOAN:

13 Q Okay. I'm going to hand you what's been
14 marked Deese Exhibit 8.

15 A (Witness reviews document.)

16 Q Have you had a chance to look at Deese
17 Exhibit 8, Ms. Deese?

18 A Uh-huh (yes).

19 Q Okay. So this, I will represent to you,
20 is a transcript of the call that we just listened to
21 between Mr. Tyndall and Melissa, which was from
22 November 19th, 2015. You'll see at the bottom it's
23 stamped PX 52. That's because it was an exhibit
24 submitted by the plaintiffs in support of their
25 motion for a temporary restraining order.

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1 Could you turn to page 6 of Deese
 2 Exhibit 8 for me, please. Down at the bottom, line
 3 22, you'll see that Melissa says to Mr. Tyndall:
 4 "Customer service. Thank you for holding." Do you
 5 see that there, Ms. Deese?
 6 A Yes.
 7 Q That's a statement that you made to
 8 Mr. Tyndall on November 19th, 2015, isn't it?
 9 A I take the Fifth.
 10 Q Okay. If you could turn to page 7 of
 11 Deese Exhibit 8, please, line 10, you'll see that
 12 Melissa says to Mr. Tyndall: "You were selected and
 13 put up for review to see if you qualify to have all
 14 of your current interest rates reduced." Do you see
 15 that, Ms. Deese?
 16 A Yes.
 17 Q That's a statement that you made to
 18 Mr. Tyndall on November 19th, 2015, isn't it?
 19 A I take the Fifth.
 20 Q Okay. Moving down on page 7 of Deese
 21 Exhibit 8, line 19, Ms. Deese says -- I'm sorry,
 22 strike that. Melissa says to Mr. Tyndall: "The
 23 name of our company is the Credit Assistance
 24 Program. We are a licensed enrollment center with
 25 Visa, MasterCard, American Express and Discover."

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1 Do you see that, Ms. Deese?
 2 A Yes.
 3 Q That's a statement that you made to
 4 Mr. Tyndall on November 19th, 2015, isn't it?
 5 A I take the Fifth.
 6 Q Okay. Turn to page 8, please. You'll see
 7 at the top, Mr. Tyndall says, "And so you're
 8 associated with a credit card company?"
 9 And Melissa says in response: "The credit
 10 merchants, yes, sir. Those are the merchants of 551
 11 nationwide lending institutions. The lending
 12 institutions are the banks and credit card companies
 13 that issue credit cards." Do you see that there,
 14 Ms. Deese?
 15 A Yes.
 16 Q That's a statement that you made to
 17 Mr. Tyndall on November 19th, 2015, isn't it?
 18 A I take the Fifth.
 19 Q Okay. Page 10 of Deese Exhibit 8, please.
 20 The very top, Melissa says to Mr. Tyndall when asked
 21 "What's the name of your company," "It's called the
 22 Credit Assistance Program." Do you see that there,
 23 Ms. Deese?
 24 A Yes.
 25 Q That's a statement that you made to

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1 Mr. Tyndall on November 19th, 2015?
 2 A I take the Fifth.
 3 Q Okay. And at the bottom of page 10 on
 4 Deese Exhibit 8, line 20: "So the Consumer
 5 Protection Act is a law that was passed in 1981 for
 6 all credit card holders," dash, dash, "or all
 7 consumers that hold credit card accounts. And it
 8 does specifically state that you're fully protected
 9 against any loss, theft, fraud, unauthorized use or
 10 services not rendered to you." Do you see that
 11 there, Ms. Deese?
 12 A Yes.
 13 Q That's a statement you made to Mr. Tyndall
 14 on November 19, 2015?
 15 A I take the Fifth.
 16 Q Okay. Page 11, line 7 on Deese Exhibit 8.
 17 Melissa says to Mr. Tyndall: "As long as you -- as
 18 long" -- I'm sorry, strike that.
 19 Melissa says to Mr. Tyndall: "As long
 20 as," dash, dash, "as long as you qualify, there's no
 21 out of pocket expense to you."
 22 Mr. Tyndall says, "What?"
 23 Melissa says, "Your financial obligation
 24 is just to make your monthly payments on time." Do
 25 you see that, Ms. Deese?

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1 A Yes.
 2 Q That's a statement you made to Mr. Tyndall
 3 on November 19th, 2015?
 4 A I take the Fifth.
 5 Q Okay. All right, on page 12 of Deese
 6 Exhibit 8, line 14, Mr. Tyndall says again: "And
 7 this won't cost me any money?"
 8 And Melissa says, "As long as you qualify,
 9 there's no out-of-pocket expense, that's correct."
 10 Do you see that there, Ms. Deese?
 11 A Yes.
 12 Q That's a statement you made to Mr. Tyndall
 13 on November 19th, 2015?
 14 A I take the Fifth.
 15 Q Okay. Page 13 of Deese Exhibit 8 down at
 16 the bottom, line 24, Melissa says to Mr. Tyndall, in
 17 response to the question "And what company are you
 18 calling from," "The name of our company, again, is
 19 the Credit Assistance Program." Do you see that,
 20 Ms. Deese?
 21 A Yes.
 22 Q That's a statement you made to Mr. Tyndall
 23 on November 19th, 2015?
 24 A I take the Fifth.
 25 Q And then on page 14 of Deese Exhibit 8,

65

1 line 11, Mr. Tyndall asks Melissa whether she has an
2 ID number or anything. And Melissa replies, "Yes.
3 My employee ID is 1016." Do you see that,
4 Ms. Deese?

5 A Yes.

6 Q That's a statement you made to Mr. Tyndall
7 on November 19th, 2015?

8 A I take the Fifth.

9 Q Okay. You're currently employed by a
10 company called Higher Goals Marketing, LLC?

11 A Yes.

12 Q Okay. When did you start working there?

13 A I believe it was June.

14 Q In June?

15 A Or August. I don't know. I don't know.
16 This year.

17 Q Okay.

18 A A few months back.

19 Q Okay. It was after you worked at Life
20 Management Services?

21 A Yes.

22 Q Did you work anywhere else between Life
23 Management Services and Higher Goals Marketing?

24 A No.

25 Q Okay. And so you worked at Life

66

1 Management Services from July 2014 until June 2016;
2 is that right?

3 A Correct.

4 Q And then you started at Higher Goals
5 Marketing, you think, in -- sometime this year,
6 maybe June, maybe August?

7 A It was the end of August.

8 Q The end of August, okay.

9 What position do you hold at Higher Goals
10 Marketing?

11 A I take the Fifth.

12 Q Okay. You understand, do you not, that
13 Higher Goals Marketing is not a party to the lawsuit
14 in connection with your deposition that's being
15 taken today?

16 A Yes, I do.

17 Q Okay. And you nonetheless are taking the
18 Fifth as to what your position is at Higher Goals
19 Marketing?

20 A Yes.

21 MR. DOAN: Do you want to consult on that,
22 or no, Mr. Agranoff?

23 MR. AGRANOFF: Can we take a couple
24 minutes? Can we take a two-minute break?

25 MR. DOAN: Of course.

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1 Amy, we're going to go off the record for
2 a couple minutes.

3 MS. TALISMAN: All righty. Thanks.

4 MR. DOAN: And if you need a slightly
5 longer break too, Ms. Deese, that's fine,
6 because we've been going for about two hours.
7 Just let me know.

8 (Recess taken.)

9 MR. DOAN: All right, we're back on the
10 record.

11 BY MR. DOAN:

12 Q Ms. Deese, you've had an opportunity to
13 consult with counsel; is that correct?

14 A Yes.

15 Q Okay. And having had the opportunity to
16 consult with counsel, are you able to answer my
17 question about what role you play at Higher Goals
18 Marketing?

19 A I take the Fifth.

20 Q You still take the Fifth, okay.

21 Is Higher Goals Marketing still operating?

22 A I believe so.

23 Q Okay. You plan to go there today after
24 you get done here?

25 A I take the Fifth.

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1 Q Okay. All right. Let's step back then
2 and talk a little bit more about Life Management
3 Services of Orange County.

4 What was your impression of Kevin Guice as
5 a boss?

6 A Can I speak freely?

7 Q I would love if you would, Ms. Deese.

8 A I found him to be an arrogant prick, to be
9 honest.

10 Q Okay. Was there any particular reason?

11 A The fact that you own a company, and I was
12 there roughly a year and a half, seen him twice, and
13 then the first time face to face meeting him at his
14 sister's birthday party, alls he can talk about is
15 his money this and his money that and he's going
16 here to this game and going and doing this, to me
17 it's just sickening.

18 Q Okay.

19 A It's just my opinion.

20 Q Okay. You talk about him going to a game.
21 Is there a particular game that you're referring to?

22 A Probably football.

23 Q He's a Cowboys fan?

24 A Yes.

25 Q Okay. And do you know anything about him

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1 Management Services?

2 A I don't know.

3 Q Okay. What do you know about the post
4 office boxes that Life Management Services used?

5 A Nothing.

6 Q When did you get your first check from
7 Higher Goals Marketing?

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

9 Q In August?

10 A Yeah.

11 Q Like August 5th?

12 A If that's when it was dated.

13 Q Okay. So if I've seen a check dated
14 August 5th, 2016 to you from Higher Goals Marketing,
15 you wouldn't dispute that you received a check on or
16 around that date?

17 A No, I would not.

18 Q Okay. What does Lea Brownell do at Higher
19 Goals Marketing?

20 A I take the Fifth.

21 Q Okay. See, that one confuses me, because
22 I'm asking what somebody else does at the company.

23 A Okay.

24 MR. DOAN: Do you want to take a sidebar,
25 Counsel, on that one, or no?

110

1 MR. AGRANOFF: Now if you'd like to go off
2 record and see if I can clarify that?

3 MR. DOAN: We can go off the record for a
4 minute, sure.

5 (Discussion held off the record.)

6 BY MR. DOAN:

7 Q Have you ever been a party to any lawsuit,
8 Ms. Deese?

9 A No.

10 Q Okay. You've never filed a lawsuit
11 against anybody?

12 A No.

13 Q Okay. You've never been sued by anybody?

14 A No.

15 Q Do you -- putting aside any traffic
16 tickets or any speeding tickets or anything like
17 that, have you ever had to go to court in any
18 criminal matter?

19 A No.

20 Q Okay. What do you know about something
21 called Card Qualification Program or Cards
22 Qualification Program?

23 A I take the Fifth.

24 Q Did you ever take any materials home from
25 Life Management Services when you worked there?

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1 A No.

2 Q Okay. Have you ever seen -- strike that.
3 When is the last time you had in your
4 possession a copy of the scripts that Life
5 Management Services filed with the Florida
6 Department of Agriculture and Consumer Services?

7 A I'm not sure I understand your question.

8 Q When is the last time you saw the,
9 quote/unquote, state-approved scripts from Life
10 Management Services?

11 A The day you guys came into the office.

12 Q Okay. So June 9th, 2016?

13 A Correct.

14 Q Brandun Anderson testified that Wayne
15 Norris pointed you -- or pointed Brandun in the
16 direction of you for staffing purposes; is that
17 correct?

18 A Yes.

19 Q Okay. How frequently would you speak with
20 Wayne between June 9th, when your tenure at Life
21 Management Services ended, until you started working
22 at Higher Goals Marketing?

23 A We spoke a few times.

24 Q Just a few times in the two-month period
25 or whatever it was?

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1 A I mean, not like on an everyday basis,
2 but, you know, maybe once a week.

3 Q Would he be calling to see whether you
4 were looking for work or whether you found work?

5 A No. I mean, just to check up and see how
6 I was doing. You know, he did ask about if I was
7 going to work or if I wasn't. I was indecisive
8 about if I was going to go look for a job or stay at
9 home with my kids again.

10 Q Okay. And then this opportunity came up,
11 and he said, hey, go check this out?

12 A Uh-huh (yes).

13 Q Okay. Did your husband know Brandun
14 Anderson?

15 A No.

16 Q No, okay. So it all came about through
17 Wayne, your working at Higher Goals Marketing?

18 A Yes.

19 Q Thank you.

20 Another thing that Brandun told us was
21 that you were responsible for Higher Goals Marketing
22 fronter script. Is that true?

23 A I take the Fifth.

24 Q Okay. Would you be surprised if I told
25 you that the script, the Higher Goals Marketing --

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1 Management Services?

2 A I don't know.

3 Q Okay. What do you know about the post
4 office boxes that Life Management Services used?

5 A Nothing.

6 Q When did you get your first check from
7 Higher Goals Marketing?

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

9 Q In August?

10 A Yeah.

11 Q Like August 5th?

12 A If that's when it was dated.

13 Q Okay. So if I've seen a check dated
14 August 5th, 2016 to you from Higher Goals Marketing,
15 you wouldn't dispute that you received a check on or
16 around that date?

17 A No, I would not.

18 Q Okay. What does Lea Brownell do at Higher
19 Goals Marketing?

20 A I take the Fifth.

21 Q Okay. See, that one confuses me, because
22 I'm asking what somebody else does at the company.

23 A Okay.

24 MR. DOAN: Do you want to take a sidebar,
25 Counsel, on that one, or no?

110

1 MR. AGRANOFF: Now if you'd like to go off
2 record and see if I can clarify that?

3 MR. DOAN: We can go off the record for a
4 minute, sure.

5 (Discussion held off the record.)

6 BY MR. DOAN:

7 Q Have you ever been a party to any lawsuit,
8 Ms. Deese?

9 A No.

10 Q Okay. You've never filed a lawsuit
11 against anybody?

12 A No.

13 Q Okay. You've never been sued by anybody?

14 A No.

15 Q Do you -- putting aside any traffic
16 tickets or any speeding tickets or anything like
17 that, have you ever had to go to court in any
18 criminal matter?

19 A No.

20 Q Okay. What do you know about something
21 called Card Qualification Program or Cards
22 Qualification Program?

23 A I take the Fifth.

24 Q Did you ever take any materials home from
25 Life Management Services when you worked there?

111

1 A No.

2 Q Okay. Have you ever seen -- strike that.
3 When is the last time you had in your
4 possession a copy of the scripts that Life
5 Management Services filed with the Florida
6 Department of Agriculture and Consumer Services?

7 A I'm not sure I understand your question.

8 Q When is the last time you saw the,
9 quote/unquote, state-approved scripts from Life
10 Management Services?

11 A The day you guys came into the office.

12 Q Okay. So June 9th, 2016?

13 A Correct.

14 Q Brandun Anderson testified that Wayne
15 Norris pointed you -- or pointed Brandun in the
16 direction of you for staffing purposes; is that
17 correct?

18 A Yes.

19 Q Okay. How frequently would you speak with
20 Wayne between June 9th, when your tenure at Life
21 Management Services ended, until you started working
22 at Higher Goals Marketing?

23 A We spoke a few times.

24 Q Just a few times in the two-month period
25 or whatever it was?

112

1 A I mean, not like on an everyday basis,
2 but, you know, maybe once a week.

3 Q Would he be calling to see whether you
4 were looking for work or whether you found work?

5 A No. I mean, just to check up and see how
6 I was doing. You know, he did ask about if I was
7 going to work or if I wasn't. I was indecisive
8 about if I was going to go look for a job or stay at
9 home with my kids again.

10 Q Okay. And then this opportunity came up,
11 and he said, hey, go check this out?

12 A Uh-huh (yes).

13 Q Okay. Did your husband know Brandun
14 Anderson?

15 A No.

16 Q No, okay. So it all came about through
17 Wayne, your working at Higher Goals Marketing?

18 A Yes.

19 Q Thank you.

20 Another thing that Brandun told us was
21 that you were responsible for Higher Goals Marketing
22 fronter script. Is that true?

23 A I take the Fifth.

24 Q Okay. Would you be surprised if I told
25 you that the script, the Higher Goals Marketing --

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1 and by "script," in this instance, I'm referring to
2 the fronter script that Higher Goals Marketing filed
3 with the State of Florida is virtually identical to
4 the script that Life Management Services filed with
5 the State of Florida.

6 A I'm not sure I understand your question.

7 Q Okay. I'm telling you that the scripts
8 are virtually identical, the fronter scripts between
9 Life Management Services on the one hand, where you
10 worked until June 9th, and Higher Goals Marketing,
11 where you started working sometime maybe in August.
12 Does that surprise you?

13 A I take the Fifth.

14 Q Okay. And I'm talking about the
15 state-approved scripts, not the scripts that the
16 telemarketers read over the phone. Does that change
17 your answer?

18 A No.

19 Q Okay. And it doesn't change your answer
20 that Brandun Anderson has already pointed to you as
21 the person who was responsible for the script and
22 said you would know more about it?

23 A No.

24 Q Okay. And Brandun also said that you
25 worked on the rebuttals at Higher Goals Marketing.

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1 Is that true?

2 A I take the Fifth.

3 Q Okay. Would it surprise you if I told you
4 that the, quote/unquote, state-approved rebuttal
5 scripts for Higher Goals Marketing and Life
6 Management Services were virtually identical?

7 A I take the Fifth.

8 Q Okay. How about the verification scripts,
9 did you work on those?

10 A I take the Fifth.

11 Q Okay. How do the scripts that the
12 telemarketers actually read to consumers at Higher
13 Goals Marketing differ from the, quote/unquote,
14 state-approved scripts?

15 A I take the Fifth.

16 Q Did you help Brandun Anderson file
17 materials to apply for a telemarketing license, a
18 commercial telephone sellers license, with the
19 Florida Department of Agriculture and Consumer
20 Services?

21 A I take the Fifth.

22 Q Brandun told us that you handle Craigslist
23 ads?

24 A I take the Fifth.

25 Q Is Brandun your supervisor?

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1 A Yes.

2 Q Okay. And who aside from Brandun
3 supervises you?

4 A No one.

5 Q Okay. Who supervises Travis?

6 A You would have to ask Travis.

7 Q Okay. Who's your impression of who
8 supervises Travis?

9 MR. AGRANOFF: Objection; calls for
10 speculation.

11 MR. DOAN: I said, "Who's your
12 impression?"

13 Q Do you have an impression?

14 A I would -- no. I would guess Brandun.

15 Q Okay. Do you understand anybody to own
16 the business, Higher Goals Marketing, other than
17 Brandun?

18 A No.

19 Q What's Wayne's role at Higher Goals
20 Marketing?

21 A I don't believe he has a role.

22 Q Okay. So if I seen a check to Wayne
23 Norris at Higher Goals Marketing, why would -- why
24 would Wayne ever receive a check from Higher Goals
25 Marketing?

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1 A You would have to ask Higher Goals
2 Marketing that question.

3 Q Okay. Because if I ask you, you don't
4 know or you'll take the Fifth if I ask you?

5 A Because I don't know.

6 Q Okay. Do you -- aside from the copy you
7 got at this deposition, do you have a document like
8 Deese Exhibit 3 in your possession?

9 MR. AGRANOFF: Are you asking for --

10 MR. DOAN: No, Deese Exhibit 3. That's,
11 like, 7 or 8. Exhibit 3 is this one. I'm
12 holding it up. I'm trying to be helpful. It
13 says "Fronter" at the top.

14 THE WITNESS: No.

15 MR. AGRANOFF: Eight?

16 THE WITNESS: No, three.

17 MR. AGRANOFF: Three, okay.

18 BY MR. DOAN:

19 Q What about Deese Exhibit 4, do you have a
20 copy of that document in your possession aside from
21 the copy you got at your deposition today?

22 A No.

23 Q What about Deese Exhibit 5, do you have a
24 copy of that document in your possession aside from
25 the copy you got today?

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1 Q He was a boxer back in the eighties. He
 2 was in The Hangover movie -- maybe it was the second
 3 Hangover movie. Do you know who I'm talking about?
 4 A Yes.
 5 Q He has a --
 6 MR. AGRANOFF: Which one was the first
 7 one?
 8 BY MR. DOAN:
 9 Q I'm told it was the first one. I've
 10 actually seen that movie, unlike Mean Girls, but
 11 I've slipped up as to which one it was. Mike Tyson
 12 has a tribal tattoo on his face. Are you familiar
 13 with that?
 14 A No.
 15 Q Okay, that's fine. That's fine. We're
 16 not trying to exploit your knowledge or ignorance of
 17 pop culture, only mine.
 18 All right. Have you ever heard of a
 19 company called Total Security Vision?
 20 A No.
 21 Q Have you ever heard of a company called
 22 Net Voip?
 23 A No.
 24 Q Have you ever heard of a company called
 25 City Tech Guys?

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1 A No.
 2 Q Have you ever heard of a company called
 3 Total Financial Management.
 4 A No.
 5 Q What did you understand that Lea Brownell
 6 did in between when she worked at Life Management
 7 Services and when she started working at Higher
 8 Goals Marketing?
 9 A I'm not sure I understand your question.
 10 Q What's your understanding of what Lea
 11 Brownell was doing for work between when she worked
 12 at Life Management Services and when she started at
 13 Higher Goals Marketing?
 14 A What does she do?
 15 Q Or what did she do in between those two
 16 jobs, Life Management Services --
 17 A I don't know.
 18 Q Okay. That's a perfectly acceptable
 19 answer, if it's the truth. I'm just asking what
 20 your understanding was.
 21 A Okay.
 22 Q Same question for Randi Stickles. Do you
 23 know what she was doing in between?
 24 A No.
 25 Q Do you supervise Randi Stickles and Lea

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1 Brownell at Higher Goals Marketing?
 2 A I take the Fifth.
 3 Q Okay. Does Lea Brownell have a supervisor
 4 role at Higher Goals Marketing?
 5 A I take the Fifth.
 6 MR. DOAN: That one I'm having a little
 7 bit of trouble understanding. Do you want to
 8 have a brief sidebar on that one, Mr. Agranoff?
 9 MR. AGRANOFF: No, I can probably make
 10 some -- I can proffer a basis.
 11 MR. DOAN: Go ahead.
 12 MR. AGRANOFF: It goes towards the
 13 knowledge of the management structure of the
 14 business related to -- I want to be careful how
 15 to word this. I don't believe my client will
 16 be testifying to the -- her knowledge of the
 17 organization of the business at this time.
 18 MR. DOAN: Because?
 19 MR. AGRANOFF: Because she's taking the
 20 Fifth. We can go off the record to discuss
 21 further.
 22 MR. DOAN: No. I'm just -- I'm still
 23 puzzled as to how -- if the concern is that it
 24 puts her into some sort of supervisory role at
 25 Higher Goals Marketing, that I just don't

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1 understand. Because you don't need to be the
 2 boss to have a sense of whether somebody else
 3 is in a management position or not.
 4 So is that the concern, that it's going to
 5 show that she has sufficient knowledge to be a
 6 supervisor? We already have established that
 7 she works there and has worked there since
 8 August.
 9 MR. AGRANOFF: I believe she still --
 10 she's still going to take the Fifth.
 11 MR. DOAN: Okay. I mean, I'm just trying
 12 to short-circuit or circumvent any need to go
 13 to court potentially if we don't have to.
 14 MR. AGRANOFF: I would imagine you
 15 independently have the information on that, so
 16 with her not being a defendant in this case,
 17 you should be able to establish a case
 18 independently of her response.
 19 MR. DOAN: Well, again -- but the Higher
 20 Goals Marketing isn't a party in this case.
 21 MR. AGRANOFF: I understand.
 22 MR. DOAN: Okay. And nor is Ms. Deese.
 23 BY MR. DOAN:
 24 Q So you're taking the Fifth on whether Lea
 25 Brownell is a manager?

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1 A Yes.
 2 Q Okay. You're taking the Fifth on whether
 3 Randi Stickles is a manager?
 4 A Yes.
 5 Q Okay. Did you take the Fifth yet on
 6 whether you're managing the frontier floor?
 7 MR. AGRANOFF: Yes, she has.
 8 MR. DOAN: Okay.
 9 BY MR. DOAN:
 10 Q Do you know what a robocall is?
 11 A I've heard of it.
 12 Q Okay. What's a robocall?
 13 A Just that.
 14 Q Just what?
 15 A A robocall.
 16 Q I mean, can you just explain to me what a
 17 robocall is?
 18 A A robotic dialer, I would assume.
 19 Q Okay. So would it be a call that plays a
 20 prerecorded message when the person picks up their
 21 phone?
 22 A I guess.
 23 Q Okay. That's what you would call a
 24 robocall?
 25 A Yes.

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1 Q Okay. So I get a phone call, I pick it
 2 up, it's not a live person speaking with me, it's a
 3 prerecorded message? That's a robocall?
 4 A Correct.
 5 Q Okay. Did Life Management Services of
 6 Orange County make robocalls?
 7 A I plead the Fifth.
 8 Q Okay. Or did someone else place robocalls
 9 on behalf of Life Management Services of Orange
 10 County?
 11 A I plead the Fifth.
 12 Q All right. We already established that
 13 you got your first check from Higher Goals Marketing
 14 in August of 2016. Were you paid for your services
 15 of Life Management Services of Orange County?
 16 A I'm not -- did I get a paycheck?
 17 Q Yeah. Did you get paid when you worked at
 18 Life Management Services of Orange County?
 19 A Yes.
 20 Q Okay. How much would you tend to get paid
 21 there?
 22 A I've already pled the Fifth to that
 23 question.
 24 Q Okay. When you saw the gentleman depicted
 25 in Exhibit 9 at Science Drive, did he ever come

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1 inside, or was he only ever outside?
 2 A I don't know.
 3 Q Okay. But, I mean, as far as what you
 4 saw?
 5 A From that time? No, he was not inside.
 6 He was outside.
 7 Q Okay. And you said you saw him more than
 8 once?
 9 A Uh-huh (yes).
 10 Q Was he outside each time that you saw him?
 11 A Yes.
 12 Q Was he ever in a car, or was he always
 13 just standing there?
 14 A I never saw him in a vehicle.
 15 Q Okay. And you don't recall who he spoke
 16 with there?
 17 A No.
 18 Q Did you detect any pattern at which the
 19 gentleman depicted in Exhibit 9 came to Science
 20 Drive?
 21 A No.
 22 Q No. So it wasn't like you saw him on a
 23 weekly basis or a monthly basis?
 24 A No.
 25 Q But, then again, you sat in Room 125. You

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1 said you saw him in the parking lot outside of
 2 Room 180, right?
 3 A Correct.
 4 Q So you would only see him if you were out
 5 there on a break, right?
 6 A Correct.
 7 Q Okay. And in spite of only having those
 8 occasions on which to see him, while you were taking
 9 a break, you still saw him multiple times?
 10 A Correct.
 11 Q When you were at Life Management Services
 12 and someone would ask you where you worked, what
 13 would you tell them the name of the company was?
 14 A I plead the Fifth.
 15 Q I would just -- put aside whatever you
 16 told consumers. I mean, just if you were in a
 17 social setting. You know, picking your kids up from
 18 school or whatever, and somebody said, oh, where do
 19 you work, what would you tell them the name of your
 20 company was?
 21 A I never told them a name.
 22 Q Okay. You just said you were a
 23 telemarketer?
 24 A Uh-huh (yes).
 25 Q Okay. Did you say you worked in an LI

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1 A No.
 2 **Q Have you ever been?**
 3 A Uh-huh (yes).
 4 **Q She dropped you as well?**
 5 A Yes.
 6 **Q Okay. Are you Facebook friends with Lea?**
 7 A No.
 8 **Q Have you ever been?**
 9 A Uh-huh (yes).
 10 **Q Did she drop you as well?**
 11 A Yep.
 12 **Q Okay. You don't take it personally, do**
 13 **you?**
 14 A No.
 15 **Q Do you have a lot of Facebook friends?**
 16 A Honestly, I don't know how many I have.
 17 **Q When is the last time you went to**
 18 **Massachusetts?**
 19 A This past weekend, actually.
 20 **Q Oh. What did you do up there?**
 21 A I had a friend passed away.
 22 **Q Okay. Sorry.**
 23 **How frequently do you go back there?**
 24 A The last time we went after this past
 25 week -- or before this past weekend was last year in

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1 December.
 2 **Q Do you have relatives up there still?**
 3 A I do.
 4 **Q Okay. Are they in Milford or somewhere**
 5 **else?**
 6 A Yep, they're in Milford.
 7 **Q Does your husband have a connection in**
 8 **Massachusetts, or just through you?**
 9 A Just through me.
 10 **Q Have you ever been Facebook friends with**
 11 **Harry Wahl?**
 12 A No.
 13 **Q Did Travis Teel stop bringing his baby to**
 14 **work at some point when you were at Life Management**
 15 **Services?**
 16 A I don't recall.
 17 **Q Okay. Does he bring his baby to work now?**
 18 A No.
 19 **Q Okay. Maybe she's not a baby anymore.**
 20 **Does he bring his daughter to work anymore?**
 21 A No.
 22 **Q Did anybody else ever bring their children**
 23 **to work at Life Management Services?**
 24 A On a daily basis? Or just --
 25 **Q Start with a daily basis.**

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1 A No.
 2 **Q Okay. How about an occasional basis?**
 3 A Yeah.
 4 **Q Somebody had a child there with them when**
 5 **we were there on June 9th. Was that something that**
 6 **happened regularly enough that you barely noticed**
 7 **it?**
 8 A What do you mean?
 9 **Q I mean, how frequently did somebody have a**
 10 **child in the office?**
 11 A I don't know.
 12 **Q Okay.**
 13 A I mean, I -- I don't know.
 14 **Q Are you Facebook friends with Heather**
 15 **Cline?**
 16 A No.
 17 **Q Have you ever been?**
 18 A No.
 19 **Q What is the address of Higher Goals**
 20 **Marketing?**
 21 A I believe it's 2400 North Forsyth Road.
 22 **Q Is there a suite number?**
 23 A 207, I believe.
 24 **Q That's a physical address?**
 25 A Uh-huh (yes).

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1 **Q It's not a mail drop?**
 2 A I don't know what that is.
 3 **Q Okay. I'm just -- on the telemarketing**
 4 **license application, I think it was inadvertently,**
 5 **perhaps, or perhaps not -- strike the "advert."**
 6 **The telemarketing license application for**
 7 **Higher Goals Marketing lists the location of 2400**
 8 **North Forsyth, Suite 207, and it says, "This is a**
 9 **mail drop." That's why I'm asking.**
 10 A I don't know what a mail drop is.
 11 **Q Okay. So it's a place where telemarketers**
 12 **physically are present, right?**
 13 A I don't know. Like, the office?
 14 **Q Yes. The office address that you just**
 15 **described, 2400 Forsyth, 207, there are**
 16 **telemarketers at that location, correct?**
 17 A Yes.
 18 **Q It's not just a place where Higher Goals**
 19 **Marketing receives mail, correct?**
 20 A No.
 21 **Q Okay. So if on the application it says**
 22 **this is a mail drop and a mail drop is a place where**
 23 **a company receives mail, that would not be correct,**
 24 **right?**
 25 MR. AGRANOFF: I'm going to object to

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1 form; confusing.
 2 MR. DOAN: Yeah, it probably was.
 3 MR. BERNET: The prior one was too. It
 4 was a negative question and negative answer.
 5 MR. DOAN: All right.
 6 MR. AGRANOFF: Can I perhaps interject on
 7 that one? I promise I won't lead any.
 8 MR. DOAN: Go ahead.
 9 MR. AGRANOFF: I'm assuming you're asking,
 10 is the address they're working at, that they
 11 have listed, is a place where people are
 12 physically working, as compared to a PO box or
 13 someplace where mail just gets delivered to?
 14 MR. DOAN: Yeah.
 15 MR. AGRANOFF: I think because you keep
 16 saying "mail drop," she's getting --
 17 MR. DOAN: All right, that's what it calls
 18 on the address. I didn't make this term up.
 19 That's what it says on the application. And it
 20 might be a preselected -- you know, I've never
 21 gone and applied for --
 22 MR. AGRANOFF: Are you asking her, do they
 23 both receive mail and have people working at
 24 that address?
 25 MR. DOAN: No. I'm just trying to figure

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1 out why this says it's a mail drop, and I'm
 2 trying to confirm that 2400 North Forsyth Road,
 3 Suite 207 is a physical room where
 4 telemarketers are present.
 5 BY MR. DOAN:
 6 **Q And the answer to that is yes, isn't it,**
 7 **Ms. Deese?**
 8 A Yes.
 9 **Q All right, thank you.**
 10 **Have you ever seen the scripts that Higher**
 11 **Goals Marketing filed with the Florida Department of**
 12 **Agriculture and Consumer Services?**
 13 A I take the Fifth.
 14 **Q Okay. So putting aside whether or not you**
 15 **played a role in formulating them, I'm just asking**
 16 **whether you've ever seen them?**
 17 A And I just said I take the Fifth to that.
 18 **Q Okay. Did you apply for any other jobs**
 19 **between when you stopped working at Life Management**
 20 **Services and when you started working at Higher**
 21 **Goals Marketing?**
 22 A I don't recall. I don't know if I did or
 23 if I did not, to be honest with you.
 24 **Q Okay. Did you consider taking a job other**
 25 **than the job at Higher Goals Marketing?**

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1 A Yes.
 2 **Q What other types of jobs did you consider**
 3 **taking?**
 4 A A receptionist job, mail clerk, something
 5 not too invasive.
 6 **Q I'm sorry, invasive of what?**
 7 A Of dealing with people.
 8 **Q Okay.**
 9 A I don't want to go work at Target or a
 10 store of some sort and deal with people on a daily
 11 basis. I have anxiety levels dealing with people,
 12 so ...
 13 **Q Okay. I think you have a very calm**
 14 **demeanor, so that surprises me a little bit. But do**
 15 **you consider yourself a people person?**
 16 A To an extent.
 17 **Q Yeah. Are you an extrovert or an**
 18 **introvert?**
 19 A I don't know.
 20 **Q Okay. That's a fine answer.**
 21 **What was your understanding of what**
 22 **Brandun Anderson did before he started working at**
 23 **Higher Goals Marketing?**
 24 A I don't know.
 25 **Q Okay. Brandun interviewed you for a job**

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1 **at Higher Goals Marketing?**
 2 A Yes.
 3 **Q And do you remember what you discussed**
 4 **with him during the interview?**
 5 A Not in full detail, no.
 6 **Q Okay. Just give me the generalities,**
 7 **then, please.**
 8 A I take the Fifth.
 9 **Q Okay. Is Brandun the only person you**
 10 **interviewed with before taking a job at Higher Goals**
 11 **Marketing?**
 12 A Yes.
 13 **Q Did I ask you whether you know who Jerry**
 14 **Star is?**
 15 A I don't recall.
 16 **Q Okay. Do you know who Jerry Star is?**
 17 A No.
 18 **Q You've never heard that name?**
 19 A No.
 20 **Q Do you know what Sunshine Freedom Services**
 21 **is?**
 22 A No.
 23 **Q You've never heard that name?**
 24 A No.
 25 **Q SFS, have you ever heard of a company**

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1 called SFS?
 2 A No.
 3 Q Where was your interview with Brandun
 4 Anderson?
 5 A At the office.
 6 Q At Higher Goals Marketing's office?
 7 A Yes.
 8 Q The address at 2400 Forsyth, Suite 207?
 9 A Yes.
 10 Q Did you interview there in June, July or
 11 August?
 12 A I believe it was the beginning -- I want
 13 to say it was the beginning of August.
 14 Q Okay.
 15 A I mean, like the first couple of weeks,
 16 within that time frame.
 17 Q Okay. So if I told you you have a check
 18 to you dated August 5th?
 19 A So then it was before then.
 20 Q Okay.
 21 A I don't know a specific date.
 22 Q How long before you got your first check
 23 did you start working at Higher Goals Marketing?
 24 A One pay period.
 25 Q Okay. So does that essentially mean two

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1 weeks, like more than a week? Because you'd work a
 2 week and then you get paid for the week you just
 3 worked the following Friday? Is that how it works?
 4 A I believe so.
 5 Q Okay. Is that how it worked for Life
 6 Management Services?
 7 A Yes.
 8 Q Okay. So if you got your first check on
 9 August 5th, 2016, you would have had to have started
 10 working there sometime in July?
 11 A Correct.
 12 Q Okay. And how -- how far before you
 13 started working did you interview with Brandun?
 14 A I -- honestly, I don't know. Like, the
 15 week before? I mean, not --
 16 Q Okay.
 17 A I don't know.
 18 Q Okay. It's a pretty informal interview
 19 process?
 20 A Yeah, I guess.
 21 Q You drove over, you sat with him for how
 22 long, an hour, half hour?
 23 A I don't recall.
 24 Q Okay. Did it seem like a long time to
 25 you, or not particularly?

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1 A Not particularly.
 2 Q Okay. Did you get a tour of the office or
 3 anything?
 4 A Yeah.
 5 Q Okay. How many rooms are there at Higher
 6 Goals Marketing?
 7 A I take the Fifth.
 8 Q Okay. Is it larger or smaller than the
 9 Science Drive location?
 10 A Smaller.
 11 Q Is it larger or smaller than Suite 125?
 12 A Smaller.
 13 Q Half the size of Suite 125?
 14 A I don't know.
 15 Q Okay.
 16 MR. AGRANOFF: Can I confer with my
 17 client, on that last Fifth that was taken, in
 18 the hall?
 19 MR. DOAN: Sure.
 20 MR. AGRANOFF: Thanks.
 21 MR. DOAN: Let's go off the record for a
 22 minute.
 23 (Recess taken.)
 24 MR. DOAN: Are we on the record, off the
 25 record?

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1 MR. AGRANOFF: Back on the record.
 2 MR. DOAN: Okay, we're back on the record.
 3 I'm sorry, go ahead, please.
 4 MR. AGRANOFF: Proceed. Could we go back
 5 off the record?
 6 MR. DOAN: We can go back off the record,
 7 of course.
 8 (Discussion off the record.)
 9 MR. DOAN: Okay. So back on the record.
 10 BY MR. DOAN:
 11 Q Ms. Deese, having had the opportunity to
 12 consult with counsel for a moment, do you wish to
 13 change any of the responses to the questions I've
 14 been asking you?
 15 A No.
 16 Q Okay.
 17 MR. DOAN: All right, Mr. Agranoff, if we
 18 can have an agreement, I'd like to pass the
 19 witness off to Ms. Beamer, with the
 20 understanding that if I need to ask a few more
 21 questions, that would be okay with you? I'm
 22 just trying to keep things moving along?
 23 MR. AGRANOFF: One second.
 24 MR. DOAN: Sure.
 25 (Mr. Agranoff and the deponent confer.)

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1 MR. AGRANOFF: No objections.

2 MR. DOAN: Okay, great. Thank you.

3 EXAMINATION

4 BY MS. BEAMER:

5 Q Ms. Deese, my name is Denise Beamer. I'm
6 with the Florida Attorney General's Office. I do
7 have a few questions, and I will try to get through
8 them as quick as possible.

9 A (Nods head affirmatively.)

10 Q I'd like to talk about Life Management.
11 When you were there, were any telemarketers
12 disciplined? Like, were any of them ever fired or
13 spoken to about their conduct on the phone?

14 A I don't recall.

15 Q Okay. And how did you get paid at Life
16 Management? Were you commission or did you receive
17 a salary?

18 A I take the Fifth.

19 Q Okay. Do you know who dealt with consumer
20 refunds or consumer complaints at Life Management?

21 A No, I do not.

22 Q Would your pay be affected if there was a
23 cancellation?

24 A I'm not sure I understand your question.

25 Q Sorry, let me rephrase that.

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1 Were you ever aware that consumers would
2 cancel their contract with Life Management?

3 A No, I was not.

4 Q So once you qualified the individual, the
5 consumer on the phone, they would just get passed,
6 and you would usually not hear from them again?

7 A I take the Fifth.

8 Q Okay. We saw some Skype chats. Were
9 you -- did you ever use Skype at Life Management?

10 A No, I did not.

11 Q Okay. How did you speak to management
12 while you were there?

13 A Verbally.

14 Q Okay. Like, there wasn't like an instant
15 messenger --

16 A No.

17 Q -- or anything in the office?

18 A No.

19 Q We saw some language in terms of the
20 quality of leads, like I guess telemarketers would
21 complain that the leads were not fresh or they need
22 to be refreshed. Can you tell me what you know
23 about the quality of the leads?

24 A I take the Fifth.

25 Q And so after we -- "we," the plaintiffs,

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1 the Federal Trade Commission and the Florida
2 Attorney General's Office -- went into the Science
3 Drive address on June 9, 2016, what was your
4 understanding of what happened on that day?

5 A I'm not sure I understand the question.

6 Q Sure. So did management ever talk to you
7 about what happened that day, why the plaintiffs
8 were coming into the business location?

9 A No.

10 Q Did anyone explain to you why we were
11 there?

12 A Yes.

13 Q Who explained that to you?

14 A Mark Bernet.

15 Q Okay. So other than Mark, was there
16 anyone that you worked with that explained to you
17 what happened?

18 A No.

19 Q Now, when we spoke to Brandun yesterday,
20 we heard that he had some personal issues in terms
21 of his family and the death. Who was running Higher
22 Goals Marketing while Brandun was out dealing with
23 his personal issues?

24 A I take the Fifth.

25 MS. BEAMER: Okay. That's all the

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1 questions that I have for you.

2 THE WITNESS: Okay.

3 MS. BEAMER: Thank you.

4 THE WITNESS: Thank you.

5 MR. BERNET: Did you have more, FTC folks?

6 MR. DOAN: I might have one or two, but do
7 you mind if I wait until after Mark goes too?

8 MR. AGRANOFF: Sure. No objection.

9 EXAMINATION

10 BY MR. BERNET:

11 Q Ms. Deese, I'm Mark Bernet. We met
12 before, I think twice. On June the 10th, you and I
13 actually met and we chatted for quite a bit, right?

14 A Correct.

15 Q All right. You showed me where your desk
16 was and we talked a little bit about the business.
17 You challenged some of the issues associated with
18 some of the things that I had said the day before.
19 You took exception with some characterizations I
20 made about the nature of the business. Do you
21 recall that we had those kinds of conversations?

22 A I take the Fifth.

23 Q Well, there's no basis for asserting the
24 Fifth Amendment privilege in connection with a
25 conversation that you had. Because the conduct

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1 that's at issue here, that you're concerned about
2 the Fifth Amendment, had all long since passed
3 before, and we didn't really talk about anything
4 beyond you disagreeing with me on certain things,
5 right? That was basically it?

6 MR. AGRANOFF: I believe she answered it.
7 She took the Fifth.

8 MR. BERNET: Well, she didn't -- no, I'm
9 telling you, I am going to challenge you on
10 your invocation of the Fifth Amendment as to
11 that particular question.

12 THE WITNESS: I'm not sure I understand
13 your question.

14 BY MR. BERNET:

15 Q Do you recall meeting with me on the 10th?

16 A Yes.

17 Q Okay. First of all, you were there on the
18 ninth, but then you left, even though I specifically
19 asked you and everybody else to stick around, right?

20 A Correct.

21 Q Okay. Why did you leave?

22 A Because I was tired of waiting, actually.

23 Q And why did you come back, then, the next
24 day?

25 A I take the Fifth.

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1 Q That's not a basis for asserting the
2 Fifth. Nevertheless, you've done so.

3 So you did come back the next day. You
4 showed me where your desk was, you showed me your
5 telemarketing license there. You told me you were
6 the trainer. Did you train new hires at Life
7 Management Services?

8 A I take the Fifth.

9 Q What did you train them to do?

10 A I take the Fifth.

11 Q You trained them to work as frontiers,
12 right?

13 A I take the Fifth.

14 Q You showed them the scripts that they were
15 supposed to use. You actually had several scripts
16 that had handwritten modifications all over them on
17 your desk, right? Remember that?

18 A I take the Fifth.

19 Q Okay. So all these scripts that you had
20 that had all these handwritten modifications on
21 them, which you told me were in your handwriting,
22 did you take those with you to Higher Goals
23 Marketing?

24 A I take the Fifth.

25 Q Are those the same scripts that you just

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1 kind of reworked to start the new company?

2 A I take the Fifth.

3 Q Brandun Anderson has how much experience
4 in the telemarketing industry prior to the time he
5 formed Higher Goals Marketing, do you know?

6 A I don't.

7 Q Did he have any at all?

8 A I don't you.

9 Q Yesterday, he told us he had none at all,
10 and he relied on you and some others to help them
11 get the company up and going. Is that true?

12 A I take the Fifth.

13 Q Do you think he knows what he's doing,
14 Brandun Anderson, in terms of operating a
15 telemarketing company?

16 A I take the Fifth.

17 Q You are paid, I believe it's, \$500 a week
18 plus commissions at Higher Goals Marketing, is what
19 he told us yesterday. Is that right?

20 A I take the Fifth.

21 Q Do you get cash in addition?

22 A I take the Fifth.

23 Q Because here's what I think: I think that
24 there are -- there's all sorts of cash that's taken
25 out of these companies, both Higher Goals Marketing

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1 and Life Management Services, and I think it's
2 handed out to folks so that they don't have to
3 declare it on their tax returns.

4 Do you get cash from Higher Goals
5 Marketing in addition to the checks that you are
6 getting for salary and commission?

7 A No, I do not.

8 Q You do not get cash?

9 A No.

10 Q What does he do, Brandun Anderson, with
11 all this cash that he's withdrawn? It's been, I
12 think, several hundred thousand dollars.

13 A You should ask Brandun Anderson that
14 question.

15 Q Well, I did, and he didn't have a real
16 good answer. He says he spends it on car parts and
17 truck parts. Do you think that's true?

18 A Could be.

19 Q What else do you think he does with it?

20 A I don't know.

21 Q Does he pay any of it to Wayne Norris?

22 A No, he does not, to my knowledge.

23 Q You know that for a fact?

24 A Not to my knowledge.

25 Q Do you know if he does?

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1 A No, I do not. Not to my knowledge.

2 Q Okay. So you told me no and then you said
3 not to your knowledge. So let's just ask the
4 question again.

5 That cash that Brandun Anderson takes from
6 Higher Goals Marketing, does he pay any of it to
7 Wayne Norris?

8 A Not to my knowledge.

9 Q So is your answer, no, you don't know if
10 he does or not?

11 A I do not know if he does or not.

12 Q You do not know if he does or not.

13 The scripts both at Higher Goals Marketing
14 and at Life Management Services say basically the
15 same thing because they're identical. It looks like
16 somebody just took one and copied it over and used
17 it for the next one. That's what it looks like.

18 But they say in there that -- to the
19 customer, reading, that this whole program can be
20 done with no out-of-pocket expense. Is that true?

21 A I plead the Fifth.

22 Q Is the lower-interest rate program free?

23 A I take the Fifth.

24 Q How much do you charge, do you tell your
25 frontiers to tell folks to charge?

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1 A I take the Fifth.

2 Q Does Travis have a telemarketing license?

3 A I don't know.

4 Q Does Travis work the phones at Higher
5 Goals Marketing?

6 A I don't know.

7 Q Is he in a different room from you?

8 A I take the Fifth.

9 Q I've got you down at \$900 a week. Is that
10 about right? According to the spreadsheets that we
11 were given yesterday.

12 A I take the Fifth.

13 Q But, again, and I think I asked this, some
14 of that is broken up between salary and commission.

15 Then, you remember, I did give you a copy
16 of the temporary restraining order on the 10th, when
17 you came back, June 10th. Do you remember that?

18 A Yes.

19 Q Okay. So you do have that particular
20 document, right?

21 A Right now do I have it?

22 Q Not on you, but you did get it?

23 A Yes.

24 Q Okay. And you said you actually have read
25 through most of it, right?

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1 A Uh-huh (yes). Yes.

2 Q Okay. You have to say yes or no when
3 you're talking in depositions.

4 A (Nods head affirmatively.)

5 Q Okay. So -- the provisions in there which
6 prohibit the very activity that's going on at Higher
7 Goals Marketing, so how is it that you have set up
8 this company with Brandun Anderson, who knew nothing
9 about telemarketing, even though you had this
10 injunction on June 10th that said you can't do that,
11 why did you do that?

12 A I'm not sure I understand what your
13 question is.

14 Q All right. The injunction, the temporary
15 restraining order, provides that you cannot have an
16 advance fee, lower-interest rate product sold
17 through robocalls, and other things like that. It's
18 all nice and formal and laid out. You got that, you
19 read through most of it, right? That's what it
20 says.

21 A Correct.

22 Q All right. And, yet, after you got that,
23 you started drawing a paycheck from Higher Goals
24 Marketing, which is engaging in precisely the
25 conduct that that TRO said you can't engage in. Why

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1 did you do that?

2 A I take the Fifth.

3 Q Do you still work there?

4 A I take the Fifth.

5 Q Higher Goals Marketing?

6 A Yes, I do.

7 Q Are you going to work there by next week?

8 A Excuse me?

9 Q Are you going to be working there next
10 week?

11 A I don't know.

12 Q Your intention is to continue to work
13 there?

14 A Correct.

15 Q Who actually signs your paychecks at
16 Higher Goals Marketing?

17 A Brandun Anderson.

18 Q Who prepares the checks for him to sign?

19 A I don't know.

20 MR. BERNET: If we haven't done it,
21 Brandon is B-R-A-N-D-U-N. I'm not sure if -- I
22 was out for a good part of the earlier
23 deposition.

24 Q You said you thought some folks at Life
25 Management Services had some drug problems. You

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1 Q Okay. I understand from when we deposed
2 Randi Stickles, that when she worked at Life
3 Management Services, in between when a fronter spoke
4 with a consumer and when the consumer was passed off
5 to a closer, which Randi was, John Kunz would
6 determine the price that the consumer would be
7 pitched for the LI service. Is that your
8 understanding as well?

9 A I take the Fifth.

10 Q Okay. Who sets the price that consumers
11 are going to pay at Higher Goals Marketing?

12 A I take the Fifth.

13 Q Because Brandon told us yesterday that the
14 fee, the price, the fee, whatever you want to call
15 it, ranges from \$995 to \$4,995. Is that correct?

16 A I take the Fifth.

17 Q And my understanding from what Brandon
18 told us yesterday is that you basically have the
19 same role at Higher Goals Marketing that John Kunz
20 had at Life Management Services. Is that right?

21 A I take the Fifth.

22 Q Because John supervised the frontiers and
23 closers at Life Management Services, right?

24 A Yes.

25 Q Okay. And you supervise the frontiers and

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1 the closers at Higher Goals Marketing, right?

2 A I take the Fifth.

3 Q Okay. Did someone other than you set
4 the -- strike that.

5 Did someone other than you determine the
6 fee that consumers will be charged for the LI
7 services at Higher Goals Marketing?

8 A I take the Fifth.

9 Q Have you taken any cash withdrawals from
10 any of Higher Goals Marketing's bank accounts?

11 A No, I have not.

12 Q Has anybody handed you cash in connection
13 with your work at Higher Goals Marketing?

14 A No.

15 Q Do you know how consumers paid for Life
16 Management Services' services?

17 A I take the Fifth.

18 Q So you do know, you just need to invoke
19 your privilege against self-incrimination, right?

20 MR. AGRANOFF: I object to her being asked
21 that question. She exercised her Fifth.

22 BY MR. DOAN:

23 Q Do you know how consumers pay for Higher
24 Goals Marketing's services?

25 A I take the Fifth.

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1 MR. AGRANOFF: May I step out on that one?

2 MR. DOAN: Sure.

3 (Recess taken.)

4 BY MR. DOAN:

5 Q Okay. Ms. Deese, you had the opportunity
6 to consult with counsel in the hallway at your
7 counsel's request. Having done so, do you wish to
8 change your response to any of the questions I've
9 asked you recently?

10 A No.

11 Q Okay. Now, I asked you earlier whether
12 you had copies of Deese Exhibits 3 through 6, aside
13 from the copies that I put in front of you today at
14 your deposition. Do you recall that?

15 A Yes.

16 Q Okay. Putting aside whether you still
17 have any of the documents, Deese Exhibits 3 through
18 6 that we obtained from Science Drive, have you
19 prepared any similar documents as part of your
20 duties at Higher Goals Marketing?

21 A I believe I've already pled -- or taken
22 the Fifth on that.

23 Q Okay. Mr. Bernet asked you, a few minutes
24 ago, whether you intended to keep working at Higher
25 Goals Marketing next week. And you said you did,

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1 correct?

2 A Correct.

3 Q Do you have any plans to stop working
4 there at any point in the near future?

5 A No.

6 Q Okay. So is it fair to say that absent
7 court order, you're going to continue working for
8 Higher Goals Marketing?

9 A As long as I have a job.

10 Q Okay. My question was slightly different.
11 Is it fair to say that absent court order, you
12 intend to continue working at Higher Goals
13 Marketing?

14 A I don't -- I don't understand. What do
15 you mean by "absent court order"?

16 Q Okay. Unless a judge makes you stop, much
17 as a judge forced you to stop working at Life
18 Management Services because he shut the business
19 down, you're going to keep working at Higher Goals
20 Marketing, correct?

21 A Yes.

22 Q Okay.

23 MR. DOAN: Anybody else?

24 MR. BERNET: That's all I got.

25 MR. DOAN: Okay. I don't think I have any

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1 more questions at the moment, Ms. Deese. I
2 appreciate your coming in today. Again, I
3 appreciate your accepting service of the
4 subpoena by e-mail. And I know this went a
5 little longer than I had anticipated, so I
6 appreciate your sticking with us through all of
7 that.

8 I don't have any other questions at the
9 moment. If I think of any other questions, I
10 have your phone number, is it okay if I call
11 you?

12 THE WITNESS: I guess.

13 MR. DOAN: Okay. Well, thank you very
14 much. I think that concludes today's
15 deposition.

16 Your counsel can explain to you that you
17 have the right to read and sign the transcript,
18 if you'd like, and I'll let him do that now on
19 the record.

20 MR. AGRANOFF: The short version is, the
21 court reporter is going to likely be making a
22 transcript of the proceedings today, and I
23 believe they may have already ordered a copy.
24 You have the right to read it and sign and
25 annotate if you believe something is misstated

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1 or inaccurately reflected. It doesn't mean you
2 get to change it, but you have the opportunity
3 to review it.

4 Would you like the opportunity to review
5 the transcript if one is provided to you? I
6 would say yes.

7 THE WITNESS: Okay.

8 MR. AGRANOFF: There's no charge for her
9 to come in and read, right?

10 THE COURT REPORTER: Yeah, I guess we
11 could arrange for her to come in and read it.

12 THE WITNESS: Okay.

13 MR. DOAN: I don't normally have anything
14 to do with that. That magic all happens
15 somewhere else.

16 And I should say, I said that we were
17 concluded, but for something that may be a
18 formality, I just need to make sure.

19 Ms. Talisman, do you have any questions
20 for the witness before we end here today?

21 MS. TALISMAN: I do not have any
22 questions.

23 MR. DOAN: Okay. And did anybody else
24 ever join us on the phone, Mr. Hill or anybody?

25 MS. TALISMAN: I don't think so.

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1 MR. DOAN: Okay.

2 THE COURT REPORTER: I have a question for
3 Amy.

4 MR. DOAN: Okay. And, Ms. Talisman, the
5 court reporter has a question for you.

6 MS. TALISMAN: Okay.

7 THE COURT REPORTER: Would you like a copy
8 of the transcript, Ms. Talisman? Would you
9 like a copy --

10 MS. TALISMAN: No, thank you.

11 THE COURT REPORTER: Okay.

12 Did anybody else want to order a copy?

13 No? All right, thank you.

14 MR. DOAN: All right. I think that
15 concludes our proceedings today.

16 Thank you again, Ms. Deese, for coming in.

17 THE WITNESS: Thank you.

18 (At 3:26 p.m., the deposition concluded.)
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1 CERTIFICATE OF OATH

2
3 STATE OF FLORIDA:
4 COUNTY OF CITRUS:

5
6 I, the undersigned authority, certify that
7 MELISSA M. DEESE personally appeared before me on
8 November 17, 2016, in Orlando, Florida, and was duly
9 sworn.

10 WITNESS MY HAND AND SEAL this 25th day of
11 November 2016.

12
13
14 _____
15 Lorraine Yerdonek
16 Notary Public

17 Commission No.: FF 897252
18 Expiration: 07/08/2019
19
20
21
22
23
24
25

Deese

FTC v. Life Management Services, et al.

11/17/2016

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1 CERTIFICATE OF REPORTER

2
3 CASE NO.: 6:16-CV-982-ORL-41TBS4
5 CASE TITLE: FTC v. LIFE MANAGEMENT SERVICES OF6
7 ORANGE COUNTY, LLC., ET AL.8
9
10 I HEREBY CERTIFY that the transcript
11 contained herein is a full and accurate transcript
12 of the steno notes transcribed by me on the above
13 cause before the FEDERAL TRADE COMMISSION to the
14 best of my knowledge and belief.15
16 DATED: NOVEMBER 25, 201617
18
19 _____
20 LORRAINE YERDONEK
21
22
23
24
25

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1 WITNESS: MELISSA M. DEESE

2 DATE: NOVEMBER 17, 2016

3 CASE: FTC v. LIFE MANAGEMENT SERVICES
4 OF ORANGE COUNTY, LLC, et al.5
6 Please note any errors and the corrections thereof
7 on this errata sheet. The rules require a reason
8 for any change or correction. It may be general,
9 such as "To correct stenographic error," or "To
10 clarify the record," or "To conform with the facts."11
12 PAGE LINE CORRECTION REASON FOR
13
14
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1 CERTIFICATE OF DEPONENT

2
3 I hereby certify that I have read and examined
4 the foregoing transcript, and the same is a true and
5 accurate record of the testimony given by me.6
7 Any additions or corrections that I feel are
8 necessary, I will attach on a separate sheet of
9 paper to the original transcript.10
11
12 _____
13 MELISSA M. DEESE14
15 I hereby certify that the individual
16 representing herself to be the above-named
17 individual appeared before me this _____ day
18 of _____ 2016, and executed the above
19 certificate in my presence.20
21
22 _____
23 NOTARY PUBLIC IN AND FOR24 MY COMMISSION EXPIRES:
25 _____

47 (Pages 185 to 187)