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1 A Okay.

2 Q If you know the answer.

3 A If he had not signed the citizen's arrest form, they

4 would not have been handcuffed and physically taken to

5 jail that day, no, they would not have been.

6 Q Okay. Do you know whether or not you had the power to

7 arrest them? From your training and experience, did

8 you have the power to arrest them if Mr. Lamoureux, in

9 your mind, had not signed the civil arrest -- a

10 civilian -- or a citizen's arrest?

11 A If Mr. Lamoureux -- I guess Mr. Lee as well -- had not

12 signed that form, I could not have physically arrested

13 them, put them in handcuffs, and taken them to jail

14 that day, because they were misdemeanors at the time.

15 At least we believed they were misdemeanors, not

16 committed in our presence, and it wasn't an exception

17 to that rule.

18 Q Okay. And you don't know whether or not Mr. Lamoureux

19 ever told you that he want -- that he initiated and

20 told you, I want those -- I am arresting those people?

21 A Sir, I don't recall exactly what he told me.

22 Q Uh-huh.

23 A But I would not have done that if he had not had signed

24 that form and I would have explained it to him.

25 Q Well, I'm not asking -- I assume that that's the case.

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1 A I -- I don't -- I don't recall exactly what he told me.

2 Q I'm just trying to figure out who suggested the form.

3 A Well, I would have suggested to form, because he

4 doesn't know about that, I assume.

5 Q Okay.

6 A So I would have suggested, Well, basically, here's our

7 options, here's what I can do. But I would not

8 have sent somebody to sign a citizen's arrest form

9 without explaining it to them. I mean, that's a

10 serious document, you're placing somebody under arrest.

11 I've done this dozens and dozens and dozens of times.

12 Q Now, when you went out to talk -- when you went out to

13 take the two Yis into custody, did you tell them that

14 you were arresting them? Or that they had been

15 arrested?

16 A I -- I -- I don't recall who told them that. At some

17 point somebody obviously told them they were being

18 placed under arrest and handcuffs and -- and that

19 whole -- I don't recall if -- I don't recall who walked

20 over. I think somebody actually walked over and

21 handcuffed them. I don't recall if it was me or not.

22 But I believe it was one of the other officers.

23 Q Well, what does 10-80 mean?

24 A Place under arrest.

25 Q Okay. And that's actually a code between officers,

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1 isn't it?

2 A It's -- it's a 10 code. I mean, it's not like a secret

3 or anything. It's just a -- like 10-4. It's just a

4 10 code.

5 Q Well, that's what -- what you're saying here, you

6 say -- let me see if I can find this. Page 35, I

7 believe. It says Officer 2 -- it says Officer 1:

8 Okay. Hold on, relax.

9 Officer 2: Okay. At what point did you break

10 the stick off in the back and start jabbing it inside

11 the truck and break the other window?

12 Unidentified voice 4: I did not, I did not.

13 Unidentified Voice 2: Try to run him over.

14 Officer 2: Okay. All right.

15 Officer 1: This guy and this guy, 10-80,

16 10-80, and we'll figure out inaudible.

17 A Okay.

18 MR. EWERS: If, for the record, Mike, you could

19 identify what you're reading from.

20 MR. WALLERI: It's a deposition -- it's the

21 transcript of tape recording interviews and dispatch, page 35.

22 MR. EWERS: Thank you.

23 Q Now, who -- I take it you're officer 1?

24 A Yes.

25 Q Okay. And officer 2 is Officer Welborn?

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1 A He might have been, sir. I -- I don't know. According

2 to this transcript. I mean, I.....

3 Q When you say.....

4 AI know my voice, but not by.....

5 Q When you say this guy, this guy, 10-80, 10-80, and

6 we'll figure out inaudible, what -- what did you mean

7 by that?

8 A I don't recall.

9 Q Okay. Well, 10-80 and 10-80.....

10 A Well, that means that they were going to be placed

11 under arrest. I don't recall that (indiscernible -

12 simultaneous speech).

13 Q And when you say this guy and this guy?

14 A I was referring to the two people that were placed

15 under arrest.

16 Q Okay. And so you were -- and then we'll figure out

17 inaudible.

18 A I don't recall what I was talking about.

19 Q Okay. You ever hear the phrase we'll kill them all --

20 kill them all let God sort it out?

21 A I've heard that phrase.

22 Q Okay. The idea of and we'll figure it out.....

23 MR. EWERS: I -- for the record, I object to

24 the -- that phrase.

25 Q Okay. In this case, were you telling officer 2,

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1 whoever that was, that we'll arrest these guys and
 2 figure out what's going to happen later on?
 3 A No. I would not tell him that. I wouldn't be placing
 4 somebody under arrest and we'll figure it out later. I
 5 don't work like that.
 6 I was probably -- you know, I could have been
 7 referencing we'll figure out whose case is it going to
 8 be or something. You know, because we were both there
 9 talking with these people. You know, I don't remember
 10 if I was assigned to that area of town that day. I
 11 mean, I could have been referencing a lot of different
 12 things.
 13 Q Well, I don't see anywhere in here where you actually
 14 say you've been placed under arrest by Mr. Lamoureux
 15 and we're taking you into custody.
 16 A Okay.
 17 Q Do you ever remember saying that to anybody?
 18 A I don't recall how they were actually told they were
 19 placed under arrest.
 20 Q Okay. But you don't remember ever telling them that?
 21 A I don't recall telling them that. I'm not saying it
 22 was not told to me -- to them, I just don't recall
 23 saying that physically.
 24 Q It wasn't on the tape. I mean, you taped all your
 25 conversation with the Yis, correct?

1 and taken to jail. They had been.....
 2 Q Okay.
 3 Athey were placed under arrest.
 4 Q Normally if you're going to handcuff somebody and put
 5 them in the back of a car, is it standard procedure to
 6 tell them later on that they've been arrested, or is it
 7 standard procedure to tell them you're under arrest
 8 now?
 9 A Well, that depends on the circumstances.
 10 Q Okay. And I take it by the circumstances, you mean are
 11 they resisting arrest or something?
 12 A Well, they could -- it could be that if somebody had
 13 already been detained in the back of car and then the
 14 decision was made to arrest them, obviously they would
 15 already be handcuffed in the back of the car.....
 16 Q Okay.
 17 Aand we're telling them they're under arrest. So
 18 there's different circumstances. I don't recall at
 19 what point they were told they were under arrest, but
 20 at some point they were.
 21 Q They never -- neither one of the Yis ever resisted in
 22 any way, did they?
 23 A I don't -- if I recall on one of the audiotapes I
 24 reviewed, there was a lot of -- they needed to relax
 25 and calm down a little bit when they were being placed

1 A I didn't tape any conversations with them.
 2 Q Or Mr. Welborn was.....
 3 A I don't know if he taped all of them or not.
 4 Q Okay.
 5 A Ask him.
 6 Q But do you -- do you ever remember -- or do you ever
 7 remember another officer telling the Yis that
 8 Mr. Lamoureux had arrested them?
 9 A At some point they would have been told that they were
 10 placed under arrest. I don't recall anybody telling
 11 Mr. Lamoureux we're placing him under arrest. I'm not
 12 saying it didn't happen. I just don't recall.
 13 Q Okay. Do you have a specific recollection of that?
 14 A Really?
 15 Q Pardon me?
 16 A That somebody told them Mr. Lamoureux -- I do not have
 17 a specific -- specific recollection of that, no.
 18 Q Do you have a specific recollection of them being told
 19 that they were under arrest?
 20 A At some point -- a specific recollection, no. But
 21 obviously two people had been placed under arrest.
 22 They would have been told that they were being placed
 23 under arrest.
 24 Q Uh-huh.
 25 A And they were handcuffed, put in the back of the cars,

1 in handcuffs.
 2 Q Because Kenny Yi was complaining that his shoulder
 3 had.....
 4 A I believe so, yes.
 5 Qhad -- had.....
 6 A Yes.
 7 Qwas hurt?
 8 A Yes, I believe so.
 9 Q Okay. But they never said, You guys are crazy, you're
 10 not taking me alive or anything like that, right?
 11 A No.
 12 Q Okay. They never told you they're not -- they were not
 13 going to cooperate?
 14 A Not that I recall.
 15 Q Okay. Do you remember -- or did Mister -- Mr. Welborn
 16 ever tell you that they had asked to have
 17 Mr. Lamoureux arrested?
 18 A I -- I don't have specific recollection of that. They
 19 could have done that, I don't recall that specifically.
 20 Q Okay. But if they -- if you had said, Well, I can't
 21 arrest him, but you can, if you had basically given
 22 them the same information that you -- that you think
 23 you may have given Mr. Lamoureux.....
 24 A Uh-huh.
 25 MR. EWERS: I'm going to object.....

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1 Qyou don't remember ever giving them that
 2 information, though?
 3 MR. EWERS: I'm going to object. It assumes
 4 facts not in evidence. And it's basically a hypothetical
 5 question.
 6 MR. WALLERI: Okay.
 7 MR. EWERS: And can be answered on that basis.
 8 Q Well, let's put it this way: You don't remember ever
 9 telling them that you could not arrest Mr. Lamoureux?
 10 A I don't remember telling them that.
 11 Q And you don't remember ever saying, then, that they had
 12 the ability to file a civil -- a citizen's arrest?
 13 A I don't recall him telling them that, because there was
 14 no grounds for him to do that.
 15 Q Okay.
 16 A So I don't recall telling him that.
 17 Q Okay. Even though they had asked you to arrest -- that
 18 they wanted Mr. Lamoureux arrested?
 19 A I -- I don't recall them saying that, sir.
 20 Q Okay.
 21 A So if they had, I don't -- we wouldn't have done it, so
 22 I don't recall them saying that, though.
 23 Q Okay. But under any circumstances, you would have
 24 never -- under the circumstances that you found
 25 yourself, you would have never told them that they

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1 could sign a citizen's arrest form and actually have
 2 Mr. Lamoureux arrested?
 3 A Under these circumstances, I would not have told them
 4 that they could do that because they couldn't have done
 5 that. So I wouldn't have told them they could do that
 6 if we weren't going to follow through with that and do
 7 it.
 8 Q Okay.
 9 A Personally. Now, if one of the other officers
 10 mentioned that to them when I wasn't around, then I
 11 don't know. But that -- I would not have done that.
 12 Q Okay. When Lunar said to you -- and I think she -- I
 13 think -- or said -- this is from page 15.
 14 Officer 1: Sir, you need.....
 15 Officer 2: Sir.....
 16 Officer 1: Sir, I need you to come back over
 17 here. Okay.
 18 Officer 2 -- now I take it you're officer 1,
 19 correct?
 20 A I don't know, sir.
 21 Q Okay. And it says: Officer 2: Stand over here.
 22 Okay.
 23 Officer 1: Until we can get this straightened
 24 out. Okay.
 25 Unidentified Voice: Or -- okay.

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1 Officer 1: You just be patient. Try to
 2 cooperate as much as you can.
 3 Unidentified Voice 4: Inaudible, you're not
 4 going to arrest him for.....
 5 Officer 1: Well, we're talking to both sides.
 6 Officer 2: We don't actually know what's going
 7 to happen right now. Okay.
 8 Unidentified Voice 4: Inaudible, try to kill
 9 her.
 10 Officer 1: Okay.
 11 Officer 2: Inaudible.
 12 Officer 1: How did the windows get broken in
 13 the truck?
 14 Unidentified Voice 4: Like I say, I told him
 15 to stop and he tried to run me over. So I jumped into
 16 the back of the truck.
 17 But you were -- Officer 1: But you were in the
 18 back of the truck at this point, right?
 19 Unidentified Voice 4: No.
 20 As I understand whoever unidentified number 4
 21 was telling you that they attempted drive -- to run him
 22 over, and that's why he got into the back of the truck?
 23 MR. EWERS: I would ask that, you know.....
 24 Q Is that your understanding of the conversation?
 25 MR. EWERS: I would object to -- before he

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1 answers, that he be allowed to actually read what you just
 2 read.
 3 MR. WALLERI: Sure.
 4 MR. EWERS: That there's so many numbers that I
 5 don't know that he can recall that. I can't recall the ones,
 6 twos, threes, and fours.
 7 A Okay.
 8 Q So what he was telling you at the time is that -- is
 9 it -- was your understanding of what he was telling you
 10 at the time was that he got into truck after the truck
 11 tried to run him over?
 12 A Yes.
 13 Q Okay. Was it wrong for the truck to attempt to run him
 14 over?
 15 A I don't think the truck attempted to run him over. And
 16 that statement that he made doesn't make any sense to
 17 me.
 18 Q Why not?
 19 A Well, if the truck tried to run him over, how's it
 20 going slow enough that he jumped in the back? And if
 21 the truck did try to run him over, why would he jump in
 22 the back of the truck that just tried to run him over
 23 and start knocking the windows out? It just doesn't
 24 make any sense.
 25 Q Okay. So.....

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1 A I mean, from a common sense standpoint.
 2 Qyou didn't believe him?
 3 A No.
 4 Q You didn't believe him?
 5 A No, I don't believe him.
 6 Q Okay.
 7 A I think it's.....
 8 Q Why is it that you believed Max Lamoureaux but not the
 9 Yis?
 10 A Based upon the Yis' statements, their statements, and
 11 the evidence at scene. That's why I believe that.
 12 Q Okay. But the -- Kenny Yi admitted to breaking out --
 13 or breaking a window. Jeff Yi -- Yong Yi, he also
 14 admitted to you.
 15 A Yes, they did.
 16 Q Okay. So they were -- so at some point they were
 17 telling you the truth, right?
 18 A At some point they were.
 19 Q And, of course, Max Lamoureaux told you that he was a
 20 manager for the -- for the Klondike, and that, of
 21 course, turned out not to be true?
 22 A I -- I don't know if it did or not, sir. I.....
 23 Q Okay.
 24 AI haven't spoken with him since. I don't know.
 25 Q Well, did you ever make any inquiry to see if

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1 Mr. Lamoureaux was telling the truth at the time?
 2 A Sir, I don't recall what steps were made for that. I
 3 was speaking with him and all these other people over
 4 at the hotel, getting their sides of the story.
 5 Q Is it more possible that it was much easier to
 6 understand Max than the Yis?
 7 A Like verbally?
 8 Q Right.
 9 A Just speaking just like we are, sure.
 10 Q In fact, you mentioned that -- in your report, that it
 11 was hard to understand the Yis because of their broken
 12 English?
 13 A I believe I did, yes, sir.
 14 Q So if you're trying to figure out something and you
 15 can't understand one group, but you can understand --
 16 you can't understand the Koreans, but you can
 17 understand the white guy, is that a possibility -- is
 18 that a possible reason why you believed Max as opposed
 19 to the Yis?
 20 A No.
 21 Q What was it? Why was his -- when it -- when it turns
 22 out ultimately that he was lying to you, what -- what
 23 was it that he did that gave you -- that made him more
 24 credible than the Yis?
 25 MR. EWERS: I'm going to object to the

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1 assumption that this manager/not manager was a lie, because the
 2 officer does not know to this day that it was a lie and didn't
 3 know it was a lie at the time.
 4 MS. HOZUBIN: I'll join in that objection and
 5 raise foundation.
 6 MR. WALLERI: Okay.
 7 Q What I'm trying to do is -- the question -- the
 8 objection is misdirected, not to the truth of the
 9 matter, but what is it that made you think that Max was
 10 telling the truth and the Yis were telling a lie?
 11 A Based upon all their statements at the hotel, all their
 12 statements at the restaurant, and all the evidence at
 13 the scene.
 14 Q Okay.
 15 A Everything put together.
 16 Q Everything put together?
 17 A Everything put together, including the Yis' statements
 18 as well.
 19 Q Could you have been wrong?
 20 A Could who have been wrong?
 21 Q Could have you been wrong as to who was telling the
 22 truth and who was lying?
 23 A No.
 24 Q You were absolutely right?
 25 A Yes.

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1 Q And why is that the case?
 2 A Based upon the statements of the people at the hotel,
 3 the people at the restaurant, and the evidence at the
 4 scene.
 5 Q Now, I'm not saying -- is it possible that Max could
 6 have been lying to you?
 7 A Lying about what?
 8 Q Anything.
 9 A Anything in world?
 10 Q Uh-huh.
 11 A Sure.
 12 Q Okay.
 13 A Not having what -- I don't think anything having to do
 14 with his truck and what happened to them in that
 15 parking lot.
 16 Q Okay.
 17 A Because what they said matched what the other people
 18 said, so no.
 19 Q Did he ever tell you why he was leaving?
 20 A If I could review, I think they said they were going to
 21 get some breakfast. That's what I have in my report,
 22 yes.
 23 Q Okay. So did you ever -- did you ever -- you were
 24 aware that the criminal trial -- charges against the
 25 Yis had been dropped?

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1 A At some point I became aware of that, yes.
 2 Q Do you know why?
 3 A No.
 4 Q Okay. You never followed up on it?
 5 A No.
 6 Q Okay. Is it legal to -- if you have committed a crime,
 7 is it legal to flee the scene of the crime?
 8 A Is it legal.....
 9 Q That's actually a crime, isn't it?
 10 A I guess it would depend on what you were doing when you
 11 were fleeing the scene. For instance, if you were
 12 getting rid of evidence or something, there -- there's
 13 other charges there.
 14 Q Uh-huh. What about if you get into an accident? Let's
 15 say you were driving a car and you get into an
 16 accident, can you leave the scene of the cri- -- can
 17 you leave the scene of the accident?
 18 A Depending on the circumstances, generally, no.
 19 Q Okay. And -- but it's got to be if -- you can leave
 20 the scene if it's -- if there's a -- if there is -- if
 21 you're seriously injured, right?
 22 A Yeah, certainly there are.....
 23 Q And you need medical treatment?
 24 A There are circumstances where you could leave, sir.
 25 Q Okay. And it's actually a crime to leave the -- to

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1 leave the scene of an accident, isn't it?
 2 (Cell phone interruption)
 3 A Depending on the circumstances, it can be, yes.
 4 Q Okay.
 5 MR. WALLERI: I just like a quieter, gentler
 6 world. That's all.
 7 MS. TINKER BRAY: You know we were going to do
 8 some singing and dancing.
 9 MS. TINKER BRAY: To soften the deponent.
 10 MR. WALLERI: We'll strike that part.
 11 Editorial comment on my new-age.....
 12 Q What made you -- now, did Max tell you that he was
 13 after the -- after he -- after he struck -- well, he
 14 never told you that he struck Lunar, right?
 15 A No, not that I recall.
 16 Q And but Lunar did tell you that she was struck?
 17 A She made statements like that, yes, sir.
 18 Q Okay. And you were also told that Max left the
 19 scene -- was trying to leave the parking lot after he
 20 had struck Lunar, correct?
 21 A While somebody was in the back of the truck knocking
 22 their windows out, yes.
 23 Q Okay. Telling him to stop?
 24 A Who knows. Yes.
 25 Q But that's what they said they were doing?

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1 A They were telling him to stop. They were.
 2 Q Okay. So what you were told was that Max -- at -- Max
 3 had struck -- with his car had struck Lunar and then
 4 was leaving the parking lot when he was being -- at
 5 least the Yis' version is that he was being told not to
 6 leave?
 7 A No. I think he was being told to leave -- not to leave
 8 before that.....
 9 Q Right.
 10 Aas well. But yeah, that -- while all that was
 11 going on, they were telling him not to leave as well as
 12 other things.
 13 Q Why didn't -- why wasn't it -- why didn't he commit the
 14 crime of leaving the scene of an accident after he
 15 struck Lunar?
 16 A Well, if, in fact, he had struck her, I think the fact
 17 that somebody is in the back of his truck knocking his
 18 windows out, I think -- I think would justify him
 19 trying to get out of the area, yes. And, in fact, he
 20 actually didn't leave. He was still there when we got
 21 there.
 22 Q Right.
 23 A So, I mean.....
 24 Q Where was he when you got there?
 25 A Well, if I recall, he was over at the hotel.

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1 Q Okay. And he was in the hotel office, correct?
 2 A I believe so, yes.
 3 Q Okay. And where were the Yis at when you got there?
 4 A I believe they were over by the restaurant.
 5 Q Okay. In the parking lot?
 6 A I think so.
 7 Q Okay. And you earlier testified that at no time did
 8 they attempt to go into the motel office, that you're
 9 aware of?
 10 A Not that I recall.
 11 Q So Mister -- and Max told you that he -- he put the
 12 truck back in and then fled back in -- according to his
 13 story, fled back into the office?
 14 A Yes. And according to -- I think the witnesses as well
 15 said that.
 16 Q But nobody said that they attempted to follow him in,
 17 did they?
 18 A If I can review my report.
 19 Q That the Yis attempted to follow Max into the office?
 20 A Well, if I could read some from my report quickly.
 21 Well, according to my report, Samantha Bergman stated
 22 that she had observed the two managers run into the
 23 office building -- ran into the office being chased by
 24 a crazy guy with a stick.
 25 So I guess they didn't actually go into the

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1 office, but they followed him to the office, according
 2 to her.
 3 Q So the Yis -- so whatever crazy guy it was that was
 4 chasing him with a stick broke off the chase once Max
 5 and John stopped attempting to leave the premises?
 6 A Well, apparently once they got to office, they did,
 7 sure.
 8 Q Okay. The -- so after you arrested Jeff and Kenny
 9 Yi.....
 10 MS. TINKER BRAY: Assumes facts not in
 11 evidence.
 12 Q Or after -- after you took them into custody -- better?
 13 After you took them into custody, did you -- what
 14 happened after that?
 15 A With -- with what?
 16 Q What did you do with them?
 17 A They were taken to Fairbanks Correctional Center.
 18 Q Did you take them there?
 19 A I believe so, but I don't positively recall.
 20 Q Do you remember the bartender, talking to the
 21 bartender?
 22 A I recall somebody speaking with the bartender.
 23 Q Okay. And that the bartender had thought that she
 24 would go back to work and open up the bar?
 25 A I believe she was told that they were probably not

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1 going to open that day. Something -- words to that
 2 effect. I don't recall exactly what somebody told her.
 3 Q And why was that?
 4 A Why was what?
 5 Q Why was she told not to open up the bar?
 6 A I don't recall exactly what she was told, sir.
 7 Q Well, I'm on page 26, and the bartender says -- or
 8 let's see, Officer 2: What I'd like you to do for me,
 9 ma'am, is I'd like you to write -- do a written
 10 statement for me just basically what you observed.
 11 Bartender: Okay.
 12 Officer 2: Okay. And what you heard.
 13 Bartender: Yeah, I'm going in to work
 14 inaudible.
 15 Officer 2: Well, actually I don't think
 16 anybody is going to work -- going to be working anytime
 17 today.
 18 Bartender: Oh, no? Inaudible.
 19 Officer 2: Or anytime recently. I don't know
 20 what's going on. There's some civil dispute over the
 21 place. So I don't know what's going on. I might be
 22 wrong, but right now let's stay out of the bar.
 23 Okay. So what I can do is you can just sit
 24 right here and I'll go -- go get a clipboard, and you
 25 can just write down what you've seen and what -- and

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1 what you heard for me. Okay.
 2 Do police officers have the ability to
 3 basically say that she can't go back into the bar?
 4 A I -- depending on the circumstances, and I don't
 5 believe that was me that told her that, so.....
 6 Q That was actually Officer Welborn, wasn't it?
 7 A I don't know.
 8 Q Okay.
 9 A Actually, I don't think so. I thought it was
 10 McKillican.
 11 Q Okay.
 12 A So.....
 13 Q So the -- you indicated later that Jeff Yi -- or
 14 Kenny Yi came back to try and get into the -- back into
 15 the bar to remove their items the following day or
 16 later on?
 17 A At some point they came to the police station. I
 18 don't -- I think it was later on that night, if I
 19 recall.
 20 Q Okay. And can you tell me what happened.
 21 A If I recall, I believe I spoke with them, and I
 22 think -- I don't know if I was the only one that spoke
 23 with them, and as I recall, they were basically told
 24 to -- they were going to have to settle this through
 25 the courts. It's probably a good idea not to go back

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1 over there and deal with the people over there after
 2 what had happened.
 3 Q Okay. And you told them that?
 4 A As I recall.
 5 Q Okay.
 6 A I don't recall exactly what was told, but words to that
 7 effect.
 8 Q Now, how did -- how did this domestic violence order
 9 get started?
 10 A I have no idea what you're talking about.
 11 Q Okay. Well, it says in your report that you served a
 12 domestic -- or it says in your motion at least that you
 13 served a domestic violence restraining order on the
 14 Yis?
 15 MR. EWERS: Basically that assumes facts not in
 16 evidence.
 17 Q Or do you know who did?
 18 A I -- I -- if I'd spoken with somebody about that, I
 19 don't recall that. I don't know what you're talking
 20 about.
 21 Q Okay.
 22 MR. EWERS: If I might?
 23 MR. WALLERI: Go ahead.
 24 MR. EWERS: My recall is that it's a report
 25 from Officer Welborn.....

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1 MR. WALLERI: Okay.
 2 MR. EWERS:who did the follow-up report
 3 on the DV order.
 4 MR. WALLERI: Okay.
 5 MR. EWERS: If that helps.
 6 Q Do you know whoever -- who all went back?
 7 A I -- I don't know.
 8 Q Did you ever go back into the -- into the rest -- into
 9 the restaurant?
 10 A No.
 11 Q Okay. Do -- and so from your understanding -- let's
 12 say if somebody gets evicted.....
 13 A Uh-huh.
 14 Qand they go back with a police officer, that's
 15 pretty common, isn't it, to get their stuff?
 16 A Yes.
 17 Q And they move all their stuff out?
 18 A Depending on the circumstances -- well, when you're
 19 saying all their stuff while the police are there, no.
 20 You know, we're not going to stand there where there's
 21 U-Haul trucks backing up and crews packing stuff. But
 22 certainly to get personal belongings and stuff, yes.
 23 Q What about their property?
 24 A Well, generally they just have to make arrangements
 25 with the -- the people to come back and get those. I

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1 can never remember a time in my whole career I've stood
 2 by with U-Haul trucks piling out stuff.
 3 Q Okay.
 4 A It's always been just personal belongings and stuff.
 5 And, you know, generally what can ever be moved out
 6 within a short amount of time. Because we can't stay
 7 there all day.
 8 Q Do you know what happened to the money in the -- in the
 9 bar and restaurant?
 10 A No.
 11 MS. TINKER BRAY: Assumes facts not in
 12 evidence.
 13 Q Okay. Do you know what happened to the liquor
 14 inventory in the bar and restaurant?
 15 A No.
 16 Q Okay. Do you -- now, you've been -- you were served
 17 with this, right?
 18 A With what?
 19 Q With this lawsuit. You were served with a complaint?
 20 A The city was, yes.
 21 Q Okay. And did you notice in the complaint that the Yis
 22 were alleging that the Yangs had actually taken money
 23 and equipment and inventory and not allowed them to
 24 obtain it?
 25 A That's a civil dispute, sir, and I don't recall -- I --

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1 I'm sure I read that at some point in the complaint,
 2 yes, sir.
 3 Q Did you guys ever investigate to see whether or not the
 4 Yangs had actually illegally taken money that had
 5 belonged to the Yis?
 6 A I don't -- was never asked to do that. I was never
 7 dispatched to a call to do that, and it was never
 8 assigned for me to do that. I dealt with this incident
 9 here that day in the parking lot.
 10 Q So at no -- at no time did you ever -- did you ever
 11 think that the Yis -- that the Yangs -- as far as
 12 you're concerned, nobody has ever complained that the
 13 Yangs stole money from the Yis?
 14 A Sir, I'm not saying they haven't. I've never taken a
 15 case on that. I've never been asked to take a case on
 16 that. Maybe another officer has, I don't know. I
 17 mean, I dealt with this particular -- you know,
 18 specific incident that day. I'm just one officer.
 19 I -- I don't know if they have or not.
 20 Q Well, in the complaint it's alleged -- you know that in
 21 the complaint it alleges that that's what happened?
 22 A Okay.
 23 Q Okay. But you've never paid attention to that part of
 24 the case?
 25 A I was -- you know, I've -- I've dealt with this

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1 incident here in the parking lot that day. If there's
 2 other incidents between them, I was not involved. I
 3 was involved in this incident that day.
 4 Q Okay. Okay. Do you know where Mr. John Lee is?
 5 A Sitting here today?
 6 Q Yeah.
 7 A No.
 8 Q Did you ever go back and investigate as to whether or
 9 not the Yis' complaint about breaking the lock on
 10 the -- and entering -- breaking and entering into the
 11 bar, did you ever investigate that claim?
 12 A I never went back. I don't know if Officer Welborn
 13 looked at the lock that day. But as far as I was
 14 concerned, that whole incident with the lock and all
 15 this stuff thrown in together, I mean, it was done. So
 16 no, I never went back over to the bar.
 17 And whether or not the lock was broken or not
 18 has nothing to do with what happened -- I mean, it has
 19 what to do with what happened here, but it wouldn't --
 20 it has nothing to do with the outcome of what happened.
 21 So no, I never went back to the bar.
 22 Q Okay. So when you say it has nothing to do, I take it
 23 you understood that that was not the Yis' end of the
 24 complaint, that the Yis were actually very concerned
 25 about their lock being broken?

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1 A If you say so, okay.
 2 Q Were you aware of that?
 3 A Well, if they -- if they -- if they had told us that at
 4 the scene, they could have been very informed -- they
 5 could have been -- excuse me -- very upset that their
 6 lock was broken. But it doesn't mean that what -- the
 7 incident that happened in the parking lot should have
 8 happened.
 9 Q Okay. So whatever -- the idea of what provoked the Yis
 10 was of no concern to you?
 11 A It was of concern to me. I'm not saying it wasn't.
 12 Q Well, did -- if they were telling you that all this
 13 started because the lock on their bar and restaurant
 14 was broken and that somebody went in there, doesn't
 15 that normally suggest that there might be --
 16 wouldn't -- you wouldn't normally investigate that?
 17 A Based upon the facts and the circumstances here in this
 18 case that was investigated, I don't -- if the lock was
 19 broken or not, okay, that does not justify what these
 20 people did that day. It's as simple as that. So no.
 21 Whether or not their lock was broken or not.
 22 Q Okay.
 23 A You know, they were told to stay away from those
 24 people. They went and attacked these people. It's as
 25 simple as that. They were placed under citizen's

1 A Not if it's not on file.
 2 Q Okay.
 3 A I mean, we only need one, so that could have been why,
 4 too.
 5 Q And he's Asian, correct? John Lee?
 6 A If I recall correctly, yes.
 7 Q Okay.
 8 A I mean, I don't recall what the man looks like, so
 9 I.....
 10 Q Did you ever ask him what he thought about what
 11 happened?
 12 A I'm sure I probably did, sir, but don't -- I don't
 13 recall what he said.
 14 Q Okay. There isn't a statement of his, is there?
 15 A No, not that I can find in my report.
 16 Q Is there a reason why the only -- you only took
 17 statements from non-Asian people?
 18 MR. EWERS: I object. That assumes facts not
 19 in evidence.
 20 A Yeah, that's completely inaccurate. I have statements
 21 from them in here that I took, exactly what they said.
 22 There was conversations that were recorded. I don't --
 23 I don't follow what you're saying. I'm sorry.
 24 Q Well, you never -- but, I mean, you didn't.....
 25 A The fact that I.....

1 arrest for it.
 2 Q Okay. So it made no difference to you that the lock
 3 was broken, that Lunar had been run over, or was it --
 4 that she claimed to have been run over.....
 5 A See, that's not accurate.
 6 Qthat Mr. Kenny Yi claimed that he was -- that they
 7 attempted to run him over?
 8 A No. Because his statement did not make any sense. Her
 9 statement was that she got ran over and then grabbed
 10 his mirror and got dragged or something while somebody
 11 was in the back of their truck trying to stick them
 12 with a broom handle.
 13 This other guy's statement that he tried to get
 14 run -- that he go run over, obviously by a truck moving
 15 slow enough that he could then jump in the back and
 16 start knocking out their window, no, that didn't make a
 17 whole lot of sense either. I'm sorry.
 18 Q Okay. Did you ever talk to the Yangs about this? Did
 19 you ever talk to either Harris or Sharon Yang?
 20 A Not if they weren't at the scene that day, no.
 21 Q Okay. Did you ever talk to John Lee about whether or
 22 not he should file a civil arrest form?
 23 A I don't recall.
 24 Q Do you know whether or not he ever filed a civil arrest
 25 form?

1 Qdid you believe John Lee?
 2 A In fact, I think their statements are the best taken
 3 because they were recorded.
 4 Q Uh-huh.
 5 A So I think actually they gave the best statements, the
 6 Asian people did, so I -- I don't agree with what
 7 you're saying.
 8 Q Okay. And you never -- you've never had any
 9 conversation with anybody about why the criminal
 10 charges were dropped?
 11 A No.
 12 Q Okay. That normally doesn't come back to you?
 13 A Not on -- not on a misdemeanor case. Oh, it will come
 14 back to us that it got dropped. But, you know, a
 15 patrol officer, I go to a dozen -- you know, I did at
 16 the time, go to a dozen calls a night, you make dozens
 17 of arrests. Some get dropped, some don't. I mean, no,
 18 I wouldn't have.
 19 Q Okay.
 20 A I wouldn't have even called to ask. It would not be
 21 uncommon for misdemeanor charges to get dropped on a
 22 case.
 23 Q Okay. Did -- with the lock broken, was there any
 24 effort to actually secure the building so that people
 25 couldn't go into the bar and steal stuff?

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1 A I don't recall what exactly was done. We wouldn't have
2 left the building unsecured, but I don't know exactly
3 what was done.

4 Q So did you -- who did -- you don't have any idea about
5 what was done to secure the building?

6 A Personally, no, I don't.

7 Q Okay.

8 A I believe I left to go take them to jail, and I wasn't
9 the -- I wasn't the last person to leave, so I don't
10 know what they did.

11 Q Okay. So but under your understanding, the building
12 should have been secured, correct?

13 A At some point our common -- our procedure would have
14 been not to leave a building unsecure. I'm not saying
15 if it was or if it wasn't. That would be our
16 procedure. I did not do physically go secure the door.
17 I don't know if somebody else did. I don't know if
18 somebody from the hotel did. I don't know.

19 Q As the arresting officer, you didn't tell anybody to
20 secure the building, did you?

21 A I don't know if I did or not, sir. I don't recall.

22 Q I'm curious about that term arresting officer. What
23 does that mean?

24 A Well, I guess if you made the arrest in the case, then
25 if it was your case to -- to write up.

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1 Q Okay. The -- on page 39 of the transcript, officer 2
2 is talking. It says -- it says, Well, right now it
3 would be inappropriate for me to make -- it says --
4 let's see. Have us -- in talking to an unidentified
5 voice 2, it says, You guys, you guys making a mistake.

6 Officer 2: Have a seat. Squash your head when
7 you get it -- get it -- take it slow. This officer
8 over here is the investigating officer. Okay. I'm
9 here to assist him. As soon as I find out more, I will
10 tell you. Okay?

11 Unidentified voice number 2: Inaudible.

12 Officer 2: Well, right now it would be
13 inappropriate for me to make any comments to you about
14 that because -- inaudible radio traffic -- under
15 arrest -- inaudible -- and I don't know both sides of
16 the story. Okay. What we're going to do is I'm going
17 to have -- I'm going to take you out of the vehicle and
18 I'm going to put you in the back of that vehicle.

19 And it says, Okay, because that's the arresting
20 officer's vehicle.

21 Is that -- I -- was he placed in one vehicle
22 and then put into another vehicle?

23 A It sounds like it.

24 Q Okay. And the arresting officer -- I take it, the
25 arresting officer's vehicle, that's your vehicle?

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1 A I -- if I took them both to jail, yes. It basically is
2 saying that this is going to be his case, and so I'm
3 going to put you over in his vehicle because he's the
4 one taking you to jail, probably.

5 Q Okay. And so at least when the off- -- at least
6 another officer thought that you were the arresting
7 officer?

8 A No, that's not what he's saying. He's saying that it's
9 his case, he's the case officer. And if that's just
10 one of the officers that showed up to help out,
11 obviously they're telling them that they don't even
12 know both sides of the story and they were just there
13 to help.

14 Q Okay. And.....

15 A Very clear about that, I did not place these people
16 under arrest. It is illegal for me to do that. I
17 could not do that. They were placed under citizen's
18 arrest. So when another officer says that he's the
19 arresting officer, it's just my case. I'm the officer
20 to write it up.

21 Q Okay. Then he was just mistaken when he referred to
22 you as the arresting officer?

23 A In a very, very literal sense what you're taking a
24 little too far, yes, he would have been mistaken in
25 that.

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1 Q Okay. So it could have been that he was confused?

2 A No. I'm not saying that. He's saying I'm the case
3 officer. It's common, he's the arresting officer, he's
4 the case officer.

5 Q Well, when did you tell Mr. Welborn or the
6 Officer Welborn that Max Lamoureaux -- or did you tell
7 Mr. Welborn that Max Lamoureaux filed a civil arrest?

8 MS. HOZUBIN: Lamoureaux.

9 MR. WALLERI: Or Lamoureaux.

10 A A citizen's arrest?

11 Q Yeah.

12 A I -- I don't recall at what point.

13 Q You don't remember doing that?

14 A At some point I would have told him the decision that
15 had been made and that they were going to file a
16 citizen's arrest, yes, I would have.

17 Q But you have no recollection of that?

18 A No. That was over three years ago. I don't exactly
19 remember at what point in time I told him that.

20 Q But in making the comment -- and you said to him
21 10-80 -- 10 -- okay. Him and him, 10-80, 10-80?

22 A Uh-huh.

23 Q Okay. That was when you were communicating to him that
24 these people were to be arrested?

25 A Yes.

Exc 219

1 Q Okay. But you didn't tell him at that time that you
 2 were not the arresting officer? Or that it was a
 3 citizen's arrest?
 4 A If it's not there, I didn't say, Hey, if he's being
 5 placed under citizen's arrest, arrest them, but I don't
 6 have to do that. I mean, I was letting them know,
 7 okay, these guys are going to jail.
 8 Q Okay.
 9 A I mean.....
 10 Q So if the officer -- the officer, based upon that,
 11 could have thought that you were actually placing him
 12 under arrest?
 13 A I guess that's a good question for them, sir. I don't
 14 know.
 15 Q Okay.
 16 A Especially if it's an officer that just showed up to
 17 kind of help out that doesn't know the circumstances of
 18 the case.
 19 Q Okay.
 20 MR. WALLERI: Let's see, I think that's all
 21 I've got. I don't know if you want to take a break or.....
 22 MS. HOZUBIN: Do you want a break?
 23 MR. EWERS: No. Go ahead.
 24 MS. HOZUBIN: Okay.
 25 MR. WALLERI: I could.

1 missing from inside the restaurant while you were at
 2 the scene?
 3 A Not that I recall.
 4 Q Okay. At any time did they ever tell you anything was
 5 missing from the restaurant?
 6 A Not that I recall. I don't recall them telling us
 7 anything was missing.
 8 Q Okay.
 9 A It would make sense that if they said, Hey, we're
 10 missing X, Y, and Z items that we would have looked for
 11 those items. But I don't recall them saying that.
 12 Q Do you -- what was Kenny Yi charged with?
 13 A If I can recall, it was assault in the fourth degree
 14 and criminal mischief in the fourth degree.
 15 Q And were the charges the same for Yong Yi?
 16 A Yes. Yes, ma'am.
 17 Q Do you remember giving an affidavit in this case? It
 18 would have been February of last year.
 19 A Yes, ma'am.
 20 Q Okay. I just want to ask you a quick question about
 21 that affidavit.
 22 A If I could find it.
 23 Q Sure.
 24 A We've got a copy.
 25 Q At paragraph 6, which is on page 2.....

1 MS. HOZUBIN: Would you like a break,
 2 Mr. Walleri?
 3 MR. WALLERI: I need one quite often.
 4 COURT REPORTER: I'm going to move that mic
 5 down in front of you.
 6 MR. WALLERI: I apologize for my medication.
 7 COURT REPORTER: There you go.
 8 MS. HOZUBIN: Would you like a break?
 9 MR. WALLERI: Yeah.
 10 MS. HOZUBIN: Okay. Let's go off record.
 11 (Off record)
 12 (On record)
 13 PEYTON MERIDETH
 14 testified as follows on:
 15 CROSS-EXAMINATION
 16 BY MS. HOZUBIN:
 17 Q Detective, I'll be brief.
 18 A Okay.
 19 Q Let me ask you this: Did you ever actually see a
 20 broken lock on the restaurant when you were there?
 21 A Personally I don't recall, no -- seeing one.
 22 Q Do you recall Kenny Yi or Yong Yi ever asking you to go
 23 inside the restaurant to see if anything was missing?
 24 A I don't recall them asking me to do that, no.
 25 Q Did Kenny Yi or Yong Yi ever tell you that anything was

1 A Yes, ma'am.
 2 Qand actually leading into -- it goes on to page 3
 3 as well. On page 3, it's -- you state that Kenny Yi
 4 then jumped into the bed of the truck, and with the
 5 handle of a push broom that was in the bed of the
 6 truck, broke out one of the truck's rear sliding
 7 windows.
 8 Did kenny tell you that he did this at the
 9 scene?
 10 A If I recall both of them ended up finally admitting
 11 that they had broke out the windows.
 12 Q Okay.
 13 A Yes.
 14 Q And they broke out the front window and the back
 15 window?
 16 A Yes.
 17 Q Okay.
 18 A They threw something at the front window. It was like
 19 a -- like a white filter, like a oil filter or
 20 something.
 21 Q And did Yong Yi -- at least Yong Yi admit to shoving
 22 the broom handle through the window?
 23 A Yes.
 24 Q Okay. Now, those admissions that were made to you, is
 25 that sufficient to arrest them?

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1 A In this case for them to place under citizen's arrest,
2 yes, ma'am.
3 Q Okay.
4 A Because it would be a misdemeanor assault.
5 Q Okay.
6 A And once again, I didn't see it happen, so they would
7 have to be placed under citizen's arrest.
8 Q And even had you not seen it happen, with such
9 admissions, would that have been sufficient probable
10 cause for you to have arrested them without a citizen's
11 arrest?
12 A I -- I -- I -- I couldn't do that. I could send a case
13 to the district attorney's office.....
14 Q Okay.
15 Aand if they deem the case that, yeah, this is a
16 case we want to take, they could issue a warrant for
17 their arrest, or they could summons them to court.
18 They could do that, but it was a misdemeanor
19 that occurred out of my presence. And there's only a
20 couple of exceptions to that rule, you know, DUI and
21 domestic assault. So I could not have done that.
22 Q Okay. And the admissions that Kenny and Yong Yi made,
23 did they make them to you or did they make them to
24 another officer?
25 A I believe by the time that they made those admissions,

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1 when I listened to the audiotapes, I believe I was with
2 Officer Welborn when they made those admissions because
3 I think my voice, you can hear asking questions as
4 well.
5 Q And in your opinion, those admissions are sufficient
6 for probable cause for a citizen's arrest?
7 A Well, that and based upon the evidence and what
8 everybody else was saying, yes.
9 Q Did the fact that Mr. Lamoureux is Caucasian make any
10 difference in your investigation?
11 A Of course not.
12 Q I think you were pretty clear in your testimony that
13 it's your belief that the Yis were not justified in
14 attacking Mr. Lamoureux or his truck, even if the
15 restaurant had a broken lock on it.....
16 A That's correct.
17 MR. WALLERI: Objection.
18 Qis that correct?
19 A Sorry.
20 Q Okay.
21 MS. HOZUBIN: What's your objection?
22 MR. WALLERI: Huh?
23 MS. HOZUBIN: What's your objection?
24 MR. WALLERI: Lack of foundation.
25 MS. HOZUBIN: Okay.

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1 Q And your response was correct?
2 A Yeah, that's my testimony.
3 Q Okay.
4 A That's correct.
5 Q Are you familiar with the Defense of Property statute?
6 A Not word for word, no.
7 Q Well, in general are -- you are aware that people are
8 allowed to defend their property in.....
9 A Certainly.
10 Qthe state of Alaska?
11 A Yes.
12 Q Okay. Had the restaurant a broken lock on it, in your
13 opinion, is that sufficient to defend property under
14 the statute?
15 A I think, depending on the way you would defend the
16 property. In this case, no.
17 Q Okay.
18 A Calling 911 and, you know, trying to get the police to
19 apprehend the people, yes. But in this case with all
20 these circumstances, no, this was -- no.
21 Q Okay. Have you met Mr. Lamoureux either before or
22 since this incident?
23 A No.
24 Q Okay. Did Mr. Lamoureux tell you at the scene that he
25 was in fear of Kenny Yi and Yong Yi?

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1 A Yes. At some point he would have -- that's an element
2 of the crime. So that would have been something I
3 would have spoken with him about. Specifically what he
4 said, I can't remember, but that's an element of the
5 crime I would have been sure to cover before any of
6 this happened.
7 Q Now, earlier you testified that when you go to scenes,
8 you're concerned about what might happen if you leave
9 and nothing's done.
10 Were you concerned in this particular case
11 about leaving the scene of the accident without having
12 made the citizen's arrest or talking to Mr. Lamoureux
13 about making the citizen's arrest?
14 A I would have been concerned, yes, I would have been.
15 No, that's not going to persuade me trying to talk
16 somebody into doing something or doing something I -- I
17 can't do. But yeah, I would have been concerned.
18 Q Okay.
19 A I mean, obviously there was a serious incident here. I
20 would have been concerned.
21 Q In the course of your investigation regarding this
22 matter, did you reach any conclusion that
23 Mr. Lamoureux did anything wrong?
24 A Regarding just this incident here?
25 Q This incident.

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1 A No.
 2 Q Did Mister -- was it appropriate for Mr. Lamoureux to
 3 try and leave when he was attacked?
 4 A Yes.
 5 Q For your investigation purposes, would it have made any
 6 difference to you if Mr. Lamoureux was a manager of
 7 the inn, an employee of the inn, or just helping out
 8 the owner of the inn?
 9 A Under these circumstances and with the facts that we
 10 were presented, no. I mean, obviously, I -- I have
 11 said several times that I was under the impression --
 12 or I was told that they were some type of managers for
 13 this place.
 14 Obviously they were working in some kind of
 15 relationship with the owners, they were in the office,
 16 they were serving these papers. I mean, obviously
 17 there's some kind of relationship there, and I think we
 18 took that into account.
 19 Q Did you find any physical evidence of a lady -- of the
 20 lady that claimed to have been dragged by the truck?
 21 Did you find any physical evidence that she was
 22 actually dragged by the truck?
 23 A No.
 24 Q Did she ever report any kind injury to you?
 25 A I don't recall if she said on the tape or not. She may

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1 have. I -- I just don't remember.
 2 MS. HOZUBIN: That's all I have. Thank you.
 3 MS. TINKER BRAY: I have no questions.
 4 MR. EWERS: I don't have any questions.
 5 MR. WALLERI: I'm through.
 6 (END OF PROCEEDINGS)
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1 UNITED STATES OF AMERICA)
) ss
 2 STATE OF ALASKA)

3 I, Peyton Merideth, have read the foregoing Deposition
 4 and have ____ / have not ____ made corrections thereto. Any and
 5 all changes, explanations, and/or corrections to my testimony
 6 may be found on the correction sheet(s) enclosed with this
 7 transcript.

8
 9 _____
 10 Peyton Merideth

11 DATE: _____
 12

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C E R T I F I C A T E

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UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Crystal D. Scotti, Notary Public in and for the State of Alaska, residing at North Pole, Alaska, and electronic reporter for Liz D'Amour & Associates, Inc., do hereby certify:

That the annexed and foregoing Deposition of Peyton Merideth was taken before Marci Lynch on the 21st day of January 2008 beginning at the hour of 9:00 a.m., at the offices of Liz D'Amour & Associates, Inc., 330 Wendell Street, Suite A, Fairbanks, Alaska, pursuant to Notice to take the deposition of said witness on behalf of Plaintiff;

That the above-named witness, before examination, was duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That this deposition, as heretofore annexed, is a true and correct transcription of the testimony of said witness, taken by Marci Lynch and thereafter transcribed by me;

That the original of this deposition has been lodged in a sealed envelope with the attorney requesting transcription of same, as required by Civil Rule 30(f)(1) amended, that being Mr. Michael J. Walleri, 330 Wendell Street, Suite E, Fairbanks, Alaska, 99701;

That I am not a relative or employee or attorney or counsel of any of the parties, nor am I financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 8th day of February 2008.

Crystal D. Scotti
Notary Public in and for Alaska
My Commission Expires: 9/15/2010

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

YONG H. YI, KENNY YI, LUNAR CHIN)
and HYON CHA YI,)

Plaintiffs,)

vs.)

HARRIS S. YANG, SHARON YANG,)
MAX ARTHUR LAMOUREAUX, JOHN C.)
PHARR and Y & I CORPORATION,)

Defendants.)

HARRIS S. YANG, SHARON YANG)
and Y & I CORPORATION,)

Third-Party)
Plaintiffs,)

vs.)

KENNY YI and LUNAR CHIN,)

Third-Party)
Defendants.)

Case No. 4FA-04-2761 CI

DEPOSITION OF MAX A. LAMOUREAUX
December 19, 2007

APPEARANCES:

FOR THE PLAINTIFFS
AND THIRD-PARTY
DEFENDANTS:

MR. MICHAEL J. WALLER
Attorney at Law
330 Wendell Street
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Page 2

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10 FOR HARRIS AND SHARON
 11 YANG AND Y & I
 12 CORPORATION: MS. AISHA TINKER BRAY
 13 (telephonically) Guess & Rudd, P.C.
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 17 Fairbanks, Alaska 99701
 18 (907) 452-8986

19 FOR THE CITY OF
 20 FAIRBANKS AND
 21 OFFICER MERIDETH: MR. PAUL J. EWERS
 22 Law Office of Paul Ewers
 23 Attorneys at Law
 24 312 5th Avenue
 25 Fairbanks, Alaska 99701
 (907) 457-2989
 * * * *

Page 4

1 PROCEEDINGS
 2 (On record)
 3 COURT REPORTER: Good morning, we're on record.
 4 My name is Sharon Wilcox, I'm a court reporter with Metro Court
 5 Reporting, 121 West Fireweed Lane, Suite 260, Anchorage,
 6 Alaska. Today's date is December 19, 2007, and the time is
 7 approximately 9:11 a.m. We are at the offices of Metro Court
 8 Reporting for the deposition of Max Lamoureaux. This case is
 9 in the Superior Court for the State of Alaska, Fourth Judicial
 10 District at Fairbanks, Yong H. Yi, et al, Plaintiffs, vs.
 11 Harris S. Yang, et al, Defendants, Harris S. Yang, et al,
 12 Third-Party Plaintiffs vs. Kenny Yi and Lunar Chin, Third-Party
 13 Defendants, Case Number 4FA-04-2761 Civil.
 14 Sir, could you please raise your right hand so I could
 15 swear you in?
 16 (Oath administered)
 17 MR. LAMOUREAUX: Yes.
 18 MAX A. LAMOUREAUX
 19 having first been duly sworn under Oath, testified as follows
 20 on examination:
 21 COURT REPORTER: Thank you. Please state your
 22 full name and spell your last for the record.
 23 A Max Arthur Lamoureaux, L-a-m-o-u-r-e-a-u-x.
 24 COURT REPORTER: Thank you sir and could I have
 25 a mailing address please?

Page 3

1 PURSUANT TO NOTICE, the Deposition of MAX A. LAMOUREAUX
 2 was taken on behalf of the Plaintiffs before Sharon Wilcox,
 3 Notary Public in and for the State of Alaska and Reporter for
 4 Metro Court Reporting, at the offices of Metro Court Reporting,
 5 121 West Fireweed Lane, Suite 260, Anchorage, Alaska, on the
 6 19th day of December 2007, commencing at the hour of 9:11 a.m.
 7 * * * *

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 19 * * * *

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1 A Yes. 1150 East 5th Avenue, Anchorage, Alaska 99501
 2 COURT REPORTER: And a daytime or message phone
 3 number?
 4 A 333-4629.
 5 COURT REPORTER: Thank you. Could I have
 6 counsel please identify themselves for the record?
 7 MR. EWERS: I'm Paul Ewers for the City of
 8 Fairbanks and Peyton Merideth.
 9 MR. FISHER: I'm Kelly Fisher for Max
 10 Lamoureaux for those causes of action under which we've
 11 appeared for.
 12 MR. WALLERI: I'm Mike Walleri on behalf of the
 13 plaintiffs.
 14 MS. BRAY: Aisha Tinker Bray on behalf of
 15 Harris and Sharon Yang and Y & I Corporation.
 16 COURT REPORTER: Thank you. You may proceed,
 17 Mr. Walleri.
 18 DIRECT EXAMINATION
 19 BY MR. WALLERI:
 20 Q Good morning, Mr. Lamoureaux. Have you had your
 21 deposition taken before?
 22 A Never.
 23 Q Okay. Have you had a chance to talk to your attorney
 24 about these proceedings, how they operate?
 25 A Not really.

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1 Q Okay.
2 A Well -- oh yeah, yeah. As a matter -- I m sorry, I
3 did, I talked to your this morning. Sorry, I guess I m
4 not awake.
5 Q Okay. And I m just going to -- of course, you re
6 represented by counsel and so if you have any
7 questions, please feel free to -- please feel free to
8 consult with counsel. But I m going to ask you some
9 questions, of course, you re under oath and if you
10 could wait until I finish the questions and then give
11 your answers so that we don t talk over each other, it
12 kind of messes up -- this is all going to be recorded
13 and transcribed and all of that. If during -- if after
14 I ve asked a question one of the other attorneys has an
15 objection, they ll go ahead and make the objection and
16 that s really for the purposes of the judge to sort
17 that out and then after that you can go ahead and
18 answer your questions and then the judge will sort out
19 whether or not I was appropriate or inappropriate in my
20 questioning. And then -- unless of course your
21 attorney advises you to not answer the question for
22 some reason and he ll -- we can sort that out later on,
23 okay?
24 A Yes.
25 Q Okay. Could you tell us how old you are?

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1 that s what I was down there doing. If it was even 10
2 years ago.
3 Q Eight to 10 years ago?
4 A Yeah.
5 Q Could you describe your educational background for me?
6 A Went to elementary and some of -- and junior high and
7 some of high school and worked for my brother at the
8 time managing all his restaurants when I was about 15
9 and decided to just do that and dropped out of school
10 and went back and got my education, became a bail
11 bondsman and that s about the end of my education
12 besides a lot of courses and continued education, I got
13 my real estate license and --
14 Q And who s your brother?
15 A George Lamoureaux.
16 Q And what does he do?
17 A He works at Prudential as a real estate agent.
18 Q And you mentioned managing restaurants?
19 A The -- that s what I did, yeah.
20 Q Which restaurants?
21 A Oh as back as Church s Chicken. It was like, you know,
22 23 years ago.
23 Q When did you become a bail bondsman?
24 A Oh, about 10 years ago. No, let s see -- about 7 years
25 ago.

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1 A I am 43.
2 Q And what s your birth date?
3 A 2/6/64.
4 Q And where were you born?
5 A In Martins, California.
6 Q And how did you get to Alaska?
7 A Family came up here about four months after I was born
8 and been here ever since.
9 Q To Anchorage?
10 A Yes.
11 Q Okay. Have you ever lived anyplace else?
12 A In New York.
13 Q In New York?
14 A Uh-huh (affirmative).
15 Q And when was that?
16 A That was about eight years ago.
17 Q And for how long?
18 A About a year.
19 Q And what were you doing in New York?
20 A We created the Cartoon Channel which is a national --
21 it was a local television station and we were working
22 with Nestle down there, me and my brother, to take it
23 nationwide or worldwide and Nestle went ahead and stole
24 it from us and did it with Ted Turner and called it --
25 oh, what do they call it, I don t know. But -- so

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1 Q So about 2000?
2 A Yeah.
3 Q And when did you get your real estate license?
4 A Say in 2004.
5 Q Okay. Are you licensed for anything else?
6 A Insurance.
7 Q And when did you get that?
8 A I d say about 2004.
9 Q What do you do for a living now?
10 A Sell insurance.
11 Q For who?
12 A And -- and sell real estate. Well, I haven t sold any,
13 the market s bad.
14 Q And who do you sell insurance for?
15 A Prudential or, I m sorry, a variety of companies
16 actually.
17 Q Are you with any.....
18 A I m an agent for different companies.
19 Q You re an agent?
20 A Yes.
21 Q Do you have your own brokerage?
22 A No.
23 Q And do you work for a brokerage?
24 A Well, I m not sure what you re asking me when you say
25 brokerage.

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1 Q Okay.
2 A I m an agent for like Progressive Insurance, I write
3 auto policies for them.
4 Q Okay. And the real estate?
5 A Sell for Prudential, Jack White.
6 Q Jack White?
7 A Yes.
8 Q Okay. And have you ever been arrested?
9 A Yeah.
10 Q And when was that?
11 A That was back in -- well, it would be about 10 years
12 ago. A lot must of happened 10 years ago.
13 Q Very active time. And what was that for?
14 A It was for domestic violence.
15 Q Okay. Have you -- and that s the only time you ve ever
16 been arrested?
17 A Yeah.
18 Q Have you ever been in an auto accident before? Other
19 than.....
20 A Not -- other than that one. Back when I was 16, 15, 16
21 years old.
22 Q And where was that?
23 A Here in Anchorage.
24 Q And serious accident?
25 A No.

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1 Q Okay. Any personal injury?
2 A No.
3 Q Any tickets?
4 A No. Well, actually I got a speeding ticket maybe five
5 years ago.
6 Q And that was here in Anchorage too?
7 A Yeah. As an insurance agent it s off your record so
8 that s why I said no at first. But yeah, about five
9 years ago. When I was a kid I got some tickets,
10 speeding tickets. Fifteen.
11 Q So how did you become involved with the Yangs?
12 A Mr. Yang, I was working at Insurance Max and Mr. Yang
13 just came in off the street and started talking about
14 his restaurant or his hotel in Fairbanks. And at the
15 time I was working on some web page designs of a
16 company that I was doing which was Alaska -- well, it
17 wasn t called Alaska Billboards but it was a billboard
18 truck I was doing. And we had talked about going ahead
19 and promoting his hotel on the web and he says well why
20 don t you come down and take a look at it and then I
21 went down and looked at it, probably a couple weeks
22 later.
23 Q When was this?
24 A Time lines I m bad with, that was somewhere -- I think
25 this whole thing happened, what is it, what year is

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1 this? This whole thing happened what, about 04?
2 Q Uh-huh (affirmative).
3 A Sometime in 04, early 04 I think it was.
4 Q Okay.
5 A If somebody wanted to remind me of the date of the
6 incident, I can tell you --
7 Q I believe it was December 19th, 2004.
8 A Okay. So then if it was December 19th, then it would
9 have had to have been late 03.
10 Q So -- and you went up to Fairbanks?
11 A Yeah. I went up there and looked around and made some
12 suggestions about maybe repainting the place, it was
13 pink, and I thought that wasn t very appealing. And --
14 Q How did you get up there?
15 A He had flown me up there, he paid for the ticket.
16 Q Do you know when that was?
17 A I would say that this was probably a month before the
18 incident, the whole -- whole thing. I met him about a
19 month and a half, I think, maybe two months before the
20 incident so that would have been probably within two
21 weeks of first meeting him.
22 Q Okay. So you met him some time in late 04?
23 A Right. So -- no. You said the incident happened in
24 December?
25 Q Of 04.

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1 A Oh -- oh okay, I m sorry so that -- that s actually --
2 Q I think so.
3 A It would really -- let s see. Probably late August.
4 Sorry, I had the wrong dates there.
5 Q No, that s fine. That s fine.
6 A I was thinking.....
7 Q A little while ago.
8 A Yeah.
9 Q Okay. So he flew you up?
10 A He flew me up, right.
11 Q And -- for you to take a look?
12 A Right. Come up with some ideas, you know, what you
13 might be able to do -- list the hotel on the internet
14 so he could do some pre-reservation type deals. I
15 mean, the -- I wasn t there to actually tell him what
16 to with his hotel or anything, but I mean, when you
17 pulled up and you seen it was pink, you suddenly, you
18 know, you re a painter and that doesn t look good, we
19 need to change that color. So I was mainly there just
20 to look at what we could do to talk about what he has
21 on the internet and take prior reservations for
22 bookings.
23 Q Had -- did you go up to Fairbanks in connection with
24 Mr. Yang before December -- before the December 19th
25 incident other than this one trip?

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1 A I don t believe so.
2 Q Okay. So that was just your -- so you only were up
3 there those two times?
4 A Yes. I mean, as I recall.
5 Q And did he pay for your trip up on the 19th also?
6 A Yes.
7 Q Okay. Do you know when he made -- how would he do
8 that.....
9 A He may have.....
10 Qwould he do that like on the first -- let s talk
11 on the first one. Did he -- did.....
12 A No idea.
13 Q He just bought the ticket?
14 A Yeah, he just says come on up this weekend and --
15 Q Okay. Was it electronic?
16 A Then he called me up and told me about -- yeah, I
17 really don t remember, but I d imagine. Yeah, I don t
18 remember how he went ahead and bought the ticket or
19 anything.
20 Q Okay.
21 A He may have even had me call it in, I don t know.
22 Q Do you know how long before your first trip up he had
23 made the reservations or how much time before.....
24 A I would say three or four days.
25 Q Okay.

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1 And somewhere between when I first met him and the
2 19th, he had asked me to talk to them and see --
3 because he said he was having mis-communication with
4 them because none of them really liked each other for
5 some reason. Cause obviously if they re all Korean
6 they can communicate better than I could to them, which
7 I thought, you know, was kind of strange that they had
8 asked me to be his go-between in any manner. But it
9 sounded friendly enough and it sounded like a
10 misunderstanding and I wanted to go ahead and do the
11 web stuff so I figured I d go ahead and make a call for
12 him.
13 Q Was he paying you at this time?
14 A No. It was all supposed to be like if we can get this
15 going, then you can go ahead, you ll be -- you know,
16 running this -- this web thing for me and somewhere in
17 there it got slipped in that I was, you know, like his
18 manager or something and I m not even sure where that
19 developed. It was more of a -- you know, this is going
20 to be type thing.
21 Q Did he talk to you about any of his other business
22 arrangements other than with the Yang -- with the Yis?
23 A Yes. He went ahead and had what do you call it, a
24 liquor store.
25 Q What did he tell you about that?

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1 A We -- we would have started talking about it three or
2 four days before. Same as the last incident but the
3 day he actually bought the ticket, I don t know.
4 Q Okay.
5 A Or his method of purchase.
6 Q Well, this would have been -- your August trip, I m
7 talking about your August trip?
8 A Right.
9 Q Okay. How about your December trip, you.....
10 A Same.
11 Q Same? Just three or four days beforehand?
12 A Right, right.
13 Q Okay. So how much -- how often were you talking to
14 Mr. Yang before -- in between this time that you met
15 him and you came up to Fairbanks in December?
16 A Once a week.
17 Q And it was -- and was the only topic the topic of this
18 web reservation system?
19 A Well, that was what we were supposed to be talking
20 about and then he would start telling me about all of
21 the rest of his business and business -- you know,
22 efforts.
23 Q And what did he tell you?
24 A That he was having a inventory dispute with these
25 people that had went ahead and bought his bar from him.

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1 A That he wanted to go ahead and sell it to somebody here
2 in Anchorage and -- or he had a -- somebody had a real
3 estate company here that was going ahead and trying to
4 do a sell from a gal like in Kenai or something. They
5 asked me if I could go ahead and just kind of put them
6 together and I did, I didn t sign any documents for
7 anybody or anything like that, but I went ahead and
8 described the store to this gal that was an interpreter
9 go-between for the people in Kenai that bought the
10 place. And because I had went down there, that was
11 another thing, Mr. Yang says hey, well can you show
12 them the pictures you took of the store and, you know,
13 and his -- just something else that I kind of slipped
14 into that wasn t really part of the directive and that
15 was getting the snapshots of the liquor store and the
16 bar and the -- the hotel and the rooms and then, you
17 know, posting them up all on the internet. And since I
18 happened to have the pictures, there you go.
19 Q What do you mean, there you go? You -- did you go down
20 to Kenai?
21 A Well, that was when -- no -- no, cause I had the
22 pictures when I went down to Fairbanks the first time I
23 took pictures of everything.
24 Q Okay. And then what did you do with those pictures
25 relative to this -- to the people in Kenai?

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1 A Showed them to them.
 2 Q Did they come to Fair.....
 3 A Yeah, I brought.....
 4 QAnchorage to see them or --
 5 A I might have mailed them to them. Or maybe e-mailed
 6 but I think I may have physically mailed them, some
 7 photographs.
 8 Q And did you do anything else with regards to the sell
 9 of the liquor store?
 10 A No.
 11 Q Did you ever meet with Mr. Coffey?
 12 A I don t think I physically met with him, I talked to
 13 him on the phone briefly.
 14 Q And what was that about? Was that in connection with
 15 the Yis?
 16 A Yes.
 17 Q Okay. Hold off on that, I ll....
 18 A Oh, well it was in connection with Mr. Yang, not the
 19 Yis.
 20 Q Oh, not the Yis? Okay. What did you.....
 21 A Well, I don t know, it was all the same thing, I mean,
 22 I m not sure what.....
 23 Q Well, did it have anything to do with the bar and
 24 restaurant?
 25 A Yeah.

Page 19

1 Q Okay. Well, we ll get to that a little bit later.
 2 A Okay.
 3 Q How about Mr. Pharr?
 4 A Have I ever met with Mr. Pharr?
 5 Q No, did you meet with Mr. Pharr about when he was
 6 representing the Yangs?
 7 A Yes.
 8 MR. FISHER: I m going to voice an objection
 9 here, mostly cautionary. Mr. Pharr also represents Mr.
 10 Lamoureaux, at least he did at one point, I m not familiar with
 11 the current status so if I may, Max, when you respond to
 12 questions anything that was between you and John Pharr is
 13 confidential so you shouldn't respond to that, but any.....
 14 MR. WALLERI: Well, let s clarify that. It
 15 would be confidential only if Mr. -- if there was a -- if Mr.
 16 Pharr was representing Mr. Lamoureaux.
 17 MR. FISHER: Yes.
 18 MR. WALLERI: Okay.
 19 MR. FISHER: Right. And if they were the only
 20 two people in the conversation.
 21 MR. WALLERI: Okay. So but.....
 22 MS. BRAY: Guys?
 23 MR. WALLERI: Yeah.
 24 MS. BRAY: Technically Mr. Pharr still
 25 represents Mr. Lamoureaux on all counts in this complaint -- in

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1 this action.
 2 MR. WALLERI: Right, right.
 3 MR. FISHER: Thank you.
 4 Q (By Mr. Walleri) So do you know when you established an
 5 attorney/client relationship with Mr. Pharr?
 6 A I don t recall.
 7 Q Was that after the lawsuit was filed?
 8 A I don t recall to tell you the truth.
 9 Q Do you remember ever talking to Mr. Pharr as an
 10 attorney/client on anything having to do with anything
 11 other than the Yangs?
 12 A No.
 13 Q Okay. And so I guess did -- do you remember talking to
 14 Mr. Pharr when he was representing the Yangs?
 15 A Yes.
 16 Q Okay. Just with regards to those conversations, could
 17 you describe those to me? Well, let s put it this way:
 18 Did they have anything to do with the Yis?
 19 (Pause)
 20 A I m trying to think about what we even talked about, it
 21 was a long time ago.
 22 MR. FISHER: And let me put in another objection
 23 and that is if any of the discussions between him and John
 24 Pharr had to do with strategy other than pure fact, then you
 25 shouldn t respond to anything that was discussed as far as

Page 21

1 strategies since you ve already testified that the only
 2 conversations you had with Mr. Pharr were in reference to this
 3 general lawsuit situation.
 4 A Okay.
 5 MR. WALLERI: No, he s actually testified that
 6 it was when he was representing the Yangs. I m asking him
 7 about when Mr. Pharr was representing the Yangs, not the.....
 8 MS. BRAY: Well, there s a small problem there
 9 though because as far as the litigation s concerned he s always
 10 represented all of them at the beginning.
 11 MR. WALLERI: That s correct. What I m asking
 12 him about is whether -- when he, when Pharr was representing
 13 the Yangs.
 14 MS. BRAY: But I m confused because Pharr has
 15 represented the Yangs and Lamoureaux until he dropped the Yangs
 16 in like what, May of 0 something. I mean, in the beginning of
 17 this litigation he represented all of them.
 18 MR. WALLERI: Correct. I m not asking him about
 19 it during -- after the litigation. I m asking him -- I m
 20 asking him about before the litigation when Pharr was
 21 representing the Yangs.
 22 MS. BRAY: Oh okay. I was -- I was just
 23 confused on time.
 24 MR. WALLERI: Right.
 25 MR. FISHER: And you re just seeking what time

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1 frame, is that correct?
2 MR. WALLERI: Right.
3 MR. FISHER: Okay. That -- that s --
4 A So could you ask the question again?
5 Q (By Mr. Walleri) Okay. Prior to this litigation
6 starting, did you have a discussion with Mr. Pharr?
7 A About the Yis at all, no.
8 Q Well -- okay. About what I m asking right now, I was
9 going -- I m going to ask you about the Yis and about
10 the conversations with Coffey and conversations with
11 Mr. Pharr and his relationship to the Yis later on.
12 What I m asking you about, did you have conversations
13 with Mr. Pharr when -- prior to this litigation, about
14 matters that were unrelated to the Yis?
15 A No.
16 Q Okay. And so your conversations with Mr. Pharr prior
17 to this litigation were only relating to his -- the
18 Yis?
19 A I went with Mr. Yang to John s office maybe one time
20 with him and he talked to John, I wasn t part of what
21 they were talking about.
22 Q Could you describe what was said?
23 A You know, I really don t recall, they were talking
24 about the lease or not the lease, the inventory not
25 getting paid for, and maybe how to resolve that issue.

Page 23

1 Q Okay.
2 A I think that Mr. Yang had received a bad check from the
3 Yis and he was wondering how to resolve that issue too.
4 Q Okay. But you were present during this conversation?
5 A Yeah, I was sitting there.
6 Q Okay. And -- but this was Mr. Yang seeking advice from
7 Mr. Pharr?
8 A Right. They didn t ask me nothing about it.
9 Q He wasn t representing you at the time was he?
10 A No.
11 Q I mean, Mr. Pharr wasn t representing you at the time?
12 A No.
13 Q Okay.
14 A I don t know that he was representing Mr. Yang, other
15 than them having a conversation because I know their
16 wives were friends so I don t know what their exact
17 relationship was.
18 Q Okay. Do you know what advice Mr. Pharr gave Mr. Yang
19 about the inventory dispute?
20 A I don t recall.
21 Q Did he suggest suing?
22 A You know, I wasn t there for their conversation and I
23 was just tagging along, believe it or not, we -- me and
24 Mr. Yang were going to go to lunch and I wasn t really
25 listening. You know, the only thing -- and it s been

Page 24

1 three years, I can t say what they were talking about
2 other than Mr. Yang was complaining about the inventory
3 situation and I know that he got a bad check. I don t
4 know where the time line was on that bad check, if they
5 discussed it that day, but I know that they were
6 talking about not receiving the inventory money. I --
7 I try to mind my own business even if I m sitting in a
8 room with people.
9 Q Did you ever meet with Mr. Pharr and Mr. -- before this
10 litigation started, did you ever meet -- were you ever
11 present when Mr. Yang was meeting with Mr. Pharr at any
12 other time?
13 A I think it was just one time.
14 Q Okay. And do you know approximately when that was in
15 relation -- was it before you came up the first time or
16 after, in between the two trips?
17 A I could only guess and say it was probably in between.
18 Q But that s the best of your recollection it was in
19 between there sometime?
20 A Right in there, yeah.
21 Q Okay. How often did Mr. Yang come down to Anchorage to
22 meet with you prior to your December incident?
23 A He never came down just to meet with me, he was always
24 in town, and he d just stop by and talk and --
25 Q Do you know how often that was?

Page 25

1 A I think he was here maybe three times. Two -- two I
2 recall for sure but --
3 Q Can you tell me about those two?
4 A Yeah. He just -- it was the same day and he come in
5 and I m working and he wanted to complain about every
6 problem he has in his life and, you know, I wanted to
7 really just talk about the web business and I kind of
8 let him ramble on about everything else and not really,
9 hate to say, paying much attention to his own, you
10 know, problems with the whole deal because that s not
11 what I was trying to go ahead and do.
12 Q And the other time he came in, same thing?
13 A Same thing, yeah.
14 Q When he was talking to you about his problems, could
15 you describe what you remember about his problems?
16 A Yeah. That he went ahead and had these people that he
17 was dealing with that didn t pay for the inventory or
18 they were arguing over the inventory and same thing, he
19 just basically -- and it came down to can you give them
20 a call, ask them why they won t pay for it, and that s
21 where it got started. You know, any first
22 communication with them.
23 Q So -- okay, let s -- now.....
24 (Off record comments)
25 (Off record)

1 (On record)
 2 Q (By Mr. Walleri) In your dealings, had you ever been
 3 involved in the sale of a or leasing of a bar or
 4 restaurant before?
 5 A No.
 6 Q Okay. So this was -- did Mr. Yang tell you why he
 7 wanted to get you involved in this?
 8 A That s -- yeah, it was can you make a friendly phone
 9 call to these guys that we can t quite communicate and
 10 I -- at that point, it was the first call so I didn t
 11 know what I was getting myself into you might say.
 12 Q And it was just over the inventory?
 13 A Yeah.
 14 Q And so this was on December 12th, does that sound about
 15 right?
 16 A He -- what was, when I called and talked to the Yangs
 17 the first time, I mean, the Yis?
 18 Q Yeah.
 19 A Yeah, somewheres -- well --
 20 Q How many times did you talk to the Yis? I think you
 21 said.....
 22 A Twice.
 23 Q Okay. And so let s talk about the first time. Now how
 24 long apart were these two phone calls approximately?
 25 A I think maybe three or four days. Two to four days.

1 A Like conference calls or anything -- nothing, nothing.
 2 Q Conference calls or --
 3 A Right. I don t recall any.....
 4 Q Being in the same room when there was a phone call
 5 going on?
 6 A No. Never even seen them before the day the -- they
 7 assaulted me and I ve only been told who each one of
 8 them was. And I think I see them around town all the
 9 time but I may be wrong, I don t know. Being haunted
 10 by this thing.
 11 Q Now in terms of -- I guess I m -- did -- in terms of
 12 this inventory, what did Mr. Yang tell you the nature
 13 of the dispute was?
 14 A They were arguing over how much inventory was there and
 15 he had made it seem like a simple situation where notes
 16 could be compared and it would be fine.
 17 Q Did he give you copies of the notes?
 18 A No. I -- when I say note, I mean, copies of the
 19 inventory, not an actual note, you know, of promise.
 20 Q Okay. So I guess did Mr. Yang tell you that
 21 inventories had been done?
 22 A Yeah. He said that he went ahead and counted the stuff
 23 and they all agreed to it and then suddenly they
 24 disagreed because of this mis-communication between
 25 them.

1 The first call the only thing that was discussed was
 2 that he wanted to get -- we were going to talk about
 3 the inventory and he needed to get together with his
 4 family and they were going to call me back. And
 5 that --
 6 Q So it was a very short phone call?
 7 A Right.
 8 Q And then he -- and you had talked to Jeff or Kenny
 9 or --
 10 A I think it was Kenny.
 11 Q Okay.
 12 A It was a fairly pleasant conversation, I know it was
 13 pleasant.
 14 Q And it was about the inventory?
 15 A Yeah. Well, no we really didn t discuss the inventory,
 16 the particulars of it, we just -- I says hey Mr. Yang
 17 asked me if I could call down here and maybe sort out
 18 this inventory deal with them -- with you guys, and he
 19 says yeah well I gotta get together with my -- the rest
 20 of my family and we ll go ahead and talk about it.
 21 Q Okay. Had you been involved in any other phone calls
 22 with Mr. Yang and the Yis or anything like that before
 23 this call to Mr. -- to Kenny?
 24 A You mean like a -- no, no.
 25 Q Okay.

1 Q And he indicated that there had been an agreement
 2 before?
 3 A Yes.
 4 Q Have you since learned that that s not the truth?
 5 A That there wasn t an agreement?
 6 Q Yes.
 7 A No, I don t know, I -- like I said, I wasn t trying to
 8 get into his business so I didn t ever really focus
 9 that much on it.
 10 Q Okay. So did he give you copies of the inventories?
 11 A No, I don t believe I ever seen anything, hard copy. I
 12 wasn t supposed to analyze it, I was supposed to just
 13 make this friendly phone call.
 14 Q And did you show -- did he show you copies of the lease
 15 agreement?
 16 A I don t recall. I -- I doubt it. I wasn t his
 17 counselor, I wasn t examining his business, it was more
 18 a lot of friendly conversations, hi, you know, and then
 19 -- you know, asked if I could make -- you know,
 20 basically do some favors and then one thing built --
 21 kind of built on the other and then found myself knee
 22 deep, getting -- at the end of a stick being jabbed at.
 23 Q Kind of like the camel with the nose under the tent,
 24 huh?
 25 A Yeah.

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1 Q Okay. So in terms of prepping you to call the Yis, I
2 guess I m a little confused as to what you were
3 supposed to do if you didn t have copies of the
4 inventory and you didn t have copies of the lease?
5 A Well, that s the thing. It wasn t that big of a deal,
6 it was supposed to be like a -- I mean, I had thought
7 when he says can you give them a call and maybe see
8 what the problem is, mis-communication, he did this --
9 they did this deal with my wife and I don t get along
10 with them very good, maybe you could, you know, see
11 what the problem is. And so there was -- you know, and
12 that s all I was calling for was to say, you know, do
13 you guys -- I mean, I remember thinking before he went
14 ahead and dialed -- I don t even remember if he dialed
15 when I was there or -- I don t think he was there, I
16 know he wasn t, he was in Fairbanks. But I remember
17 thinking to myself, well what the heck am I supposed to
18 say? You know, I mean, they re -- they speak better
19 Korean than I do, right, so I m wondering, you know,
20 what the heck, you know, but --
21 Q You don t speak Korean at all, do you?
22 A Zero. But, you know, he acted like they had this big
23 hate between them because -- I don t know, they all
24 seem to be real hateful, all of them, and so I thought
25 a nice phone call might -- sure, I ll make it, you

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1 Q Okay. Did he tell you where these relatives were?
2 A I think he.....
3 Q These wealthy relatives were?
4 A You know, I couldn t say for sure but I m thinking
5 maybe Washington or something.
6 Q Washington state?
7 A Yeah. Because they were political type figures I
8 believe.
9 Q Did he ever tell you how he came to Alaska?
10 A No.
11 Q Are you familiar with Olympic Enterprises?
12 A No.
13 Q Okay. Have you ever heard of Mr. Zamarello?
14 A I know Mr. Zamarello.
15 Q Okay. How do you know Mr. Zamarello?
16 A I ve lived here 43 years.
17 Q Tell me about.....
18 A I know he had a bunch of malls and --
19 Q And he had to flee because of taxes from Alaska?
20 A No, I don t know about -- no, he lives in Alaska.
21 Q But -- again?
22 A Oh yeah. I don t know about his -- any of his legal
23 issues.
24 Q Okay. But you re aware of the reputation surrounding
25 Mr. Zamarello?

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1 know, I don t care because I m doing the web business
2 for him and, you know, it s just a simple phone call,
3 (indiscernible - laughing) on that.
4 Q Did Mr. Yang ever tell you about his other dealings in
5 Alaska, how he got to Alaska?
6 A No. Well, he bragged about having some rich -- ooh,
7 what s happening there? It s cold. He bragged about
8 having.....
9 MR. WALLERI: For the record, the witness is
10 responding to the air.
11 A He bragged about having -- and the reason I say
12 bragged, I should say more boasted, about having some
13 relatives that were well to do and that he came from,
14 you might say good stock. And his -- kind of the
15 whole, I m a multi-millionaire, this is what maybe I
16 can -- you know, not -- you know, he had opportunities,
17 the opportunities that I seen was maybe doing some web
18 design. I didn t see him and go, I want to do a web
19 page for him. He says why don t you go ahead and --
20 yeah, he says, well why aren t you doing very good down
21 there, why don t you go ahead and get on the internet
22 or something, and that s how it -- that whole
23 conversation.....
24 Q So he led you to believe that he --
25 (Off record comments)

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1 A That he was a successful banker and gave a lot of
2 bankers a lot of good advice they didn t take and they
3 went out of business, that s the reputation I know.
4 Q Have you had any business.....
5 A Do you know of another one?
6 Q Have you had any business dealings with Mr. Zamarello?
7 A Huh? My brother had got a building from him one time
8 about, oh a few years back, the Whittier Building, that
9 was their dealings.
10 Q Did you know that Mr. Yang used to work for Mr.
11 Zamarello?
12 A No.
13 Q Did you ever discuss that with him?
14 A With who?
15 Q With Mr. Yang?
16 A No.
17 Q Did he.....
18 A I thought you meant Mr. Zamarello.
19 Q Okay. Did you ever discuss Mr. Yang with Mr.
20 Zamarello?
21 A No. Never even -- I don t even -- the last time I
22 talked to Pete was I don t know, several years back and
23 I just -- my bro -- I was with my brother when they
24 were having lunch over at the Italian restaurant over
25 here.

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1 Q So Mr. Yang never -- you never had any conversations
2 with Mr. Yang as to how he got....
3 A No, no.
4 Qto Alaska?
5 A I never -- oh, I m sorry, I was saying no to the last
6 question you asked me. But I -- no, to that one too, I
7 never -- they ve been -- as far as I know he s been in
8 Fairbanks for quite a few years and bought the hotel
9 there and that s about where my start -- part of the
10 story started with him.
11 Q Okay. Have you ever heard from anybody else Mr. Yang s
12 connections or relationships with Mr. Zamarello or
13 Olympic Enterprises?
14 A No.
15 (Pause)
16 Q Okay. So in your conversations with Mr. -- in your
17 conversations with Mr. Yang prior to your contact with
18 the Yis, the only issue that you discussed was
19 inventory?
20 A We mainly discussed the web page was about 8 -- well, I
21 discussed about 80 percent the web page, he discussed
22 about 95 percent his personal life, and then this thing
23 dropped into it to make this phone call because we
24 can t communicate here with these guys.
25 Q What other issues in his personal life was he talking

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1 to you about?
2 A I don t even recall, I wasn t listening. You know,
3 I --
4 Q Did he ever talk to you about....
5 A Just, you know, business is bad and we need to put
6 these -- you know, get some money and, you know, start
7 renting out this places (ph) and oh, somebody in room
8 B6 beat up the place the other night, you know, that
9 kind of stuff.
10 Q Did he ever talk to you about his trips to Los Angeles?
11 A I never knew he took them. The only trips I know is
12 that he came here.
13 Q Okay. Did he ever talk to you about doing favors for
14 people in Los Angeles?
15 A No. I don t know what that would mean. I ve never
16 even heard of Los Angeles and I -- as far as him
17 talking about Los Angeles, the people that he talked
18 about being family, I think it was his sister, was in
19 Washington maybe and that s the only outside Alaska
20 that I ever heard of.
21 Q What -- did you ever have any discussions with Mr. Yang
22 prior to calling the Yis about the licensure of the
23 bar?
24 A No.
25 Q So you never talked to Mr. Yang about the license to

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1 the bar before you talked to the Yis?
2 A No. No, he might have had those discussions with John
3 at the -- when I was there, but I don t -- like I says,
4 I didn t center on what they were talking about.
5 Q Do you have any recollection about discussions between
6 Mr. Yang and Mr. Pharr about the license in the bar?
7 A Not an exact conversation, no.
8 Q Well, just general impression?
9 A Not that generally they were -- I think they were just
10 talking about the whole deal and he was, you know,
11 generally what -- what can we do I think was why he was
12 there.
13 Q So on the second phone call....
14 A Yes.
15 Qhow did that occur with the Yis, the second phone
16 call to the Yis?
17 A Well, we -- we went ahead and must have set up a time
18 so I called them back or they called me, I don t
19 remember who initiated the call to their hotel room.
20 And I think there must have been like about four people
21 in the room and it was, you know, started out real
22 pleasant, hi, you know, Mr. Yang asked me to call and
23 see what we could, you know, if we can get back on
24 track here. If you guys can agree to what the
25 inventory is and -- and then somewhere along the line

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1 everybody in the background, they were on speaker
2 phone, starting cussing and -- and f you and -- and
3 screw that. Not like f you to me, it was like, you
4 know, f that, we re not going to do that, f this, and
5 it s -- it was like kind of scary, you know? So, I
6 mean, I thought they re were going to start fighting
7 each other. And -- you know, I don t remember really
8 anything other than, God this seems scary, and what are
9 these guys -- who know, I didn t call for this. And I
10 really don t even remember what was the end of the
11 conversation, because I really only remember them
12 screaming at each other at the top of their lungs in
13 the background, cussing at each other. That they
14 weren t going to do -- they didn t agree with what he
15 said, this and that, and so....
16 Q Well, what was -- do you remember what it was that they
17 were disagreeing about?
18 A I m trying to....
19 Q It was -- did it relate to the inventory?
20 A Yeah, it was related to the inventory, that was the
21 whole conversation.
22 Q The whole conversation was about the inventory?
23 A Right. Right. And just on, you know, they -- they --
24 I think it probably went something like well Mr. Yang
25 said that all the inventory was there and they -- well,

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1 fuck that, fuck that, and I don t mean to use this
2 language but that s what they were saying. You know,
3 then.....
4 Q So they were disputing that the inventory that Mr. Yang
5 had given them.....
6 A Right.
7 Qwas accurate?
8 A That s what the whole thing was about.
9 Q So they were telling you that the inventory was
10 inaccurate that Mr. Yang had given them?
11 A They were saying that it was inaccurate, not that he
12 had given it to them because from what I understood
13 they all met there when they sold the place and they
14 stood right there and agreed to it. And that s why it
15 was strange, how can you disagree now you guys when you
16 guys all agreed a month ago or whenever you did the
17 sale, you know?
18 Q Did they tell you that they had provided him with their
19 version of the inventory?
20 A I don t recall. I know they disagreed with it. I
21 don t recall what they said they provided, I mean, with
22 their -- you know, any official documents or anything.
23 I don t know that there was, I never seen any.
24 Q And did the issue of the license ever come up in this
25 conversation?

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1 A No, not at all.
2 Q And you only talked to them those two times?
3 A Near as I recall. There may have been a third call,
4 but I -- I mean, I don t think so.
5 Q Okay. The -- I m going to hand you a document here.
6 Do you remember writing them a letter?
7 A No, I actually don t. If you could show me the letter
8 I can -- might spark my memory.
9 Q Okay.
10 MR. WALLERI: Let s see if I can do that here.
11 A Unfortunately after this long, the only parts that
12 stick out in my mind real clear is the scary parts.
13 MR. WALLERI: I m going to -- let s have that
14 marked if we can first and I ll give counsel a copy of the
15 letter so we can all read along.
16 (Deposition Exhibit A marked)
17 MS. BRAY: Could you read off the Bates numbers
18 please?
19 MR. WALLERI: This is Exhibit A, we don t
20 actually have a Bates number -- does that have a Bates number
21 on it?
22 MR. FISHER: It doesn t have one.
23 MR. WALLERI: Yeah, this is the letter, the
24 December 12th letter. There you go.
25 A 13.

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1 MR. WALLERI: 13? Oh yeah, excuse me. Okay.
2 (Off record comments)
3 A Yeah, it looks like.....
4 MR. WALLERI: Hold on -- hold on for a second.
5 A Okay.
6 MR. WALLERI: Do you have a copy of it there,
7 Aisha?
8 MS. BRAY: Does it say December 12, 2004 6:08
9 p.m., on the top?
10 A Yep.
11 MR. WALLERI: Okay. Yep.
12 MS. BRAY: Yes, thank you.
13 Q (By Mr. Walleri) Okay. Do you remember sending that
14 letter?
15 A I really don t, believe it or not, I -- I see my
16 signature s on it so I m sure I wrote it -- well, I
17 don t know if I wrote it, Mr. Yang probably sent it to
18 me, but -- or maybe I wrote it, I don t really recall.
19 Q That s your signature though, right?
20 A Oh, that s my signature, that would be -- I m not
21 denying the letter or anything.
22 Q Okay.
23 A Yeah.
24 Q Let s see, I m looking for my copy here. Oh here it
25 is. And this was written on the 12th -- on the 13th

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1 and it says: As we discussed on the phone today, so --
2 A It must have been that day.
3 Q So this was done that day?
4 A Yeah.
5 Q Okay. You said that you discussed your offer -- I
6 assume, the Yi s offer, Mr. Yi s offer, to purchase the
7 liquor license and lease rights for the Klondike
8 Restaurant Bar -- Sports Bar, was much lower than fair
9 market value. So you did discuss on that day.....
10 A You know, like I said, I thought that we only discussed
11 the inventory. You know, this -- all these other
12 things on this letter could have easily been thrown in
13 after our conversation with Mr. Yang, once again asking
14 me can you put this in, can you put that in, and the
15 thing growing, more than just a simple phone call.
16 Q Well, there s nothing in this letter about the
17 inventory, is there?
18 A Evidently not. So I -- I recall talking to them about
19 that and that s what I thought I had talked to them
20 about.
21 Q Well, your letter is actually talking about purchasing
22 the liquor license?
23 A Well, it s talking about the whole -- the whole deal
24 that -- right. Their whole deal, I agree with that.
25 Q Okay. And that you re asking them to pay more money

1 for the license and lease rights for the Klondike
2 Restaurant Sports Bar?
3 A Yeah, I wasn't asking them to do that, in my opinion.
4 In my opinion I was relaying what Mr. Yang was asking
5 me.
6 Q Okay. Well, it says: This proposal is not negotiable
7 and is a final attempt to resolve all issues. This
8 proposal has a time limit of 48 hours from the time it
9 is faxed. This gives you til 12/15/2004 at 6:00 p.m.,
10 to decide your position. If you wish to accept or
11 offer, please sign this letter and return by fax to me,
12 and then you put down a number. And then you talk
13 about a price of \$150,000.00, \$100,000.00 down payment,
14 \$50,000.00 owner financed at one year, eight percent
15 interest, inventory of 21,000, rent 6,500 monthly til
16 March 2010. So that's an increase in the rent, isn't
17 it?
18 A No, I don't know what the original rent was.
19 Q Well, how did you get these numbers?
20 A That's what I told you. Mr. Yang probably went ahead,
21 after I had gone in and talked -- talked about the
22 inventory, and it is in there, then everything was an
23 add-on with him, can you go ahead and do this, well can
24 you define this, can you do this. Then that's probably
25 how this went ahead and came about. I didn't make that

1 have been somewhat in agreement of what was discussed
2 at the time.
3 Q But it says: You decline -- we must decline your offer.
4 A I don't recall....
5 Q So they weren't agreeing to anything over the phone,
6 that they had made you an offer, correct?
7 A No, I don't recall if they made an offer, I don't think
8 they did.
9 Q But whatever offer you indicated to them that: We must
10 decline your offer.
11 A Yeah, like I said, I don't know what the offer was at
12 all.
13 Q Do you know who wrote this?
14 A No, I actually don't. I don't recall if I physically
15 wrote that or if Mr. Yang wrote that. And that's what
16 I was trying to say.
17 Q Well, let's back up a little bit. After your phone
18 call with the Yis, did you have another conversation
19 with Mr. Yang before you did this, before you sent
20 this?
21 A Well, I imagine so.
22 Q And tell me about that conversation, can you?
23 A I don't recall what -- what was talked about. Truly
24 don't.
25 Q Well, you indicated earlier that he was adding things

1 call thinking I was negotiating his whole deal over and
2 that was not my intent at all. Okay? And when I went
3 ahead and evidently sent this letter, I was thinking
4 there -- there was some agreement because we had just
5 talked, here you go, this is what we must have talked
6 about, I must have talked about that stuff, okay? Some
7 of that stuff. I don't recall three year old
8 conversation. Like I said, the main things I recall is
9 the high points, okay? Because I was not feeling like
10 I was going to be sitting here four years from now
11 trying to remember the intent of what was going on. I
12 was thinking I'm doing a couple of little simple
13 things, I don't even work for this guy yet, I'm hoping
14 to get an internet job, and it progressed into this.
15 So where this all came about and all the details, I
16 don't know where it did.
17 Q Well, I'm -- the idea -- the inventory's only about
18 \$21,000.00, but increasing the rent to 6,500 and
19 \$150,000.00 to be paid to you sounds like a more
20 significant....
21 A It wasn't to be paid to me.
22 Qor to be paid to Mr. Yang, sounds more significant
23 than the \$21,000.00.
24 A I don't remember what their original deal was but if
25 this is a summary of what we discussed, then they must

1 in all the time, right?
2 A Right.
3 Q Okay. So did all of these other ideas, other than the
4 inventory, these are things that he added onto them?
5 A I would imagine so.
6 Q Could you ever tell what Mr. Yang's position really was
7 as to what he wanted, what his bottom line was?
8 A Well, the -- the directive that I thought was there,
9 was these guys can't talk to each other and it seemed
10 kind of silly to me that they can't communicate and
11 that's how the whole -- that was the only thing
12 that....
13 Q That's not actually what I asked you.
14 A Oh, I'm sorry. Would you ask....
15 Q I want to ask you, did you know what Mr. Yang's bottom
16 line was for settling his dispute with the Yis?
17 A Yeah, just figure out what was going on with the
18 inventory.
19 Q That was his bottom line?
20 A That was what -- the beginning of their problem was
21 that I understood.
22 Q Okay. And then all of this other thing about demanding
23 \$150,000.00, a down payment, and that the own -- a
24 \$50,000.00 owner financed for one year, all maintenance
25 to be done by the Yis, and the increase in rent to

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1 \$6,500.00.....
2 A Well, you keep saying an increase, I don t know that it
3 was an increase because I don t know what the rent was
4 before.
5 Q Okay. So these -- all of these issues, as far as you
6 were concerned, these were added on by Mr. Yang?
7 A As far as I was concerned, this was such a little deal
8 that I had such little to do with, I unfortunately did
9 not concern myself with what was really going on, like
10 I wish I would have been. And, you know, if somebody
11 asked me where is the Northway Mall anymore, I don t
12 know, so that s about what I knew.
13 Q Well, let s put it this way: Did you -- were you having
14 trouble communicating with Mr. Yang about what he
15 wanted you to do? Were you confused, let s put it that
16 way?
17 A Oh yeah.
18 Q So you were confused trying to figure out what you were
19 sup.....
20 A Well, like I said, I was -- said to myself, why would
21 he want me to call people that he can speak Korean to,
22 so yeah, there was a little confusion on -- but I
23 thought that everything was fine, it was no big deal,
24 and did not perceive what was happening. Nor did I
25 have the experience to understand what I was getting

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1 myself into.
2 Q Okay. So -- but at this point, as of the 13th, you re
3 conveying to the Yis that this is a final attempt to
4 resolve all proposals and that they must come up with
5 \$120,000.00 deposit within 24 hours, right?
6 A What s the question again, I m sorry.
7 Q That they -- that this was a final offer and that they
8 had to accept these terms, these were non-negotiable
9 terms, and that they had to come up with \$120,000.00 in
10 24 hours?
11 A You re asking me if I sent them this letter?
12 Q Well, I m asking what your intent was when you sent
13 the.....
14 A I don t know what my intent was. I don t recall what
15 my intent was.
16 Q Okay. But would you disagree that when it says that
17 they have 24 hours to deposit \$120,000.00 in an escrow
18 account at our bank --
19 A You know, I can t say because I don t remember the
20 context of this letter and how it was sent. And so I
21 don t know -- I can t say how that reflects to what the
22 heart of what we may have or may not have agreed to at
23 the time.
24 Q Well, was it your intent to get money from the Yangs or
25 from the Yis?

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1 A No.
2 Q So you -- I mean, for Mr. Yang?
3 A No, I didn t look at it that way. I looked at it as
4 I m just helping out for second, hopefully because Mr.
5 Yang is such a multi-millionaire and has this hotel
6 chain, that I can go ahead and work for him in the
7 future doing some things, and these were like baby
8 steps to helping him out that I had felt they were. So
9 I wasn t viewing this as a big of a deal as everybody
10 is now at all, I mean, we re talking a two percent
11 scale to the hundred percent scale we re doing now.
12 Q So it s your understanding that you had no intent to
13 cause the Yis to give Mr. Yang any money when you sent
14 this letter?
15 A My intent was based on thinking that they had a minor
16 mis-communication, that they could rectify by making a
17 phone call, and I don t know how this letter came
18 about, as far as the details of it. I d like to tell
19 you.
20 Q Well, if you received a letter saying you ve got to
21 come up with \$120,000.00, let s say you -- you own a
22 business, right?
23 A Right.
24 Q Do you lease your business?
25 A Right. If I received that letter, I would have to

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1 first.....
2 Q What would you think?
3 A Well, that s a good question, okay? And what I d have
4 to first know is why this person s asking me for
5 \$120,000.00, okay, did I not keep my prior agreement to
6 him, or is he just crazy and asking me this out of the
7 blue? There s a big possibility of why that could be
8 that way.
9 Q Is it.....
10 A It s not just one way.
11 Q From what you know, is it possible that Mr. Yang s
12 demands were unreasonable?
13 A Oh, you know, I don t think I analyzed that, I didn t
14 -- I would have to say that I most likely felt they
15 were reasonable, what I was doing, because I m a nice
16 guy and I m not trying to screw nobody, or rip nobody
17 off, and so I was presenting it more in a helpful
18 fashion than I m his attorney or I m his negotiator, it
19 wasn t like that.
20 Q Yeah but, just one last time. Don t you think that
21 when you asked the Yis to come up with \$120,000.00 that
22 must be deposited in an escrow account in our bank,
23 that at the time you intended that they would do that?
24 A I.....
25 Q That they would.....

1 Aprobably felt as if that s what they were wanting
2 to do, if I went ahead and put it in this paper and
3 that would have been my intent.
4 Q But if that was the case, why did you say we decline
5 your offer?
6 A It may have been his original offer and now we re
7 talking about his counteroffer.
8 Q Oh, so this was -- whose counteroffer?
9 A That s what I m saying, I don t recall. You -- you re
10 asking -- now you re in the hypothetical land, okay,
11 and you re asking me what if and what if and what if
12 and what if these people were this way and that way.
13 What I m saying is just -- just what I said, I don t
14 know if when he says we disagreed to that offer, it
15 doesn t say your last offer or your only offer or
16 anything like that, it says your offer. A lot of
17 people when they talk they have offers back and forth.
18 I don t know what offer that was.
19 Q But you re saying that this proposal, this
20 proposal.....
21 A Uh-huh (affirmative).
22 Qis not negotiable and is a final attempt.
23 A Okay.
24 Q Okay. Now that would suggest that there s no more
25 negotiation after this letter in your mind, right?

1 A Well, you know, a lot of people say that. They --
2 negotiating assumes they re never closed.
3 Q So you -- when you say.....
4 A So I don t think I ever.....
5 Qsomething like that, you don t really mean it?
6 A Right. Exactly. And I think a lot of sales people
7 don t really mean that. Hey look, Friday s the last
8 day, I m going to sell it to the guy down the street,
9 that s all that was.
10 Q So that was just puffery?
11 A Probably so.
12 Q Okay.
13 A But, once again, I don t recall the letter exactly,
14 sitting down and -- and writing it. Wish you had asked
15 me a week after I wrote it.
16 Q Now the other part about here is it says: Respectfully
17 yours, Max, Y & I Corporation, Property Manager.
18 A Right.
19 Q What s that about?
20 A That was a kind of a stupid kid thing, you know,
21 somebody offers you a title and it feels good with a
22 name tag, you know, hey Max, you re a property manager
23 on this deal. Oh really, wow. You know, I must be on
24 my way to going ahead and -- you know, making some
25 money here. Never was.

1 Q You were never the property manager?
2 A No.
3 Q When you signed this and -- well, when you were talking
4 to the Yis.....
5 A Well, now I may.....
6 Qdid you tell them that you were a property
7 manager?
8 A I don t think I ever represented myself as it, maybe I
9 did, maybe I didn t. Like I said, it was a quick and
10 easy title, I didn t really realize that I was really
11 an employee or not, it wasn t like that.
12 Q Well, when you put down here: Y & I Corporation,
13 Property Manager.....
14 A Right.
15 Qdid you know at the time whether or not you were a
16 Y & I Corporation property manager?
17 A No, I didn t.
18 Q You did not know?
19 A No, believe it or not. I mean, I -- you know, I put it
20 on the letter, I agree with that, my signature s right
21 there, but did I -- did I feel like I owned anything
22 other than a title? That s about it. I didn t realize
23 that I was going to be a property manager of any type
24 because I don t manage property, number one.
25 Q Well, when you put that on there, did you expect that

1 he Yis might think that you were in fact a property
2 manager for Y & I Corporation?
3 A You know, I didn t think about it, I thought more like
4 I was helping the Yis out to get to a position where
5 they were going to keep their bar and I was helping Mr.
6 Yang out in the same position and I didn t -- I wasn t
7 at that point combative at all to anybody and that s
8 just how I felt about it, you know?
9 Q Well, when you tell somebody that you re the property
10 manager, don t you think that they might believe you?
11 A Yeah. Oh yeah, I -- no, I represented that I m
12 property manager right there in that line, right.
13 Q Okay.
14 A I agree with that.
15 Q But you weren t?
16 A I guess I wasn t really. I -- I -- you know, I m not
17 sure, I don t think so, I wasn t on no payroll, I was
18 hoping to be. I was hoping to be, I was hoping to be
19 not a property manager, a web designer. And he -- you
20 know, he put it on there, I m thinking well let s just
21 get this thing done and get you guys back to work so I
22 can go ahead and get to what I m supposed to be doing.
23 Q Well, when you put Y & I Corporation Property Manager,
24 did you think that that would make this letter look
25 more official?

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1 A I didn't think about it.
2 Q So you -- so when you told them that you were the
3 property manager and in fact you weren't, you really
4 weren't thinking about --
5 A No, I was just thinking about more, you know, yeah I'm
6 helping Mr. Yang, sure, call me the property manager if
7 you want, I don't care. But really I'm just trying to
8 help you guys out to facilitate your argument.
9 Q Now did Mr. Yang tell you to tell the Yis that you were
10 the property manager?
11 A Oh yeah. I -- I mean, that's -- I didn't come up with
12 the property manager.
13 Q So Mr. Yang told you to -- do you have a specific
14 recollection that Mr. Yang told you that you should
15 tell people such as the Yis that you were the property
16 manager for Y & I Corporation?
17 A Not real -- no. It was more like you property manager
18 now, you property manager. That's about all it was
19 like. And it wasn't as big of a deal as it is now, I'm
20 just telling you.
21 Q Well, where did you get the letterhead?
22 A That's Mr. Yang's.
23 Q Did he give you that letterhead?
24 A He sent me a bunch of it out of the blue, I don't know
25 why, I threw it away, most of it because I had no --

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1 you know, I wasn't trying to run his businesses or --
2 you know, and here I am, I think I'm doing a web page,
3 we're having lunch, and he says you be my, you know,
4 manager for Anchorage, you know, people maybe call you
5 every now and then and you be my man -- Anchorage
6 office. Sure, have people give me a call. I'm still
7 not really thinking I'm doing anything.
8 Q Did you ever think that Mr. Yang might be making mis-
9 representations to the Yis?
10 A I didn't really think about it other than the only
11 thing I thought about was when I called them and
12 everything kind of seemed okay except for all of them
13 cussing in the background at each other, and we must
14 have come up with some type of meeting of the minds and
15 that's probably what I was relaying back to them.
16 Q But in terms of these very -- these seven specific
17 points, did you come up with these or did Mr. Yang come
18 up with these?
19 A Oh, that would be Mr. Yang, because I -- I wasn't even
20 privy to most of those things that are being said.
21 Q And how would -- how was that communicated to --
22 A Well, that's what I'm wondering. I don't know if that
23 letter was maybe pre-signed and it was faxed to him and
24 he summarized it or if it was faxed from my fax
25 machine. I was trying to look at the top of the page

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1 to see who it was faxed from but it doesn't have a
2 return number there so I don't know.
3 Q Your fax machine has a return number on it, right?
4 A Yes it does.
5 Q Now when you sent this letter, you said that when you
6 said that this really wasn't a final attempt, did you
7 -- what was your intention about continuing these
8 discussions?
9 A I think I prob -- I must have been under the impression
10 that that's what they wanted to do and that we would go
11 ahead and do it and evidently they decided they didn't
12 want to do that.
13 Q So....
14 A I think all -- I think that that -- it must have been
15 based on some reality is, you know, whether -- whatever
16 it looks like now just looking at that as a sole
17 document and not knowing the conversations before and
18 after, the letter must have been based on some reality,
19 I don't think....
20 Q What if the letter wasn't based on reality?
21 A Well, you know, that's -- I don't know, because see I
22 don't -- I shouldn't have been involved in his deal
23 without knowing the previous details. Alls I know is
24 that when I talked to them they did a lot of cussing,
25 we must have agreed to something, and got -- this must

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1 have been a follow-up to that.
2 Q So the idea that they had actually -- that you were
3 declining their offer and the idea that you were
4 proposing....
5 A Their original offer.
6 Qit's now your view -- it's now your testimony
7 that, in fact, they had agreed to all of this?
8 A I'm assuming otherwise it wouldn't have been sent to
9 them.
10 Q No, I'm not asking you to assume anything, I'm asking
11 you, do you know....
12 A Oh, I don't know.
13 Qwhether or not the Yis agreed to any of this?
14 A And I've answered that a bunch of times, I don't know
15 the intent of the letter because I don't know the
16 context intent (ph) in which it was taken in, context,
17 okay? I don't remember. I don't remem -- I'm assuming
18 looking at it, I know me, I'm not a cheater or a
19 stealer, I'm straight up, and if the guy -- if I -- if
20 this was sent to him, if I sent it to him and I didn't
21 just sign a document and Mr. Yang says hey I'll send
22 them what you guys agreed to or what we agreed to and
23 then I'll facilitate it, then -- you know, I can only
24 assume that that's what they wanted to do. And the
25 fact that it says you -- we don't -- the agreement or I

1 declined to what you -- you know, you said or whatever,
 2 that -- that may not have been the first offer, you
 3 know, and I m thinking that something must have been
 4 decided after their initial offer that brought this
 5 back around and if they wanted to do that. Otherwise,
 6 it wouldn t have been sent to them, I wouldn t think.
 7 Q Well, I m a little confused here because I think you
 8 said earlier that Mr. Yang wasn t in Anchorage when
 9 this.....
 10 A Correct.
 11 Qwhen this letter was written?
 12 A Right.
 13 Q Okay. So he was Fairbanks?
 14 A Exactly.
 15 Q Okay. And so you had to have signed this physically,
 16 right?
 17 A I could have signed it and faxed it to him.
 18 Q Okay. And then.....
 19 A I mean, because it s such a poor copy I m wondering. I
 20 don t know if it s a poor copy on our part or if it was
 21 re-faxed several times.
 22 Q But if it had been faxed to you, it says FAA, do you
 23 know what that s about on the.....
 24 A No, I was trying to look at that, I don t know what
 25 that is. No, that s FAX it says at the top.

1 you were intending to come to Fairbanks at that time?
 2 A No, I -- I don t know. I probably was going to finish
 3 up the rest of the web work because we didn t do
 4 anything.
 5 Q So how did you end up in Fairbanks on the 19th?
 6 A Well, once again, I was going to go up there, we were
 7 going to finalize doing this web thing, John was
 8 showing me all around the rest of the places that I
 9 didn t see, and we were just going to -- to finish it
 10 then, we re all -- we re riding around, we go to the
 11 boiler room, we re there for, I don t know, 45 minutes
 12 or something, tinkering with that stuff, and then
 13 they -- John s going to go over to this bar and they re
 14 going to go ahead and do something over there, I don t
 15 want to go in, I have nothing to do with it. John goes
 16 over there, opens the back door, goes in, comes back
 17 out, we get in the truck and leave, okay? I go back
 18 over in the hotel.....
 19 Q Well, let s hold off on that for a second.
 20 A Okay.
 21 Q Is it now your testimony that --
 22 MR. WALLERI: Did you want to take a short
 23 break?
 24 MR. EWERS: I do, bathroom break.
 25 MR. WALLERI: Okay, no problem

1 Q Okay. So you don t -- it says here: 19:48, I assume
 2 that s the time, right?
 3 A That s what, 4:30? Or no, what time is that?
 4 MR. EWERS: 7:00.
 5 A 7:00.
 6 Q Yeah, that d be 7:00.
 7 A So we d be closed.
 8 Q So you d be closed?
 9 A We close at 5:00.
 10 Q Okay. But it says here at the top of the letter that
 11 it is being sent -- this is being typed, at least, at
 12 12/13, 6:08 p.m.
 13 A Oh okay, yeah. Well, that s really unusual, I don t
 14 know where that -- I wouldn t -- if I wrote a letter, I
 15 wouldn t normally put the time on it, and I -- I
 16 thought that was something you guys put on there.
 17 Q No, that s just the way it got.....
 18 A Fine (ph).
 19 Q So you don t know how that got on there at all?
 20 A I don t recognize that portion of it, I thought that
 21 was something you guys added in.
 22 Q Okay. So --
 23 A I thought that was like a log time or something, I
 24 don t know.
 25 Q When you wrote this letter, do you know whether or not

1 (Off record)
 2 (Deposition Exhibit B marked)
 3 (On record)
 4 Q (By Mr. Walleri) Okay. So when you came to Fairbanks
 5 on the 19th, it is your testimony now that you were
 6 only going up to -- that you were only going up to
 7 Fairbanks to work on the web design?
 8 A Near as I can recall after three years.
 9 Q Okay.
 10 A If you can enlighten me on anything else, I might -- it
 11 might spark my memory.
 12 Q Well, how about --
 13 MR. WALLERI: Can you share that, I think I ve
 14 got another one. Well, here I ve got another one.
 15 MR. EWERS: Just tell me what it is and I
 16 probably have it with me.
 17 MR. WALLERI: This is the Affidavit of
 18 Merideth -- Peyton Merideth. Do you have that?
 19 MR. EWERS: I have it, yes.
 20 MR. WALLERI: Okay.
 21 A Thank you.
 22 Q (By Mr. Walleri) I ll represent to you that that s an
 23 Affidavit that was submitted in the litigation by
 24 Officer Merideth. And he states on page 2 if you could
 25 take a look at page 2, paragraph 6.

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1 MR. FISHER: I m not going to let Max answer any
2 questions about this unless he s had the opportunity to read
3 the whole thing.
4 MR. WALLERI: Sure.
5 MR. FISHER: So --
6 MR. WALLERI: Do you want to take a look at the
7 whole thing?
8 MR. FISHER: Yeah, read the whole thing Max.
9 (Pause - reading document)
10 A Yeah, I ve read this.
11 MR. FISHER: Oh, okay.
12 A Okay. So what question do you got on it?
13 Q (By Mr. Walleri) Paragraph 6.
14 A Okay.
15 Q Page 2. Now it states in here that: Inside the office,
16 it says I, that would be Officer Merideth. Do you know
17 who Officer Merideth is?
18 A I m assuming it was one of the police officers there.
19 Q Okay. And he states: I contacted Max Laramour (ph) and
20 Jung John Lee, who both identified themselves as
21 managers of the Klondike Inn. Okay?
22 A Okay.
23 Q Is there some reason that you were identifying yourself
24 as a manager to the police officers?
25 A Mainly, just like I said, a name tag just to say

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1 Q You told him that....
2 A Well, I don t actually recall. I think that John may
3 have said we re managers in some way, right, because
4 John s thinking I m a manager or something from the
5 city when I m not a manager, I m a web guy and he may
6 have actually been the one that said we re manager,
7 okay?
8 Q In the police report, if the officer identified you as
9 the person saying that you were a manager, would the
10 officer be lying?
11 A No, not at all.
12 Q Okay. So at this point, you knew that you weren t, in
13 fact, the manager, even though you were representing
14 yourself to the police as the manager?
15 A I don t know that I ever went ahead and thought about
16 it enough to make that conclusion.
17 Q So you just -- whatever came -- comes into your mind,
18 you just....
19 A It was kind of just flowing along at that time.
20 Q Just flowing along?
21 A Yeah. And when I says that we were here to go ahead --
22 this thing, serve an eviction, that was after the fact,
23 and what I was simply saying was that was what John was
24 doing over there. I wasn t saying that I was here for
25 that.

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1 where -- what -- you know, what I was doing there.
2 Q But you knew that you wouldn t -- you didn t even work
3 for Y & I Corporation at the time they.....
4 A At that point, right.
5 Q Okay. So did you know it was a crime to make false
6 statements to a police officer?
7 A Nope, didn t realize at the time that s what I was
8 doing.
9 Q Do you realize now that that s what you did?
10 A No, I don t. I don t know that that s to be the case
11 at all.
12 Q So you were the property manager or you were a manager
13 of the Klondike Inn?
14 A Like I says, I was not on payroll yet, was I under the
15 opinion that I was going to be the manager? A manager
16 of the hotel, no, never. That was a title he came up
17 with.
18 Q Okay. Who came up with?
19 A Mr. Yang.
20 Q Okay. Was Mr. Yang there when you met with the police
21 officer?
22 A I don t believe so, no.
23 Q Okay. So Mr. Yang didn t tell him that you were the
24 manager?
25 A No, no I did.

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1 Q Well, let s talk about that.
2 A Okay.
3 Q It says: Laramour (ph), that s you, right?
4 A Lamoureaux.
5 Q Lamoureaux stated he had come to Fairbanks from
6 Anchorage to help the owner of the Klondike serve
7 eviction paperwork on the owners of the Klondike
8 Restaurant, correct?
9 A That s what it says but that was not the -- what I was
10 saying, explaining.
11 Q So the officer is lying when he says.....
12 A No, no. He understood that correctly. He understood
13 -- what he was hearing, okay, what I was saying was
14 that that was what John was doing over there.
15 Q So the mis -- the officer s mistaken when he says here
16 that you told him that you flew to Fairbanks to serve
17 eviction paperwork on the owners of the Klondike
18 Restaurant?
19 A I don t know if he s mistaken in how he views it at
20 all. I m just telling you what I know to be the truth
21 and that it was John that was over there going ahead
22 and doing something with some eviction notices and
23 taping stuff up on the door or whatever. But I had
24 nothing to do with what John was doing.
25 Q So you were just an innocent bystander, sitting there

1 doing nothing?
 2 A Yeah, actually. Not -- well, yeah, I was in -- I was
 3 innocent, I wasn't a party to their action at all, I
 4 wasn't up there for that.
 5 Q Now you state in here that John was driving?
 6 A No, I was driving.
 7 Q Okay. Well, he picked you up at the airport, right?
 8 A I don't recall who actually picked me up, I think Mr.
 9 Yang picked me up maybe.
 10 Q Mr. Yang picked you up?
 11 A Yeah. I don't really recall exactly who picked me up
 12 though.
 13 Q Okay. Somebody picked you up?
 14 A Somebody picked me up. I didn't take a cab, I don't
 15 believe.
 16 Q Okay. Now in your Affidavit.....
 17 A You know, I want to mention that when I was talking to
 18 the police officer that there was just an assault on my
 19 life, it was very clear to me that they were trying to
 20 kill me.
 21 Q Uh-hum.
 22 A And my mind was very -- very confused, I was very
 23 scared, I have never been attacked and tried to be
 24 killed before, and so who knows what I was shouting out
 25 at the time. But I just want you to know that, that

1 that's -- there was a lot of confusion that day. If
 2 you've ever almost been killed, you'll understand where
 3 your stress limit has just been pushed to and you're
 4 not analyzing every statement like, yes I'm the
 5 manager, thinking I'm going to be held to that at that
 6 moment. I'm thinking more like, I'm with these guys
 7 and these guys just tried to kill me. That's all, I
 8 just wanted to mention that.
 9 Q So that was your gang?
 10 A That was what?
 11 Q So the guys with Yang, that was your gang, you were the
 12 -- you were with that group of people?
 13 A Yes. I -- exactly.
 14 Q Okay. And you were in opposition to the Yis?
 15 A Not opposition, I was just there on -- with the Yangs
 16 and I wasn't with the group. How do -- how do you
 17 explain which side just assaulted you unless you try to
 18 put some meaning to that, and that's all I was trying
 19 to do.
 20 Q So it was, I'm with these guys, those guys are.....
 21 A Are the ones that assaulted us.
 22 Q Those are the ones that assaulted us and -- would you
 23 say anything to support the people that you were with?
 24 A What do you mean?
 25 Q Would you lie?

1 A Oh no, for Mr. Yang? For anybody? No. There's no
 2 reason to lie, I'm not -- I don't even view myself as
 3 in trouble, I might be, maybe I'm dumb, I don't know,
 4 but I don't have no reason to lie.
 5 Q Okay.
 6 A The truth will set you free.
 7 Q Well, in your inter -- in your Affidavit if I can, this
 8 is your Amended Affidavit, right?
 9 A Right. I don't know what you're talking about.
 10 Q Okay.
 11 MR. WALLERI: Well, let's get it out here.
 12 Let's see here, lots of paperwork. Do you have his Amended
 13 Affidavit?
 14 MR. EWERS: I believe I do, yes.
 15 MR. FISHER: I'll take one if you have a copy.
 16 MR. WALLERI: Okay.
 17 (Deposition Exhibit C marked)
 18 MR. WALLERI: Have you ever seen this before?
 19 MR. EWERS: Mike, could you confirm that it is,
 20 or Mr. Lamoureux, the notary says May -- 25th day of May,
 21 2006, on the last page?
 22 A Okay.
 23 MR. EWERS: Is that the one -- is that the piece
 24 of paper.....
 25 MR. WALLERI: Yeah.

1 A Yes, yes. Oh, I'm sorry.
 2 MR. EWERS: Yes, I do have a copy.
 3 MR. WALLERI: Do you have both of them?
 4 MR. EWERS: And by both you mean the first one
 5 is --
 6 MR. WALLERI: The 3rd -- the April 3rd, I think
 7 it is, of 2006 Affidavit?
 8 MR. EWERS: I don't believe I have the April
 9 3rd, 2006 Affidavit.
 10 MR. WALLERI: Okay.
 11 A Sorry, what was your question?
 12 Q (By Mr. Walleri) Okay. Have you -- I want to ask you
 13 to take a look at what's been marked as Exhibit C.
 14 A Yeah.
 15 Q And have you ever seen -- you've seen that before,
 16 right?
 17 A Yes.
 18 Q That's your Affidavit?
 19 A Yeah.
 20 Q And you filed it in this?
 21 A Right.
 22 Q Now this is an Amended Affidavit, right?
 23 A I'm -- if you're telling me it is, I'm not an attorney,
 24 but it says that on the caption.
 25 Q Okay. Well, it actually says that you signed another

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1 Affidavit -- on the first page it says: I did not
2 review my Affidavit of April 3rd, 2006 carefully before
3 signing it. Okay?
4 A Right.
5 Q In that Affidavit, do you remember stating that you
6 were, in fact, the property manager?
7 A You know, I -- I -- and I have asked this all along, I
8 don t know where you legally become a manager by saying
9 it or you have a contract or get paid. So I was -- I
10 -- you know, it s still a little vague to me where you
11 become an employee and I -- that s where that whole
12 thing came from, it wasn t from my intent of trying to
13 say one thing and back off it, because I -- I still, to
14 tell you the truth, am not sure where I really became
15 an employee or if I didn t. I -- you know, I -- one
16 guy can say you re an employee by saying you are, you
17 know, you ve assumed the rights of an employee. If
18 that s the case, then let it be. And another guy might
19 say that if you got paid, you became an employee, I
20 didn t get paid, so they -- there s -- you know, I
21 didn t become an employee ever. A bunch of hope (ph),
22 you know, I mean -- you know, I ve seen this all the
23 time, rich guys roll into your life, they manipulate
24 you a little bit to do a couple of favors for them,
25 cause you think you re going to get up (ph), and the

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1 got the job, and then all the incidentals, so he s
2 doing that -- I mean, do the incidentals first.
3 Q Now you indicated that you re a bail bondsman?
4 A I was.
5 Q Okay. Have you ever served eviction paperwork as a
6 bail bondsman?
7 A No.
8 Q Have you ever done any service work at all as a -- in
9 your capacity as a....
10 A I recovered more people than anybody else has in the
11 state when I was a bail bondsman.
12 Q You recovered what?
13 A More people, put them back in jail.
14 Q Okay. Did you ever --
15 A Never served them a paper.
16 Q Never served them a paper?
17 A Nope, just picked them up.
18 Q So what did you do?
19 A We d go out and find them and get them re-arrested and
20 put them back in jail.
21 Q So did you have handcuffs?
22 A No, no, no. We have the officers do it.
23 Q Okay. So you go with policemen?
24 A Yeah.
25 Q Okay.

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1 whole thing turns into a mess, when alls you re trying
2 to do is a simple thing for somebody, and it s
3 escalated to this.
4 Q Do you feel that Mr. Yang manipulated you?
5 A Yeah.
6 Q And why is that?
7 A Because I didn t know how violent these people were and
8 that, you know, I just -- he knew, obviously he knew
9 dealing with them what nasty folks these were, and he
10 never let me in on that. And me and Mr. Yang don t
11 talk, we haven t talked in years since then, you know,
12 maybe one time he s called me and that was it. And --
13 but I haven t talked to him I think within a year or
14 something.
15 Q So as I understand it, he was asking you to do this and
16 your -- the reason that you were going along was to get
17 -- you were hoping to get something out of this too,
18 right?
19 A Yeah.
20 Q You were hoping to get work?
21 A That s right.
22 Q And so Yang....
23 A I wasn t looking to do it for free but I -- I wasn t
24 under any kind of contract and these were all kind of,
25 how about the incidentals, you might say, you know, you

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1 A But we put -- had more people -- in fact, before we had
2 people put in jail, they weren t doing that, they were
3 going ahead and nobody was out running around, actively
4 looking for them except for the police and they re
5 short-handed. Now it s changed, they really have to go
6 out and look for them.
7 Q Okay. So like if you were going to go out and recover
8 somebody, would you get a hold of them first and then
9 hold them there until the police got there?
10 A No.
11 Q No.
12 A Just go find them.
13 Q Just go find them. And then what....
14 A Non-violent, non-confrontational.
15 Qand then what would you do?
16 A Just point them out, they re right over there, and then
17 we d videotape it.
18 Q Okay.
19 A To get our bounty.
20 Q Did you ever repossess cars?
21 A No.
22 Q Okay. Did you ever evict anybody?
23 A No.
24 Q Okay. So are you familiar with the eviction process?
25 A No, not at all.

1 Q Do you know you can't use force under Alaska law to
2 evict somebody out of a house?
3 A Don't know -- well, I know that you can't cause a
4 disturbance by law.
5 Q Okay.
6 A If you're trying to throw somebody out and you create a
7 disturbance then you -- you've broken the law. But do
8 I know the specific laws of eviction? Not at all.
9 Q Okay. So in your Affidavit there.....
10 A Uh-huh (affirmative).
11 Qas I see it, it says, paragraph 6 again: I
12 traveled to Fairbanks on or about December 19 -- first
13 off, who wrote this, did you write this?
14 A No, this is -- would have been John Pharr.
15 Q Okay.
16 A I believe this was the one that me and John did.
17 Q This -- it's got a Guess and Rudd sticker on it, on
18 this, okay?
19 A I thought that it was -- see, that's the problem with
20 trying to remember something three years old. Well, it
21 doesn't have it on mine, doesn't it? Is this the same
22 thing -- oh, what are we looking at, we're looking at
23 this right?
24 Q No, that's the -- let me see what you've got there.
25 A You handed me two things. I guess you were really

1 A Yes.
2 Q Okay. And that's your story today, correct?
3 A Correct.
4 Q But on the 19th you told Mr. -- Officer Merideth that
5 you went up to help evict -- to serve eviction
6 paperwork?
7 A That isn't what the intent of what I was saying. What
8 I was saying was that that was what John was doing over
9 there and that's what spurred the big fight out there
10 was that John was over putting up evictions and then I
11 went with him.
12 Q I'm not asking you that, please listen to the question
13 very carefully.
14 A Okay.
15 Q I'm saying that Officer Merideth states in his
16 Affidavit reports that you stated to him that you went
17 to Anchorage (sic) to help the owner of the Klondike
18 serve eviction paperwork?
19 A Right.
20 Q Okay.
21 A I believe that that's the way the -- Officer Merideth
22 heard it, but that's not what I was talking about.
23 What I was talking about was why we were over there at
24 the Klondike Inn -- I mean over at the -- the bar,
25 okay? And what started at that -- the time that it

1 looking at this?
2 Q Oh yeah, we got a couple of -- oh we've got a couple of
3 them out here, don't we? Oh no, yeah, no you're right.
4 We got it from Guess and Rudd, but --
5 A Okay. So I'm assuming -- I'm thinking that John wrote
6 this.
7 Q That John.....
8 A Yeah.
9 Q Did you -- do you remember more than one Affidavit in
10 this case?
11 A No I don't believe so.
12 Q Okay.
13 A I don't think I've ever talked to these people.
14 Q Okay. And so you worked this out with Mr. Pharr?
15 A Yes.
16 Q Okay. And you told him what happened?
17 A Yes.
18 Q Did you tell him that you made a mistake on your April
19 3rd Affidavit?
20 MR. FISHER: Objection, attorney/client
21 privilege, and don't answer it.
22 Q (By Mr. Walleri) Okay. In the Affidavit it says here
23 on paragraph 6: I traveled to Fairbanks on or about
24 December 19, 2004 to assist Harris Yang with getting
25 the Klondike on the internet, right?

1 started what -- what happened here? Well, we were over
2 there serving eviction papers. Once again, I didn't --
3 wasn't being real specific or thinking -- we were, I
4 was with him, so that -- that's what we were doing.
5 Was it my intent to go serve any papers on anybody?
6 No, we were out cruising around, why don't you ride
7 with me over here? We had been running around already
8 all over there. And that -- that was it, so that's why
9 we were over there, so that's a correct statement.
10 Q Okay. Well, in terms of your Affidavit that you
11 submitted, your Amended Affidavit, you state that you
12 came to Fairbanks to help with the internet.
13 A Right.
14 Q What was your -- what were you supposed to be doing?
15 A Once again, going ahead and evaluating what they got
16 there, get more pictures of everything because I didn't
17 get very many pictures the first time I was up there,
18 and -- and come up with a plan. That -- that was the
19 plan. Then they did all this eviction thing while I'm
20 there and which -- you know, I mean, I'm not going to
21 tell them not what to do, that wasn't -- once again, my
22 business.
23 Q Did you take a look at the computer system?
24 A No. Didn't -- marketing had nothing to do with that as
25 far as I was concerned because we were going to do

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1 reservations by phone. You go ahead and register on
2 the internet and then it goes ahead and gives a phone
3 call and lets them, you know, book the room so his
4 computers were ancient anyway so that wasn't even -- we
5 weren't even to that stage.
6 Q Okay. So --
7 A I mean, I had some web design on my computer that I was
8 doing which is dated for back then, which I can show
9 you.
10 Q Did you bring your computer with you.....
11 A No.
12 Qto Fairbanks?
13 A No. There was no need to because I was building the
14 web page back at -- you know, at home.
15 Q Well, I'm trying to figure out exact -- if you weren't
16 up there serving paperwork, I'm trying to figure out
17 exactly what you were up there to do. What is it.....
18 A I told you. We need -- you go up, you gotta get
19 familiar with what's going on, what kind of operation
20 you got here, I wanted to get more pictures so we could
21 more define what we were going to go ahead and do, and
22 that's it. I couldn't do it -- yeah, I could do it
23 from here as far as I'm concerned, Mr. Yang says why
24 don't you come on down Saturday morning and, you know,
25 let's get the rest of this wrapped up, and I'm like I

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1 really don't -- I hate traveling, I don't really want
2 to go there, but I go ahead and go down there and then
3 the whole thing explodes.
4 Q Well, if you weren't there to serve eviction papers,
5 why were you riding around with Mr. Lee?
6 A I told you, we were looking at the hotel.
7 Q Okay.
8 A Looking at the boiler -- he -- why was I in the boiler
9 room for 45 minutes with him? Because I was a boiler
10 tech, no, cause I was riding along with the guy and
11 that's the tour he's taking me on.
12 Q So you were just riding along?
13 A It -- that's exactly what I was doing.
14 Q Okay. And you didn't have a camera?
15 A Huh? I imagine I had a camera because I probably went
16 down there to take more pictures.
17 Q Did you take any pictures while you were there?
18 A We never even got to that, this thing exploded so.....
19 Q Okay. So you weren't taking pictures, right?
20 A We didn't -- after -- hey look, after these guys tried
21 to kill me, they were released out of the police
22 department 45 minutes later and they were back. I
23 wanted out of town and out of this whole arrangement
24 and that -- as far as I was concerned, the day I left
25 there was the last thing I had to do with it, except

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1 for what you see now.
2 Q Okay. But I'm just trying to figure out if you were up
3 there to work on the internet, and -- let's talk about
4 exactly what you did that morning because I'm having a
5 real hard time figuring out exactly what you were
6 doing.
7 A Sure -- sure. I was brought there in the morning,
8 okay, we cruised -- me and John cruised around, it's a
9 real.....
10 Q First of all, you arrived at the airport, okay?
11 MR. FISHER: Let's not talk over each other.
12 MR. WALLERI: Okay. Yeah, let's start.....
13 MR. FISHER: And you've been making a lot of
14 what I consider inappropriate comments but you may continue to
15 do that but I'm not going to let you interrupt Max when he
16 responds back with a comment, a follow-up comment, even though
17 you haven't had a question so I'll be jumping in at that point.
18 MR. WALLERI: Okay.
19 Q (By Mr. Walleri) Let's break it down, okay?
20 A Yeah, because I think you've asked me the same question
21 for the half hour now.
22 Q No. No, I'm just trying to -- I'm just trying to get a
23 clarification, okay? So just please listen to the
24 question.....
25 A I'm trying.

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1 Q Okay. And then answer the question that I'm asking,
2 okay? When you arrived at the airport in Fairbanks,
3 okay, do you remember who met you at the airport?
4 MR. FISHER: Objection, asked and answered.
5 A I've answered that already, haven't I?
6 MR. FISHER: Yes, answer again. I'm just going
7 to voice some objections.
8 A I'm thinking maybe it's Mr. Yang might have picked me
9 up.
10 Q (By Mr. Walleri) Okay. So what -- where did you go
11 when you got to the air -- when you met Mr. Yang at the
12 airport?
13 A We got -- he -- I believe he picked me up and we must
14 have went to breakfast, and then he dropped me off at
15 the hotel to be with John, to go ahead and do my
16 research.
17 Q Okay. So do you remember where you went to breakfast?
18 A I remember where I ate there once, I don't know what
19 time it was on, it was a little restaurant just outside
20 the hotel there, kind of kiddie (ph) corner down the
21 street.
22 Q Okay. It was by.....
23 A I don't know the name of it.
24 Qby the rest -- by the Klondike?
25 A Yeah.

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1 Q Okay. Was it like a Denny s or --
2 A Ye -- it was some kind of pancake house.
3 Q Okay. And then do you know when you arrived in Anc --
4 in Fairbanks?
5 A I think it was early morning because I was out of there
6 by around noon I believe.
7 Q Okay. And then -- so you met with Mr. Yang, then he
8 dropped you off. Did he stay there?
9 A No.
10 Q Okay, he left?
11 A Right.
12 Q Okay. And then you were -- was Mrs. Yang there, Sharon
13 Yang?
14 A I believe she was there.
15 Q And do you remember anybody else being there when Mr.
16 Yang dropped you off?
17 A The -- the counter guy, don t know his name.
18 Q Okay. Somebody other than.....
19 A Tall, skinny, dark hair.
20 Q Okay. He was Caucasian?
21 A He was the one that called the cops originally, same
22 guy, Caucasian.
23 Q Okay. And anybody else?
24 A There were some customers in and out, but I think one
25 -- one or two of them became witnesses to the crime.

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1 Q Okay. But you don t have any specific recollection of
2 these people?
3 A No, or nor do I know any of them.
4 Q Okay. So after you -- after he dropped you off, what
5 did you do next?
6 A Started -- just ran around with John and started
7 looking around and trying to form.....
8 Q Where did you go first?
9 A Went over to the -- well, we didn t get far. We went
10 over to the -- like the end -- end units, I don t know
11 what you call them, they were over by where the boiler
12 room is and we were looking at them and they were
13 showing me how the remodeled the place and all that.
14 Then we went into the boiler room.....
15 Q When -- now were these -- excuse me, were these rooms
16 or were these --
17 A Suites.
18 Q These were suites?
19 A Yeah.
20 Q Okay. And they were by the boiler room?
21 A Yeah.
22 Q In the hotel?
23 A Yeah.
24 Q Okay. And then do you know how long you stayed there?
25 A Five, 10 minutes before we went down to the boiler

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1 room.
2 Q Okay. And then.....
3 A Probably stayed there another 25 -- 20 minutes, 25
4 minutes, he was adjusting some stuff and just kind of
5 -- I mean, just kind of hanging around, talking.
6 Q Were you walking or were you driving?
7 A We were driving.
8 Q And what were you driving in?
9 A The white pickup.
10 Q White pickup.
11 A You know, I don t know if we were driving at that
12 point, to tell you the truth, we may have walked over
13 there.
14 Q Okay. I m going to.....
15 A I know I was driving later, but I don t know if I was
16 driving over.....
17 Q I m going to ask you if you could draw an outline from
18 your memory of the restaurant. Kind of make it big if
19 you can.
20 A Of the restaurant, you mean the bar?
21 Q The hotel, restaurant, where everything is.
22 A Sure. This is the main building, this is that little
23 building next to it, this is the liquor store and this
24 was the units we were looking at. I think there s two
25 sets of them maybe over here and I think the boiler

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1 room is like right there.
2 Q Okay. Can you just put a B by where the boiler room
3 is?
4 (Witness complies)
5 Q Okay. And this.....
6 A It was around the back of one of the buildings.
7 Q And this main building, this is the hotel?
8 A And this is the entrance.
9 Q To the motel?
10 A Yeah.
11 Q Okay. And that s -- you put E.....
12 A Entrance.
13 Q Okay. And then can you just put a -- just write hotel
14 there?
15 (Witness complies)
16 Q And do you know where the restaurant was?
17 A You mean the bar?
18 Q The restaurant/bar, yeah.
19 A Right here, bar.
20 Q Okay. That s where you put a B there, right?
21 A Yeah.
22 Q How about just put bar down there?
23 (Witness complies)
24 Q Okay. And then -- okay. Now, you went over to the
25 boiler room and that s where that B is, right?

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1 A Uh-huh (affirmative).
2 Q Okay. And you don t remember whether or not you were
3 in a car or not at that point?
4 A No.
5 Q Okay. After you were at the boiler room for about 25
6 minutes -- 20, 25 minutes, where did you go then?
7 A Back into the hotel.
8 Q You went back into the hotel, okay. And then what did
9 you do when you were in the hotel?
10 A Just looking around at stuff and, you know, looking
11 around, see what they re doing and how the reservations
12 work and such.
13 Q Okay. Were you talking to somebody?
14 A Talking to the guy that -- that made the phone call to
15 the police.
16 Q Okay.
17 A And I -- I think -- I m not sure if Sharon was there at
18 that time or not, but I kind of think she was.
19 Q And then after you talked.....
20 A And I was talking to John.
21 Q And then how long do you think you were there?
22 A Before the incident?
23 Q Well, how long were you talking to --
24 A I was talking to -- I was -- we were back in the -- the
25 main area for a few minutes, I don t know, it s you

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1 know, really hard to remember.
2 Q Okay.
3 A But we did end up -- he says, well let s go back out
4 and start, you know, looking at the rest of this place
5 and so he says but I want to stop over at the bar here,
6 put up these eviction notices.
7 Q Okay.
8 A Okay, whatever, it s your guy s deal, you know? He got
9 over there.....
10 Q Now first of all, how did you get there?
11 A We drove. Well, no -- I don t know, I don t know if we
12 drove or not. I retem -- the only time I remember
13 really being in the truck when I was being attacked, so
14 I don t know if we drove over there or not, we may have
15 just walked across there.
16 Q Okay. And then so do you know -- and then you put up
17 the eviction notices?
18 A I didn t, John did.
19 Q Okay. Did you ask why am I -- did you ever ask him why
20 you were putting up eviction notices?
21 A Well, I knew that they were having problems and they
22 probably couldn t resolve them, and so that s what they
23 were doing on that end.
24 Q Okay.
25 A Yeah, I knew that -- what he was doing.

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1 Q Okay. And so tell me what happened when you went over
2 there to put the eviction notices up?
3 A Went over there, John opened the back door, he went
4 inside for a few minutes, I waited outside, he came
5 back out, he had a piece of paper in his hand, I says
6 now where are we going, he goes I gotta drop this back
7 over -- I guess he said I had to drop this back over at
8 the hotel. And then we went back over there and then
9 like almost instantly a bunch of people were there and
10 they were over there yelling or something -- you know,
11 yelling about what s going on and talking to each
12 other. And I says, hey John, let s get out of here
13 man, we ll just go get something to eat, you know, and
14 so we got in the car and started to pull off and that s
15 when they attacked me.
16 Q Why is it that you were driving the car?
17 A I don t know, John s really a shy guy, he just didn t
18 -- you know.....
19 Q How did you get a hold.....
20 Ajust threw me the keys, said here Max, if you want
21 to drive, drive.
22 Q So he gave you the keys?
23 A Yeah, he was the manager.
24 Q Okay. And when did he give you the keys?
25 A Sometime before I drove the truck.

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1 Q Okay. Was it when you -- do you remember whether it
2 was when you.....
3 A It was immediately before I drove the truck.
4 Q It was immediately before this.....
5 A Yeah, he didn t like put them in my pocket in the
6 morning or nothing.
7 Q Okay. So you went out into the car, okay, and.....
8 A We started to drive off this direction, we pulled out,
9 backed out, and started driving off like that.
10 Q Okay. And --
11 A Because we were going to go over here and go back to
12 that restaurant.
13 Q Okay. Now when was your first contact with the Yis?
14 A Right out here when I was pulling out they stopped the
15 truck and -- who s there, Kenny and who s the other
16 guy?
17 Q Well, there s -- I think the two that you re talking
18 about might be Kenny and Jeff or.....
19 A Okay. Who s the heavier set one?
20 Q Yi Yong (ph) or Jeff -- Jeff.
21 A Okay, Jeff. Yeah, see I don t even know who the heck
22 these guys were. But I -- it was the heavier set one
23 gets in front of the truck so I stop and then Kenny
24 runs over and he s screaming get out of the fucking
25 truck, get out of the fucking truck, I m going to

1 fucking kill you, get out of the truck. I go, well I
 2 ain t going to get out, so then he tries to punch the
 3 window real hard, I thought he was going to bust it but
 4 he didn t, and he punched it with his right arm, I
 5 believe, and -- but the glass didn t bust. And then
 6 the other fellow that was in front of the truck he s
 7 like, I mean, this is like un -- out of a movie, this
 8 is just unbelievable, they re -- they re freaking out,
 9 they re screaming at me. His -- somebody s wife or
 10 girlfriend s out there screaming at me, and the fellow
 11 in front of me he s like looking around for something
 12 to pick up and he finds this big cement cinder and I m
 13 thinking I m going to die when this thing hits the
 14 window, and he throws it up, bam, smashes out the
 15 window, right, caves in a little bit. He runs back
 16 over, picks it up again, throws it again, Kenny goes
 17 and jumps in the back of the truck and he s looking
 18 around for something and -- to go ahead and bust --
 19 he s trying to bust the window, he s punching it, and
 20 he s looking around for something to try to bust the
 21 window with. I m still sitting there, right, I m
 22 thinking what the hell am I going to do, these guys are
 23 going to kill me. And so I go ahead and start to pull
 24 off, it s a really snowy day, it s super slick out, the
 25 truck s barely moving. The -- one of the gals jumps on

1 of the truck because these guys are going to get me,
 2 John, he s frozen stiff like a dead man he s so scared,
 3 and so I m driving this way and suddenly this red van
 4 plows into the side of me, okay, and the dents are
 5 clearly on the side and clearly on the front of her
 6 truck, plows in front of me, she spins off and hits the
 7 ditch, and the truck just kept kind of going, it moved
 8 a little bit but it didn t -- you know, it was really
 9 slick out. And so then I come out and I spin around in
 10 this parking lot while the heavier set fellow is still
 11 jabbing at my head, and I m wondering why I m still
 12 alive at this point, and I go ahead and get back around
 13 over to the hotel, I get out, John hurry, let s get in
 14 the hotel, so we run in the hotel, and call the cops.
 15 Q Okay.
 16 MR. WALLERI: Let s take a short break.
 17 (Off record)
 18 (On record)
 19 Q (By Mr. Walleri) Okay. We re going to -- let s see if
 20 we can break this down a little bit more. When you
 21 came out and got into the car, did anybody approach you
 22 and talk to you?
 23 A No.
 24 Q Did you ever hear either one of the two gentlemen
 25 involved in this talk to you about police coming?

1 the side of the truck on the mirror, holds onto it for
 2 about five foot and lets go. Meantime, Kenny he -- he
 3 finds a broom in the back, he grabs it, he twists it
 4 off the handle, I mean, this guy s thinking about how
 5 he s going to get me. He twists it off the handle, he
 6 goes ahead and jabs it through the back window,
 7 shatters it, goes ahead and hits John in the back of
 8 the head with it, he had some cuts on the top of his
 9 head, and he went ahead and starts jamming it at me.
 10 He jabs it at me I would say a good 20, 25 times then
 11 he pulls it out and he looks at it and he goes, ahhhh
 12 (ph) and he busts it in half, he looks at the point, he
 13 goes ahhhh (ph) and then he starts stabbing it through
 14 the window again at me. And I m -- I m thinking all
 15 this time how the hell could he be stabbing me so many
 16 times and he s not getting me and I m trying to spin
 17 around the parking lot to get rid of these guys, he
 18 jumps out, his brother jumps in, grabs the same stick,
 19 starts doing the same thing. I spin the truck around
 20 here, I get it to come around, I m driving this way and
 21 there s a road here and and I m going to try to get
 22 to some pavement to get rid of these -- to get rid of
 23 this guy in the back because he s trying to kill me.
 24 I m sliding, he -- he s got a good hold, and I m
 25 getting jabbed, I ve got nowhere to go, I can t get out

1 A No. They were way over here, they were right over
 2 here, there s no way you could talk to them. And I was
 3 over here.
 4 Q Okay. So when you came -- okay, so when you came out
 5 of the entrance, they were over by the bar?
 6 A Yeah.
 7 Q And then you got in the truck, okay, and they just
 8 started running up and assaulting the vehicle?
 9 A Trying to get me to stop.
 10 Q Trying to get you to stop?
 11 A Yeah. Said stop.
 12 Q So you knew that they were trying to get you to stop?
 13 A And I stopped. Then they wanted me to get out and
 14 that s when I said, no way man, these guys are insane,
 15 I ain t getting out. I mean, he didn t come up and go,
 16 hey will you get out of the truck, I think we have a
 17 misunderstanding. Get out of the fucking truck, get
 18 out of the fucking truck, I mean, freaked out.
 19 Q Okay.
 20 A Okay.
 21 Q And did he tell you that police were on their way?
 22 A No, I kept saying no, wait for the police, wait for the
 23 police, wait -- the whole time they were jabbing me,
 24 wait for the police, wait for the police, I m swatting
 25 it like they were bugs.

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1 Q Now why were you saying wait for the police?
2 A They were trying to kill me.
3 Q Okay. How did you know that the police were coming?
4 A Because -- I don't know, I just figured they probably
5 were coming because they could see I was being
6 assaulted, the managers probably called the police, I
7 mean, they could see this -- this was a violent
8 situation, okay? Obviously, if I pull out and the
9 guy's inside he knows the police -- he's going to call
10 the police and he did, he was the first one to call the
11 police.
12 Q What if the record shows that it was actually the Yis
13 that first called the police?
14 A Wouldn't make no difference to me, it would --
15 MR. EWERS: I'm going to object, assumes facts
16 not in evidence, and an incorrect statement of the facts.
17 A Well, I don't know who called.
18 MR. EWERS: No that -- I'm just -- an objection
19 for the record that that's -- assumes facts that are not in
20 evidence and --
21 MR. WALLERI: Actually there's a dispute about
22 that, but go ahead.
23 Q (By Mr. Walleri) So when you -- but at that point when
24 they approached, you assumed that the police were
25 coming and that's why you were saying wait for the

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1 police?
2 A No, I said it after they started attacking me.
3 Q After they started you said wait for the police?
4 A Yeah. They -- they were freaking out, they were
5 freaking out, get out of the fucking truck, get out of
6 the fucking truck, and then he punches the window okay
7 and then.....
8 Q Now hold on for a second.
9 Aand then I says, somewhere along the line, wait
10 for the police, wait for the police. Actually I think
11 it was when they busted the back window is when I was
12 screaming it at them.
13 Q Okay. What I'm asking you is how did you know that the
14 police were going to be coming?
15 A I didn't know -- well, I just assumed they were because
16 I was being attacked.
17 Q Okay. So if they said.....
18 A You know, they may have called the police over there
19 too, okay, but I didn't talk to them. Maybe I figured
20 they called the police.
21 Q So if they said -- if they told you that the police
22 were on their way, is it possible that that's how you
23 knew that the police were coming, if one of the Yis had
24 told you that?
25 A No, they didn't talk to me, they -- the only thing was

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1 get out of the fucking truck.
2 Q The -- okay. So while they were on the truck or while
3 one of them was on the truck, you started moving or
4 were you.....
5 A Started pulling.....
6 Qmoving before then?
7 A Af -- no, after they had shattered the window and they
8 were making it to me and this is not an extended cab
9 pickup, this is a single cab pickup, and they were
10 right on me, okay? I could see these guys were
11 actively thinking about trying to find a weapon to look
12 for a broomstick, then pull off one end to make it
13 sharper, then to break it in half to make it sharper,
14 these guys were trying to kill me, that's all I knew.
15 And I was screaming out, let's wait for the cops, I'm
16 not thinking, hmm, I wonder if somebody called the
17 cops, and who it might have been. I'm thinking the
18 police are probably on their way because these guys,
19 and even according to witnesses, thought that they were
20 going to kill me.
21 Q Okay.
22 A And that's the assumption I was under.
23 Q Okay.
24 A I was outnumbered.
25 Q And there were two of them?

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1 A And -- no, I don't know how many there was of them.
2 I --
3 Q There were two of you though, right, on your side?
4 A There was two of us, there was two of them, two males
5 standing out there, maybe one or two women, I don't
6 know if it was the same woman that held onto the truck
7 that ran into the side of me, I'm thinking maybe there
8 was more than one woman, I don't know. So -- and I
9 don't know how many other buddies they had or if they
10 had guns, or what, you know, I didn't -- they just went
11 way over the top on freaking out.
12 Q Did you ever think that by putting the car in gear and
13 driving while they were in the back of your truck would
14 put them in any danger?
15 A I was hoping that they would fall out of the back and
16 not kill me.
17 Q Okay. So you were hoping that they would fall --
18 that.....
19 A No, and I didn't put the car in gear, I was driving.
20 They -- they ran out in front of the truck, which I
21 only held the brake down, then they started to go ahead
22 and freak out and act like they were going to go ahead
23 and hurt me, they hit the window, that was their first
24 attempt. Then they smashed the front window out, that
25 was their second attempt, then I started to pull off.

1 Q Okay. So you did not move the truck at all until.....
2 A No. How could he throw a brick that big on the
3 truck.....
4 Q Well, let s wait.
5 A I m sorry, go ahead.
6 Q I know it s an exciting story.....
7 A No, it s -- go ahead.
8 Qbut let s wait here. So it s your testimony now
9 that you did not move the truck until after the cinder
10 block hit the window?
11 A I didn t move the truck from this point. I moved it
12 out of the parking spot and they stopped me from
13 driving. I stopped. They hit the window, they smashed
14 the front window, I decided I d better get the hell out
15 of here.
16 Q Okay. So that was on the other side of the parking lot
17 from the.....
18 A That was here.
19 Q Okay.
20 A It all happened here.
21 Q Okay. So they did not approach you while you were --
22 they were nowhere around when you were -- when the
23 vehicle was in front of the hotel?
24 A They were over here.
25 Q Okay.

1 A And they seen I was leaving evidently and decided to
2 attack the truck.
3 Q Okay. And so did -- you indicated that John was frozen
4 like a dead man, I think was your expression?
5 A Yeah, he was scared stiff.
6 Q Okay. What did he -- did he say anything about this
7 that you remember?
8 A He said he thought they were going to kill him and then
9 he disappeared and nobody s heard from him since.
10 Q Okay.
11 A That s the only thing he said to me.
12 Q And you don t know where John is?
13 A I don t believe anybody knows where John is. Maybe the
14 worms do.
15 Q Why would you say the worms?
16 A Because those guys are killers and they already -- they
17 threatened John s wife, they went ahead and displayed
18 what they could do and I have no doubt that when this
19 thing s over they re going to come after me. And we
20 have lived in terrible fear ever since this has
21 happened and that s a fact.
22 Q Okay. So then you moved the truck aft -- from this
23 area where you have a circle around that you ve
24 circled.
25 A I turned and went back around this way.

1 Q And then you turned and then you went back towards the
2 bar, in the direction of the bar, right?
3 A And what I was hoping for was to find some pavement so
4 I could throw him out of the back.
5 Q Okay. So you were trying to get -- you were trying to
6 throw him out of the back?
7 A I was trying to save my life, whatever it took.
8 Q Okay. And.....
9 A And John s.
10 Q Okay. And then while you were doing that, then it s
11 that you -- then you had the collision with the red
12 van?
13 A She ran into the side of me, right.
14 Q She ran into the side of you.
15 A I don t know what the purpose was that, because her guy
16 was still in the back of the truck.
17 Q Okay. And so at the time that she collided with you,
18 it was one of the -- one of the men was in the back of
19 the truck?
20 A Yeah, he was -- the heavier set one. He wasn t quite
21 as violent as Kenny.
22 Q So when you went up to the -- so after you collided
23 with the van, what happened to the guy in the back of
24 the truck?
25 A Still in the back. He was in the back all the way up

1 -- even when we pulled up here and we ran out he didn t
2 -- I don t -- I don t know why he didn t come out --
3 after us inside the hotel.
4 Q So once you came back to the hotel and he was still in
5 the back of the truck and then you went into the
6 hotel.....
7 A We ran out.
8 Q He didn t follow you, did he?
9 A No.
10 Q Okay. So --
11 A He didn t seem like he wanted to fight as much as Kenny
12 did, I could kind of see it in his eyes, you know? He
13 knew he was doing the wrong thing, I kept shouting out,
14 stop, let s wait for the police, they ll figure this
15 out, let s wait for the police, let s wait for the
16 police.
17 Q And then once you got back into the motel, what
18 happened then?
19 A Just waited in there for the cops.
20 Q Okay. Did anybody call the police?
21 A Well I think the -- the counter person called the
22 police. I think I read somewhere that I called the
23 police or talked to the police, I m not sure who talked
24 to the police. I was pretty dangd excited.
25 Q But somebody -- after you returned to the hotel,

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1 somebody called the police?
2 A Yeah, I m assuming.
3 Q Okay. You re assuming or you know that?
4 A No, well I -- I think I talked to somebody on the
5 phone. But I think the counter guy dialed the number
6 and says this is the manager and -- and I don t know
7 how the phone got to me.
8 Q Okay. So -- and what were the Yis doing when you were
9 in the hot -- office of the hotel?
10 A They were back over with the police, screaming out a
11 bunch of stuff.
12 Q So the police got there immediately when you got to the
13 hotel, okay.
14 A Well, they were -- I don t know, five minutes or
15 something, two minutes, three minutes.
16 Q About five or somewhere?
17 A They -- they pretty much retreated back over to the
18 bar, I guess, and.....
19 Q So they -- so they actually left?
20 A Yeah -- well, I don t know where they really ended up,
21 because I was inside the place and I wasn t, you know,
22 trying to even have a confrontation, I was -- I was
23 more hiding than anything. But I don t know where
24 exactly they went. The next time I looked out the
25 window the cops were over there and they were talking

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1 to them.
2 Q But they didn t go back into the hot -- they didn t
3 follow you into the hotel did they?
4 A No, never, no.
5 Q Okay.
6 A The -- the door was locked, I don t know.
7 Q Were there any.....
8 A I don t know if they actually made an attempt to come
9 in or not cause I ran in and the manager locked the
10 door.
11 Q Okay. Were there.....
12 A And I went to the back there.....
13 Qany security people there?
14 A No.
15 Q Okay. So -- but the gentleman in the back of the car
16 did not attempt to stop you from going into the hotel?
17 A I don t know what he was attempting to do, I wasn t
18 looking back at him, I was running.
19 Q Okay.
20 A Maybe he just couldn t get out fast enough cause it
21 was pretty slick back there. I was getting out of a
22 dry area running, he was getting out of the back full
23 of snow and he was on his knees.
24 Q Okay.
25 A From his first indication what they were doing to me, I

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1 believe they would have loved to have caught up with
2 me.
3 Q Okay. So once you got back into the hotel and the
4 police showed up, okay, do you remember a policeman
5 coming and talking to you?
6 A Uh-huh (affirmative).
7 Q And.....
8 A Yes.
9 Q And that would be Officer Merideth?
10 A Only if you say it is, I don t know which office.....
11 Q Okay. You re not sure who it was?
12 A Yeah -- yeah, is Merideth a male or a female, I m sorry
13 to say?
14 Q It s a male.
15 A Male. Okay. I thought I talked to a female, maybe I
16 didn t but --
17 Q Okay. So you talked to some officer?
18 A I talked to an officer.
19 Q And what did you tell the officer?
20 A Just what I told you.
21 Q Okay.
22 A Exactly. We were pulling away from here and they
23 attacked me and I ran it down exactly like I ran it
24 down to you.
25 Q Did you tell them that you tried to serve eviction

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1 papers on them?
2 A No. No, I said they -- I was over there with John
3 while John was serving papers.
4 Q Okay. And did you tell them that you were helping
5 John?
6 A No. No.
7 Q And.....
8 A I was with him, he might have assumed I was helping
9 him. That would be a pretty easy assumption.
10 Q And did you -- and basically just recounted what had
11 happened in this discussion here?
12 A Yes.
13 Q Okay. And then what happened after that?
14 A I got the heck out of town and then I heard -- I heard
15 those people were getting released and coming straight
16 back, I don t know where I heard that from, and so I
17 didn t want to be there. And that was the last thing I
18 had to do with any of them or any -- at all of
19 anything.
20 Q And so you guys -- who took you out to the airport?
21 A I don t know. I may have taken a cab. Maybe Mr. Yang
22 came back but I don t think so. I don t think I seen
23 him that day at all, he was not around. So most likely
24 I took a cab.
25 Q He didn t show up after that?

27 (Pages 102 to 105)

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1 A No and I can see why.
 2 Q And did -- when you went over to the bar to help or to
 3 watch Mr. Lee.....
 4 A Right.
 5 Q Did you -- did you see Mr. Lee put up a sign or
 6 anything?
 7 A No, I seen some -- a piece of paper right here on this
 8 building went up (ph), but I never actually seen him
 9 physically put it up.
 10 Q Okay. Do you -- if there was a piece of paper from Mr.
 11 Pharr, do you know how John got that piece of paper
 12 from Mr. Pharr?
 13 A No.
 14 Q Did you bring anything from Mr. Pharr to.....
 15 A No.
 16 Qwhen you came up?
 17 A No, no. Nothing. Had nothing to do with any of that.
 18 Maybe faxed up, sent a letter, I don t -- I don t even
 19 know that there was. I don t know that that letter
 20 that was on the wall -- I mean, I think you re assuming
 21 that I know that that letter -- where that letter was
 22 from and I don t. I know that there was a letter up
 23 there, I m assuming that s part of their eviction when
 24 you see a letter stuck up on somebody s door you --
 25 it s pretty safe to say there s a problem there. And

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1 so, you know, and I -- I knew what they were doing as
 2 they were starting to do it, but I didn t know that it
 3 was even a big deal. I didn t know where these guys
 4 finally left off and where they really were at that
 5 point.
 6 Q Did you.....
 7 A Cause I had never talked to them again, just those two
 8 times.
 9 Q And John came out, when he came out -- but you never
 10 stepped foot in the bar?
 11 A Never even walked in there.
 12 Q Okay. Do you know how John got into the bar?
 13 A Popped the door with a -- some kind of thing.
 14 Q A crowbar?
 15 A A crowbar or something, yeah.....
 16 Q So he didn t use a key?
 17 A Some kind of stick or something. I don t believe so.
 18 He may have used a key but I don t think so, I think he
 19 went ahead and had to get in there.
 20 Q Okay. So he just went ahead and popped the door?
 21 A But the key -- well, as a matter of fact, he -- yeah he
 22 did pop the door because they told me to -- I had heard
 23 somebody saying that they can t get back in there but
 24 there was nothing wrong with the key. So -- cause
 25 they never -- never put a key in there, so that s -- he

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1 did use a crowbar.
 2 Q He did use a crowbar?
 3 A Yeah.
 4 Q Okay. And did you look inside when he was in there,
 5 when the door was open?
 6 A No, pitch black, couldn t see nothing.
 7 Q Okay. Did he turn on any lights when he went in?
 8 A No, I -- well, when you open the back door, there was
 9 just a little area like a couple foot, you know, like
 10 four foot square or something and then it went around
 11 the corners and there was walls so you couldn t see
 12 nothing in there anyway. So I don t know what he did
 13 when he was in there, he was in there about a minute,
 14 two minutes.
 15 Q Okay. Where -- and you were standing on the
 16 outside.....
 17 A Right.
 18 Qat that point? And you didn t see anybody at that
 19 point?
 20 A None of those guys were there, no. Do you mean the
 21 opposing guys?
 22 Q The opposing -- the opposing parties?
 23 A Yeah, none of them were there at all. They didn t show
 24 up until quite some time later. You know, within a
 25 half hour.

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1 Q A half hour?
 2 A Yeah.
 3 Q Okay. Were you ever sitting in the white truck?
 4 A When I got in it and drove it.
 5 Q Okay.
 6 A You mean be -- when?
 7 Q Do you remember being in the white truck at any other
 8 time that morning before you got into it to drive away?
 9 A No. Well, let me just say, I don t know if I drove the
 10 truck before when me and John were going around, I only
 11 remember driving the truck off -- when, you know, the
 12 incident happened. So was I sitting in the truck
 13 immediate to that happening, no, but was I in the truck
 14 prior to that whole situation and even going over
 15 there, I may have been.
 16 Q But you don t have a direct recollection of it?
 17 A I wasn t trying to remember that kind of thing.
 18 Q Do you remember whether or not there was anybody else
 19 there to -- when you went into the -- when John went
 20 into the bar?
 21 A There was a locksmith there but he didn t nothing.
 22 Q Okay. And what was.....
 23 A Don t even know who he -- I heard he was a locksmith
 24 but he didn t do nothing so --
 25 Q How did you hear that he was a locksmith?

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1 A I don t know, maybe I just assumed he was. Maybe he
2 said he was. I don t -- I really don t recall. He
3 didn t unlock nothing so he wasn t much of a locksmith.
4 Q Okay. But he was.....
5 A But I don t even recall what.....
6 Q But there was a locksmith there from what -- I m asking
7 you about your direct recollection, okay?
8 A Right. I don t know if he was an official locksmith,
9 you know, I think he was in a car and it was unmarked
10 so it wasn t -- I think I.....
11 Q Do you know what he looked like?
12 A No. I just assumed it was one of Yang s friends, Mr.
13 Yang s friends, you know, as a locksmith. I know about
14 locksmiths.....
15 Q Did he go in?
16 A No.
17 Q Okay.
18 A He didn t do nothing, he just sat there.
19 Q Okay. After you guys left, did he stay there?
20 A No, he left. He left before -- well, yeah he left
21 right when we left. We were only in -- he was only in
22 there about, like I said, about a minute or two, he
23 walked out, the guy drove off, we went over to the
24 hotel, I seen him drive off.
25 Q Okay. And he was in an unmarked car?

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1 A Yeah.
2 Q Do you recog -- can you describe what that unmarked car
3 looked like? Do you have any idea what color it was?
4 A Pontiac, Plymouth, probably gray, something like that.
5 Q Okay.
6 A Yeah, a 90's, mid-90's.
7 Q It was a sedan?
8 A Four door.
9 Q A four door?
10 A Yeah.
11 Q And like a Pontiac or a Plymouth?
12 A Pontiac or a Plymouth, some kind of Plymouth or --
13 Q Okay. So -- and you think it was gray?
14 A I think so.
15 Q And can you tell me whether or not he -- do you have a
16 recollection of his race, if he was White, Asian,
17 Black?
18 A He had kind of tan skin, I don t know what you d want
19 to call him, I don t want to venture to that, but I
20 mean, he wasn t a Black guy. He wasn t -- maybe
21 Mexican or something or -- or -- he had brown skin, you
22 know, not real brown but a little brown.
23 Q Okay. And.....
24 A I think he was a friend of Mr. Yang s, so you can ask
25 Mr. Yang and he can tell you who the guy was.

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1 Q And how -- what caused you to believe that he was a
2 locksmith?
3 A You know, I -- maybe he said it. Maybe he said he was
4 a locksmith. Maybe -- he might have probably tried to
5 get the back door open, I don t really even -- you
6 know, mainly what I remember is the highlights. I
7 remember John opening the back door, me looking in
8 there and it seemed awfully dark, and then that s
9 what -- the main thing I recall. Where everybody was
10 and sitting and what they were all doing, is a little
11 vague to me. The guy wasn t in a marked thing so I
12 didn t think he was an official locksmith, I figured he
13 must have been helping John and Mr. Yang at whatever
14 the heck they were doing and -- so I just assumed he
15 was a locksmith, I don t know if he officially was.
16 Q Okay. You didn t see anything that said like Action
17 Locksmith.....
18 A No, no nothing like that.
19 Qor anything like that? Okay.
20 A I d have remembered that.
21 Q Do you know where he was in relationship to the
22 building, where his car was?
23 A The guy that -- the locksmith?
24 Q Uh-huh (affirmative).
25 A Yeah. He was --

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1 Q Here, go ahead.
2 (Drawing on diagram)
3 A Here s the back door and here s his car. You know,
4 and our car wasn t over there so he must have -- we
5 must have walked over there, cause I -- there was only
6 one vehicle back there.
7 Q There was only one vehicle back there?
8 A Yeah. And he was parked kind of kiddie (ph) corner
9 right here.
10 Q Okay.
11 A Had his -- had his door open.
12 Q So now you re pretty sure that you guys walked over
13 there?
14 A Yeah, yeah cause I don t recall seeing any truck -- I
15 mean, in my mind as I remember, I don t -- there was no
16 other vehicle back there besides his.
17 Q Okay. How far away would you say, maybe 20 feet, from
18 the back door or farther?
19 A I d say about 30 feet. Pretty far. I mean, he wasn t
20 like real close. He was right at the end of the
21 parking lot.
22 Q It wasn t to the pavement though was it?
23 A It was -- it was the middle of winter.
24 Q Okay. Good point, good point.
25 A But he wasn t really close to the building.

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1 Q Did he say anything?
 2 A Not really. I mean, we were only over.....
 3 Q Did he introduce himself?
 4 A No.
 5 Q I mean, did you guys like say hi?
 6 A No, I didn t -- he didn t say like I m Bob or anything.
 7 Q Did John talk to him?
 8 A No, John s a man of few words. But -- what was I going
 9 to say? Yeah, we were only over there about -- you
 10 know, less than five minutes.
 11 Q Have you ever seen this gentleman before?
 12 A No.
 13 Q Or have you ever seen this gentleman afterwards?
 14 A No. That s -- I have a real hard time identifying him
 15 if I -- if he walked up to me right now because I only
 16 seen him for a couple of minutes and it was snowing
 17 like crazy, it was a bad day, you know, the -- it was
 18 really nasty out.
 19 Q Okay.
 20 A That s kind of why I assumed we must have drove over
 21 there, but I don t think we did.
 22 Q Okay.
 23 MR. EWERS: Mike, could I ask a favor?
 24 MR. WALLERI: Sure.
 25 MR. EWERS: If he could point out again where on

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1 the diagram the -- approximately where his truck was so -- and
 2 I -- when I move over?
 3 MR. WALLERI: Sure.
 4 A It would be right here, kiddie (ph) corner to the
 5 building.
 6 MR. EWERS: Thank you.
 7 A You re welcome.
 8 Q (By Mr. Walleri) When he -- was he parked there when
 9 you first got there?
 10 A I don t recall. I -- I d have to say probably was.
 11 Q Okay.
 12 A Yeah.
 13 Q So was he like waiting for you?
 14 A I don t know. I don t recall. I m thinking that he
 15 probably pulled up just about the same time we did
 16 cause we -- we were only there about two or three,
 17 four or five minutes, the whole incident, you know, of
 18 going over there.
 19 Q Did John make a phone call or receive a phone call
 20 before you went over to the -- to go to the bar?
 21 A I don t know. I didn t see him on the phone.
 22 Q The --
 23 A He did say out of the blue, I mean, it was out of the
 24 blue, let s go over here, I gotta go ahead -- I gotta
 25 go in here for a few minutes, you would ride along with

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1 me kind of deal, and okay, whatever, you know, I m
 2 thinking it s no big deal, you know? It was a big
 3 deal.
 4 Q He didn t tell you why he wanted you with him?
 5 A No, not at all. And Mr. Yang never told me that that
 6 was our intent of being there whatsoever, otherwise I
 7 wouldn t have shown up and if I did, I d have had a
 8 bat, but I didn t.
 9 Q Do you own any guns?
 10 A Yes.
 11 Q How many guns do you own?
 12 A Two, I m licensed to carry.
 13 Q Okay. And what are they?
 14 A 32 and a 45.
 15 Q Okay. Those are pistols?
 16 A Yes.
 17 Q Did you have a gun with you?
 18 A Yes. I always carry a gun.
 19 Q So you had a gun with you at the time?
 20 A Oh did I have a gun now -- there? No. I have a gun
 21 now, but I don t (ph) have a gun then.
 22 Q Okay. And you re licensed to carry it?
 23 A Uh-huh (affirmative).
 24 Q When did.....
 25 A But I didn t -- and I always carry a gun and I didn t

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1 carry one that day because I didn t think I needed to.
 2 Q Okay. And why do you always carry a gun?
 3 A Because, number one, those guys are after me as far as
 4 I m concerned, but -- you know, why do I carry a gun?
 5 Well, why did they go ahead and organize the -- was it
 6 the rifle association or gun association, I mean, why
 7 does anybody carry a gun? To protect yourself. It s
 8 Alaska.
 9 Q Okay. And you have two.....
 10 A And I ve been a bail bondsman. I don t know if there s
 11 people that still don t like me or not, but I ve
 12 carried a gun since I was a young man, young kid.
 13 Q Do you have a gun on you right now?
 14 A Yeah. I said that a minute ago, I always carry a gun.
 15 I have one strapped to my leg.
 16 Q Okay. When you go to -- when you went to Fairbanks,
 17 did you have to check a gun?
 18 A No, I didn t take a gun.
 19 Q Okay. And you didn t take a gun to Fairbanks?
 20 A No.
 21 Q Okay. Was there a gun in the car?
 22 A No.
 23 Q Okay. Did you.....
 24 A I didn t take a gun. Oh you mean their guns?
 25 Q Yes.

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1 A No. If there was, I would have probably shot the guys
2 cause I thought they were going to get me. I didn t
3 have any weapon. There was a stick though down beside
4 the seat which I -- I didn t use, I was just trying to
5 get away. What was I going to do with a stick?
6 Q Okay.
7 A Sorry if it offends anybody that I have a weapon.
8 Q No, no that s --
9 A Okay. I ve been carrying for 23 years and never had a
10 situation where anybody had a problem with it so I know
11 how to carry a weapon.
12 Q Okay. Do you know whether or not John had a weapon?
13 A No, he -- well, I don t know, but I m assuming he
14 didn t. He s really -- have you ever met John? He s
15 really, really, really super timid, he s almost like a
16 girl, an old girl that s really frail. His head was
17 all cut up, you know, it wasn t too sweet (ph).
18 Q You never saw the Yis with any weapon like a gun, did
19 you?
20 A No, never seen them -- they didn t have any weapons
21 other than what they found around to use.
22 Q Okay. So -- okay. Let me see here (pause - reviewing
23 documents). When you were a bail bondsman, you re not
24 a bail bondsman now, right?
25 A No.

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1 Q Okay. Did you work for anybody?
2 A Did I work for anybody? How do you mean, I worked for
3 all kinds of people.
4 Q Well, could you tell me who you worked for?
5 A You mean like -- well, I worked for Capital Bonding as
6 a bail agent.
7 Q Capital Bonding.
8 A I worked for the city recovering people you might say,
9 it was my -- my responsibility to get people back to
10 court.
11 Q And you worked for the city?
12 A Well, I wouldn t get -- didn t get a paycheck from the
13 state, but it was our responsibility to recover people
14 that didn t show up for court.
15 Q Who paid you?
16 A Capital Bonding. And other companies, other bail
17 bonding companies cause like I said nobody else did it
18 before me.
19 Q So your principal employer though.....
20 A Was Capital Bonding.
21 Q Was Capital Bonding and who.....
22 A And they re out of business right now
23 Q And who was the -- who was it that you were working
24 with at Capital Bonding?
25 A Boy, making me thing here. That was Vince -- Vince --

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1 I don t remember his last name, they re out of
2 business.
3 Q Okay. Anybody -- more than one person at Capital Bond
4 (ph)?
5 A Well, there was a whole -- they were a nationwide
6 company but he was the owner.
7 Q He was the local franchise guy or --
8 A No, me I was the local franchise guy.
9 Q Oh you were the local franchise guy?
10 A Right.
11 Q Okay. And where was Vince located?
12 A Out of Philadelphia I think it is. Philadelphia -- I d
13 have to get that to you. They went out of business
14 because the state wouldn t take back any of the illegal
15 immigrants that we rounded up, they wanted us to hold
16 onto them so they couldn t collect the bails, so they
17 went out of business.
18 Q Did you ever work any place else as a bail bondsman?
19 A I worked recovering other people -- other people s lost
20 bails. I worked for Fred, I worked for Aurelia (ph),
21 Alaska Bail Bonding, Fred s Bail Bonding. I m good at
22 finding people.
23 Q How long did you do that?
24 A About four years. Three or four years.
25 Q And when was that?

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1 A Oh that was 01 to 03, something like that.
2 (Pause - reviewing documents)
3 Q Have you ever been -- have you ever managed property
4 before?
5 A No. Have a hard time managing my checkbook.
6 Q Did Mr. Yang know that you had been a bail bondsman?
7 A I don t recall if he actually knew that.
8 Q Did you ever tell him that?
9 A I don t know. I don t think that was our conversation,
10 it didn t center around that. I m not one to really
11 tell people my business so I doubt that I just blurted
12 it out or anything. The only thing he knew I was was
13 good at advertising because I said, hey, I think we
14 could get that place to make some money and that s the
15 opportunity I seen.
16 Q Can you tell me prior to your relationship with Mr.
17 Yang or meeting Mr. Yang, can you tell me other web
18 designs that you did?
19 A Just my own.
20 Q Just your own?
21 A Yeah. So I wasn t like a web guy, but I was trying to
22 be.
23 Q And so.....
24 A I had a program.
25 Q You had never hired out to do web design before?

1 A No. But I have been in the advertising business, we
 2 used to own the Cartoon Channel, which turned into the
 3 Cartoon Network and we also opened up Powerhouse Gym
 4 and sold more memberships than ever in their history,
 5 so advertising is my forte.
 6 Q And who owned the Car -- who was the -- who was the
 7 titled owner of the Cartoon Channel?
 8 A George Lamoureaux.
 9 Q That was your brother?
 10 A Yeah.
 11 Q And the Powerhouse Gym?
 12 A I don t know who owned it, we worked for them.
 13 Q Okay. You don t know who owned it?
 14 A He wasn t the owner, I wasn t -- it was nobody we were
 15 related to, it was just.....
 16 Q Do you know who it was?
 17 A Oh, let s see, what was her name? I don t recall.
 18 Q That s here in Anchorage?
 19 A Yeah, it s just right over here.
 20 Q That s the one over by Alaska Bagel?
 21 A Just right there.
 22 Q Okay. That s on.....
 23 A The old Gary King s.
 24 Q Oh, it s at the old Gary King s, okay. Okay.
 25 MR. WALLERI: I think that s all I got. Do you

1 Q It s the one -- that one, yes. Now, at the bottom, is
 2 that your signature?
 3 A Yes it is.
 4 Q Okay. And -- it -- the -- in the statement portion of
 5 it that starts on 12-19-2004, it s actually typed in
 6 there. Do you -- did you type that up?
 7 A You know I don t recall where -- where that actually
 8 came from.
 9 Q You don t recall having a typewriter at --
 10 A I got a typewriter and I may have typed that.
 11 Q Well, I mean.....
 12 A I thought the statement would have been given the day
 13 that -- the incident.
 14 Q Okay. And it s -- the date of your signature is the
 15 19th, correct?
 16 A Correct. So that was that same day that it happened.
 17 Q Okay. So you don t recall if there was a typewriter at
 18 the office or you typing it up or anything?
 19 A No.
 20 Q And did you look at the -- your statement there about
 21 what happened, is that correct, is that sort of a
 22 summary of the testimony you gave today about what
 23 happened?
 24 A Yes.
 25 Q Looking at D and E, Citizen s Arrest Report, the two of

1 want to take a short break and go into it and or who would like
 2 to go next or --
 3 MR. FISHER: I don t need a break but.....
 4 (Off record comments)
 5 (Off record)
 6 (Deposition Exhibits D, E and F marked)
 7 (On record)
 8 MR. EWERS: Aisha, are you there?
 9 MS. BRAY: I am here, thank you.
 10 MR. EWERS: All right. Sort of forgot about
 11 you.
 12 CROSS EXAMINATION
 13 BY MR. EWERS:
 14 Q Mr. Lamoureaux, my name is Paul Ewers and I represent
 15 the City of Fairbanks.
 16 A Yes.
 17 Q Quickly I ve handed you what the -- what were marked as
 18 Exhibits D, E and F and have you had a chance to look
 19 at those?
 20 A Yes I have.
 21 Q Do you recognize those documents?
 22 A Yes I do.
 23 Q Let s go to F first and this is a -- at the top it says
 24 Statement.
 25 A Okay.

1 them, one is for Yong Yi and the other is for Kenny Yi,
 2 there s a signature on there, is that also your
 3 signature?
 4 A Yes it is.
 5 Q Okay. And do you remember signing these documents, the
 6 two Citizen s Arrest forms and the Statement on that --
 7 the day of the incident?
 8 A I believe so, yes.
 9 Q Now you said you left Fairbanks then fairly soon after
 10 this happened on the same day?
 11 A Yes.
 12 Q So it would be correct to assume that these were done
 13 within an hour or so of the police arriving, or an hour
 14 or two?
 15 A Yes.
 16 Q Have you had any contact, made any other witness
 17 statements, phone contact or anything with any of the
 18 Fairbanks police officers about this matter?
 19 A No, I have not.
 20 MR. EWERS: That s all the questions I have.
 21 MS. BRAY: I have no questions.
 22 MR. FISHER: Let me look for a second. I have
 23 no questions.
 24 MR. WALLERI: Sorry, I do.
 25

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1 REDIRECT EXAMINATION
2 BY MR. WALLERI:
3 Q Do you know what a citizen s arrest is?
4 A Yes, I do.
5 Q Okay. Have you ever used it before?
6 A I -- apparently I did here at Fairbanks. I didn t know
7 I was actually making the arrest, although -- I mean,
8 because anytime I normally make an arrest or have
9 somebody arrested, I -- you know, I was a bail
10 bondsman, I d say come arrest this guy, they have a
11 warrant out for him. When I had them arrested,
12 evidently had them arrested, I was kind of under the
13 impression -- and I would have had them arrested if I d
14 a known, I ll just say that, because I was scared that
15 they were -- that I couldn t leave. And -- but I
16 didn t know I was really -- I was the only one arrested
17 them, I was under the assumption that they were being
18 arrested because they broke the law, and that I was
19 just agreeing to what I seen and that s what was making
20 the arrest.
21 Q Who -- did you think that the police were arresting
22 them?
23 A Yes.
24 Q And have you ever filed a Complaint before against
25 somebody?

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1 there was an apparent crime committed that other
2 witnesses had seen.
3 Q When -- when you were talking to the police, you or
4 John Lee, did you tell them that you had been over to
5 evict or that at least John had been over or somebody
6 had been over to evict.....
7 A Yeah, they -- I think the officer says what happened
8 here and I says well I was over with John and we were
9 putting on that eviction notice over there, so I may
10 have led him to believe that we were doing that,
11 because I was saying what I was doing there.
12 Q Did you tell the police that you had a court order.....
13 A No.
14 Qor anything like that?
15 A No, no I didn t.
16 Q You re pretty sure about that?
17 A Yeah.
18 Q Okay.
19 A I mean I didn t have a court order. Did I say I had a
20 court order? No. No.
21 Q Okay. And did you -- did they ask you whether or not
22 the Yis agreed with the eviction?
23 A No, they -- I don t believe they asked me. I really
24 don t recall. I don t think that they discussed any of
25 the business deal at all, I think that we were talking

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1 A I don t believe so.
2 Q Okay. What was your understanding of what you were
3 doing when you signed this Citizen s Arrest Report?
4 A Agreeing that that s what happened.
5 Q Okay. Did they tell you that you would actually be the
6 person -- did one of the officers tell you that you
7 were the person who was actually making the arrest?
8 A I would assume so.
9 Q You recollect that?
10 A Yes, I -- I believe they told me that somewhere along
11 the line. I -- you know, I was so excited at the time
12 I just wanted them out of there and I would have agreed
13 to jump off the top of the roof to get them out of
14 there.
15 Q Well, I guess I m still a little confused. Did you
16 know at the time that you were the one who was actually
17 arresting Yong Yi and Kenny Yi?
18 A I knew that I was participating in their arrest, I
19 didn t know that I had the sole discretion in arresting
20 them.
21 Q Okay. Did you think that the police were also
22 arresting them at the same time?
23 A Yes.
24 Q Okay.
25 A Based on witnesses, not just my story, but only because

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1 about the assault and the broken glass and how it got
2 that way. So they -- they weren t centered on the
3 business aspect of it at all. It was the assault issue
4 that we discussed.
5 Q But you -- but -- just so that I have this, it is your
6 recollection that either you or John told them that
7 they -- that the eviction notices had been put up?
8 A Well, what s the question? Well, I m sorry, one more
9 time?
10 Q That either you or John had told the police when they
11 were interviewing you that eviction notices had been
12 put up?
13 A Okay. Let me think about that, what I told the cop. I
14 believe the officer said what -- what happened, and I
15 says we were over there, I went with John to put up an
16 eviction notice, I might have said -- but the eviction
17 notice was already up before we went over there so I --
18 I -- you know, that s -- I didn t help him put up the
19 eviction notice. Maybe I said to evict these guys, I
20 really don t know what -- you know, other than I said
21 we were all -- I was with John, we were over there,
22 John took down their license off the wall, that s
23 probably what I told them because that s what he did,
24 all right? And when we came back over here we tried to
25 go to breakfast and they attacked me.

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1 Q Now two things, now you re actually raising more
2 questions, I m sorry.
3 A Oh, I m sorry.
4 Q Did you tell the police how John got into the bar?
5 A No, we didn t discuss that.
6 Q Okay. Did they ask you how John got into the bar?
7 A I don t recall.
8 Q Okay. You said that the eviction notice was actually
9 on the bar when you got there?
10 A It -- I don t know if it was there in the very first
11 thing in the morning but I remember looking out and
12 seeing it across there. I -- I remember in my memory
13 seeing it on the building.
14 Q Before you went over there?
15 A Before we went over there so his intention to go over
16 there was to get the liquor license off the wall.
17 Q Not to put up --
18 A An eviction notice.
19 Q And the eviction notice had been put up before that?
20 A Right. And I don t know when it was put up, I didn t
21 see them put it up. I m thinking it was up after I
22 arrived though.
23 Q Do you know who put that up?
24 A Not really. John probably, he s the only guy there
25 besides the counter guy that never left the counter.

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1 SIGNATURE
2
3 STATE OF ALASKA)
) ss.
4 THIRD JUDICIAL DISTRICT)
5 I, MAX A. LAMOUREAUX, have read the foregoing
6 deposition and have made corrections thereto. Any and all
7 changes, explanations, deletions and/or additions to my
8 testimony may be found on the correction sheet(s) enclosed with
9 this transcript.
10
11
12 _____
13 MAX A. LAMOUREAUX
14 STATE OF ALASKA)
) ss.
15 THIRD JUDICIAL DISTRICT)
16 THIS IS TO CERTIFY that on this day of
17 _____ 2008, before me appeared MAX A. LAMOUREAUX, to
18 me known and known to be the person named in and who executed
19 the foregoing instrument, and acknowledge voluntarily signing
20 and sealing the same.
21 _____
22 Notary Public in and for
23 State of Alaska, at Anchorage
24 My Commission Expires: _____
25

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1 And John did leave a couple of times, you know, when we
2 were there and I was making phone calls and such.
3 Q Okay.
4 MR. WALLERI: Okay, that s all I have.
5 MR. FISHER: Aisha, anything more from you?
6 MS. BRAY: Nope.
7 MR. FISHER: And nothing from me.
8 MR. WALLERI: Thank you.
9 (Off record)
10
11
12
13 * * * END OF PROCEEDINGS * * *
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Page 133

1 CERTIFICATE
2 UNITED STATES OF AMERICA)
) ss.
3 STATE OF ALASKA)
4 I, Jerri Young, Notary Public in and for the State of
5 Alaska and Reporter with Metro Court Reporting, do hereby
6 certify:
7 THAT the annexed and foregoing Deposition of MAX A.
8 LAMOUREAUX was taken before Sharon Wilcox on the 19th day of
9 December 2007, commencing at the hour of 9:11 o'clock a.m., at
10 Metro Court Reporting, 121 West Fireweed Lane, Suite 260,
11 Anchorage, Alaska, pursuant to Notice to take said Deposition
12 of said Witness on behalf of the Plaintiffs;
13
14 THAT the above-named Witness, before examination, was
15 duly sworn to testify to the truth, the whole truth, and
16 nothing but the truth;
17
18 THAT this Deposition, as heretofore annexed, is a true
19 and correct transcription of the testimony of said Witness
20 taken by Sharon Wilcox and hereafter transcribed by me;
21
22 THAT the original of the Deposition transcript will be
23 lodged in a sealed envelope with the attorney requesting
24 transcription of same, as required by Civil Rule 30(f)(1)
25 amended, that attorney being:
MR. MICHAEL J. WALLERI, Attorney at Law, 330 Wendell
Street, Suite E, Fairbanks, Alaska 99701;
THAT I am not a relative, employee or attorney of any
of the parties, nor am I financially interested in this action.
IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my seal this 7th day of January 2008.

Jerri Young
Notary Public in and for Alaska
My Commission Expires: 11/03/2011

6xc 258

Y & I CORPORATION

1316 Bedrock Street. Fairbanks. AK 99709

12/13/2004 6:08 PM

Klondike Restaurant & Sports Bar
Young Yi

Re: Sale

Dear Mr. Yi,

As we discussed on the phone today your offer to purchase the license and lease rights for the Klondike Restaurant & Sports Bar was much lower than fair market value. We must decline your offer. Concerning your request to put our proposed sale price in writing Y & I Corp. has decided to make a final attempt, in good faith, to give you a proposal that reflects fair market value and allows you and your family to reap the benefits of your hard work and investment. This proposal is not negotiable and is a final attempt to resolve all issues. This proposal has a time limit 48 hours from the time it is faxed. This gives you till 12/15/2004 @ 6:00pm to decide your position. If you wish to accept or offer Please sign this letter and return by fax to me @ 222-4018. Within 24 hours after acceptance, all moneys (\$120,000) must deposit it an escrow account at our bank.

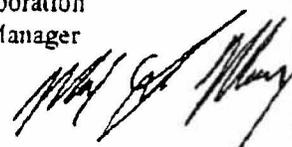
1. Price \$150,000.
 - \$100,000 down payment
 - \$50,000 owner financed at 1 year, 8% interest (must be paid off within one year)
2. Inventory: \$21,073.11 paid in full at the time of closing.
3. Rent: \$6,500 monthly till March, 2010.
4. Lease Term: 10 years with two 5 year options to renew.
5. Insurance: Proof of insurance at time of closing. (Verified every 6 months)
6. All maintenance concerning Klondike Restaurant & Sports Bar will be the responsibility of the tenants. This includes but is not limited to the roof to basement and exterior of the building.
7. Ice machine and all bar & restaurant supplies be moved out of the Klondike Inn upon closing.

Y & I Corp. makes this proposal in good faith. As time is of the essence please let me know of your decision soon as possible so that your position can be secured as we are looking forward to working with you.

I can be reached @ 907-333-4629 anytime.

Respectfully yours, Max
Y & I Corporation
Property Manager

PH: 907-278-4668 Fax 907-222-4018



DATE	12.19.07	EX	A
WITNESS	[Signature]		
METRO COURT REPORTING (907) 276-3876			

Yi v. Yang
Plaintiff No. 33
Exhibit

A

EXC 259

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

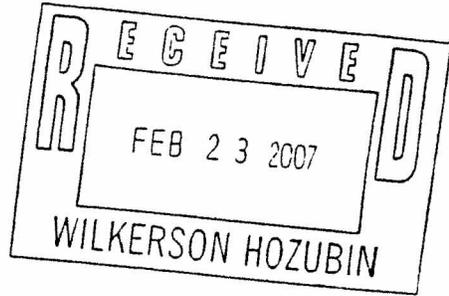
YONG H. YI, KENNY YI, HYONG C. YI)
and LUNAR CHIN.)

Plaintiffs,)

vs.)

HARRIS S. YANG, SHARON YANG, MAX)
ARTHUR LAMOUREAUX, Y & I)
CORPORATION, OFFICER LAWRENCE)
PEYTON MERIDETH, and the CITY OF)
FAIRBANKS,)

Defendants.)



Case No. 4FA-04-2761 CI

AFFIDAVIT OF LAWRENCE PEYTON MERIDETH

STATE OF ALASKA)
) §
FOURTH JUDICIAL DISTRICT)

Lawrence Peyton Merideth, being first duly sworn, upon oath, deposes and states as follows:

1. I am currently a detective with the Fairbanks Police Department. I have been employed by the Fairbanks Police Department since July 1, 2000. In December of 2004, I was working as an officer assigned to a regular patrol shift. In February of 2005, I moved to investigations.

2. On the morning of December 19, 2004, I was dispatched to an incident in progress at the Klondike Inn/Restaurant. The Klondike is located on Bedrock Street in the City of Fairbanks. The Inn is on one side of the street, and the bar/restaurant is across the street from the Inn. Officer Douglas Welborn, Officer David McKillikan, and then Sergeant

(now Lieutenant) James Geier also responded. Exhibit G

EXC 260

Exc.
CITY
K

DATE 2/19/07
EX. B
WITNESS: [Signature]
METRO COURT REPORTER
(907) 276-3876

THE
Y
ASKA
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