

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
2 CASE No. 50-2011-000246 XXXX MB  
3

JESS R. SANTAMARIA,

4

Plaintiff,

5

-vs-

VOLUME II

6

ANDREW F. SCHALLER,

7

Defendant.



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Tuesday, March 13, 2012

10:10 a.m. - 6:00 p.m.

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105 South Narcissus Avenue

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Suite 400

West Palm Beach, Florida 33401

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Reported By:

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Pamela J. Sullivan, RPR, FPR, CLR

Signature Court Reporting, Inc.

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## CONTINUED DIRECT EXAMINATION

(Plaintiff's Exhibit 2 was marked for  
identification.)

BY MR. BARSKY:

Q. I'm going to show you what's been marked as  
Exhibit 2 to your deposition. It's a document entitled,  
"Request for Inquiry, Violations of Jess R. Santamaria  
and his county staff." Have you seen this document  
before?

A. The original.

Q. Can you look through this document, make sure  
it's a complete document?

A. Without being able to recite pages and by the  
numbers, it looks like what I produced.

Q. So it appears to be an accurate copy of the  
document that you made?

A. It appears.

Q. Where is the original of this document?

A. Define original.

Q. Well, you said you've seen the original  
before, so I'm asking where that is?

1           A.     I mean, I knew the one that I possessed, I  
2     don't know where you got yours.

3           Q.     Okay. So the one that you possess, you  
4     consider the original. I'm just asking because you  
5     mentioned the original.

6           A.     Yeah, I see copies. I don't know where it  
7     came from.

8           Q.     Okay. I'll show you what we're marking as  
9     Exhibit 3 to your deposition.

10                   (Plaintiff's Exhibit 3 was marked for  
11     identification.)

12     BY MR. BARSKY:

13           Q.     Take a second to look at this document, sir,  
14     and let me know when you're finished. Are you finished?

15           A.     I am.

16           Q.     Have you seen this document before?

17           A.     No.

18           Q.     If you look across the bottom of the page, it  
19     says -- there's a web page address on there,  
20     http://www.andrewschaller.com. Is that your website?

21           A.     It is.

22           Q.     Is that your campaign website?

23           A.     It is.

24           Q.     Do these appear to be the comments that you  
25     made when you published the request for inquiry?

1           A.     Comments made to who, sir?

2           Q.     At a press briefing on September 13th, 2010.

3           A.     Can you be more specific?

4           Q.     That's what this document says, that these  
5           are comments delivered by you on September 13th, 2010,  
6           at the Palm Beach County Government Center during a  
7           press briefing.

8           A.     It says that in this document?

9           Q.     Yes, sir, very first full sentence.

10          A.     Okay.

11          Q.     Do you know whether or not these are actually  
12          comments that you delivered on September 13th, 2010, at  
13          a press briefing at the Palm Beach County Government  
14          Center?

15          A.     I don't know if they're word-for-word.

16          Q.     You don't know if they're word-for-word? Do  
17          they appear to be approximately?

18          A.     Yes.

19          Q.     Other than you, who could have posted  
20          something to your website?

21          A.     I'm not questioning whether I posted it, I  
22          would post it.

23          Q.     So you posted these words on your website?

24          A.     I did.

25          Q.     Okay. But you're not entirely sure that

1           they're exactly what you said at this event on  
2           September 13th, 2010?

3           A.     That's correct.

4           Q.     Is that September 13th, 2010, event the first  
5           time that you published the request for inquiry?

6           A.     Yes.

7           Q.     So you had a press event, and did you bring  
8           copies of the request for inquiry with you for  
9           distribution at that time?

10          A.     Yes.

11          Q.     Did you actually distribute copies of the  
12          request for inquiry at that event on September 13th?

13          A.     Yes.

14          Q.     Who was at that event on September 13th?

15          A.     I couldn't possibly tell you the names of  
16          everybody that was there.  A small gathering, but it was  
17          done on the sidewalk.  I don't know who the people were.

18          Q.     Do you recall anybody's name?

19          A.     Chuck Webber.

20          Q.     Who is Mr. Webber?

21          A.     CBS 12, I think, or something.

22          Q.     Do you know how he knew to be there?

23          A.     I don't know how the communication was made  
24          to him.

25          Q.     What communication do you think was made to



1           him if you don't --

2           A.     Something that said to be there.

3           Q.     You didn't tell him?

4           A.     I did not.

5           Q.     Do you know who might have?

6           A.     Who might have, yes.

7           Q.     Who?

8           A.     Campaign manager.

9           Q.     Who was your campaign manager?

10          A.     Cheryl Klimek, K-l-i-m-i-c-k (sic).

11          Q.     And who is Ms. Klimek?

12          A.     Campaign manager.

13          Q.     How did you meet her?

14          A.     Name came up of possible campaign managers.

15          Q.     How did that occur?

16          A.     How did what occur?

17          Q.     That her name came up as a possible campaign

18          manager.

19          A.     General conversations.

20          Q.     Who were these general conversations with?

21          A.     I don't remember where I first heard her

22          name.

23          Q.     Had you heard her name prior to your decision

24          to start your campaign?

25          A.     No.

1 Q. Did you have a campaign manager --

2 A. No.

3 Q. -- when you stated your campaign?

4 Did you have any campaign managers when you

5 started your campaign?

6 A. No.

7 Q. Did you have any campaign employees other

8 than Ms. Klimek?

9 A. Yes.

10 Q. Who?

11 A. Heather Landstrom.

12 Q. Who is Ms. Landstrom?

13 A. Somebody that Ms. Klimek knew, Mrs. Klimek

14 knew.

15 Q. So Mrs. Klimek brought Ms. Landstrom into the

16 campaign?

17 A. Yes.

18 Q. Had you ever met Ms. Landstrom before?

19 A. No.

20 Q. What was her role in the campaign?

21 A. Help, general help.

22 Q. Were there any other campaign employees?

23 A. I don't know what an employee is.

24 Q. You don't know what an employee is?

25 A. Yeah. For the sake of this conversation, I

1 don't know what an employee is.

2 Q. Was there anybody working for your campaign  
3 other than the two individuals we've already discussed,  
4 Ms. Klimek and Ms. Landstrom?

5 A. I am asking you to clarify because I don't  
6 know if somebody who held a sign and volunteered versus  
7 two people that presented me with corporations that I  
8 made checks out to. I want to be fair. I don't know  
9 for the terms of what you're asking.

10 Q. People who got compensated monetarily.

11 A. Yes.

12 Q. Who else?

13 A. The printers, anybody else that had anything  
14 to do with it. Whoever designed my ads.

15 Q. Who designed your ads?

16 A. I don't know.

17 Q. You don't know who designed your ads?

18 A. No, that was part of the function of my  
19 campaign manager, whoever she outsourced to.

20 Q. So that was --

21 A. Campaign Graphics, I think did my signs out  
22 of Tallahassee. I don't know who did the mailers,  
23 somebody. I don't know.

24 Q. Was there anybody else who was employed  
25 directly by your campaign, not a vendor, but an actual

1 worker for your campaign, a paid worker for your  
2 campaign?

3 A. The two companies that I made arrangements  
4 with were owned by Ms. Landstrom and Ms. Klimek.

5 Q. What were those two companies?

6 A. Heather Landstrom's is Anthem Communications.  
7 And Cheryl Klimek, her maiden name is Carpenter, so I  
8 believe it's Carpenter Klimek Associates or and  
9 Associates, something to that regard.

10 Q. And I gather from your prior comments that  
11 you had campaign volunteers as well?

12 A. Yeah.

13 Q. Did you ever ask any --

14 A. Pardon me. Yes.

15 Q. Did you ever ask anybody who was either a  
16 campaign employee, campaign volunteer, or affiliated  
17 with your campaign in any way to conduct background  
18 checks on Jess Santamaria?

19 A. No.

20 Q. Did you ever employ anybody to conduct a  
21 background check on Jess Santamaria?

22 A. No.

23 Q. Did you ever contract with anybody to conduct  
24 a background check on Jess Santamaria?

25 MS. KITTERMAN: Answer -- I was just going to

1 say, answer out loud and, yeah, wait until he's  
2 finished with his question. Otherwise, it gets  
3 broken up.

4 THE WITNESS: It's so easy to have a regular  
5 conversation with somebody. I apologize.

6 MS. KITTERMAN: I know. No problem.

7 BY MR. BARSKY:

8 Q. So all the information that you gathered  
9 for -- while doing background checks on Jess Santamaria,  
10 was that all generated by you?

11 MS. KITTERMAN: Object to form.

12 THE WITNESS: My fellow directors gave me the  
13 background.

14 BY MR. BARSKY:

15 Q. And that's a request that you generated?

16 A. Oh, yes.

17 Q. And the searches that you did, you did all of  
18 those searches on your own?

19 A. Yes.

20 Q. You didn't ask anybody else or any other  
21 entity to do any searches for you?

22 A. I did all of the searches we talked about.

23 Q. You didn't ask anybody else or any other  
24 entity to do any searches for the background of  
25 Jess Santamaria?

1           A.     I did.  I got a public records request from  
2     the Village of Royal Palm Beach.

3           Q.     When you say you got it, you sent one to the  
4     Village of Royal Palm Beach?

5           A.     Correct.

6           Q.     What did that public records request return?

7           A.     Some documents on the building.

8           Q.     Was that all?

9           A.     Yes.

10          Q.     Did those documents ever indicate that  
11     Jess Santamaria might have had an alias of Jesus?

12          A.     They didn't indicate he didn't.

13          Q.     Did they indicate that he did?

14          A.     That wasn't the purpose.

15          Q.     I'm asking --

16                     (Discussion held off the record.)

17                     THE WITNESS:  I did not pursue the public  
18     records request as to name verification.

19     BY MR. BARSKY:

20          Q.     But I'm asking whether or not it indicated.  
21     I'm not asking why you did it, I'm asking what it  
22     indicated.

23          A.     The subject had nothing to do with the name.

24          Q.     I'm asking whether it indicated.

25          A.     I don't know.

1 Q. You don't know whether or not it said that  
2 Jess Santamaria had an alias of Jesus?

3 A. I don't know.

4 Q. Why do you not know?

5 A. Because I didn't find any value in the  
6 documents and there was a stack of them, and I stopped  
7 looking after the first couple of pages.

8 Q. So there's something that you didn't review  
9 on there?

10 A. Correct.

11 Q. Did anybody else volunteer any information to  
12 you regarding background checks on Jess Santamaria?

13 A. Yes.

14 Q. Who?

15 A. I don't know.

16 Q. How do you not know?

17 A. When you're on the campaign trail many people  
18 talk to you. You're along the way, people just throw  
19 out general accusations about many different things.

20 Q. Like what?

21 A. My hesitation in answering is I don't like to  
22 spread rumors further that aren't verified. Do you want  
23 to know the things that were said to me along the way?

24 Q. Yes.

25 A. Okay. I was told that he was part of the

1 Imelda Marcos regime. I was told that he was part of  
2 a -- let me back up. It was suggested that I look into  
3 the Imelda Marcos regime. I was told to look into  
4 Corazon Aquino. I was told to look into his association  
5 with being a Japanese sympathizer, when the Japanese --  
6 his family being Japanese sympathizers when his family's  
7 house, village were bombed in World War II.

8 I was told he was part of a Mafia type group  
9 from the Philippines called the Monkeys. I was told  
10 that he had cover up of a number of different things  
11 that had happened, such as a drowning in his pool of an  
12 illegal that worked at his place that was covered up.

13 I was told of multiple arrests and multiple  
14 calls out to his Village of Royal -- or his Royal Inn.  
15 I was told of different illegal activities running out  
16 of his hotel.

17 I was told of difficulties he had with  
18 partners. I was told of different things where he was  
19 involved with a partner who was doing some sort of  
20 smuggling. I was told that he was involved in having  
21 credits for building a school impact fees waived and the  
22 type of school that wasn't there. That was the Village  
23 of Royal Palm's request. When I realized it had nothing  
24 to do with a county commissioner and the job, I  
25 disregarded it.



1                   I was told of many payoffs and things where  
2 things are done for money and retaliation. I was told  
3 of many things that pertained to the man. I had no  
4 desire to go down that road. I had no desire to play  
5 that game. My area of concern was my county  
6 commissioner.

7           Q.     Who told you these things?

8           A.     That's why I said earlier, I don't know who.  
9 People would come up and just start talking about  
10 looking into things.

11          Q.     But you didn't look into any of those things?

12          A.     My concern was anything related to the  
13 County Commission eligibility to hold the job and the  
14 job that he had done once he was in there. I have no  
15 interest in the man. I had an interest in my elected  
16 official and the job.

17          Q.     So if Jess Santamaria had been a member of  
18 the Marcos regime, a dictatorial regime in the  
19 Philippines, you didn't think that was relevant to his  
20 qualifications to hold office?

21          A.     That's correct.

22          Q.     And if he had been a Japanese sympathizer  
23 during World War II, you didn't think that would have  
24 been related to his qualifications to hold office?

25          A.     Correct. He was a young man. It would have

1           been his parents.

2           Q.     These were all things told to you during what  
3           period of time?

4           A.     Between -- between the time that I originally  
5           had met with the commissioner in June of 2008 and today.

6           Q.     Were some of these things told to you after  
7           the election had concluded?

8           A.     I don't remember. It's all hearsay and I  
9           didn't place a large value as to the timing of things.  
10          People like to talk. Usually, there's a grain of truth,  
11          sometimes not. And I had no desire whatsoever for  
12          character assassination. Whatever he had done that does  
13          not pertain to his public office and me directly was not  
14          my concern.

15          Q.     You didn't think it was important -- of your  
16          concern, whether or not Jess Santamaria had been  
17          convicted of a crime anywhere else in the world?

18          A.     I don't know the other worldly laws to know  
19          what that would mean.

20          Q.     What about in Broward County, if he was a  
21          convicted felon in Broward County?

22          A.     If he was a convicted felon in the  
23          United States, he was unfit in my opinion to hold  
24          office. That would have been a concern.

25          Q.     But you only did a search for Palm Beach

1 County in that regard?

2 A. Yeah, I didn't go fishing.

3 Q. All right. Was there any other information  
4 that was volunteered to you about Jess during your  
5 period from when you first met him in June of 2008  
6 through today?

7 A. Much.

8 Q. Do you recall any of that, any others?

9 A. Yes.

10 Q. Such as?

11 A. Many, many, many people in general have said  
12 to me that he is a very vindictive man. They've drawn a  
13 line through this lawsuit saying this is why he's  
14 vindictive. I'm the 78th person or entity involved in a  
15 lawsuit in Palm Beach County. He has a -- I've heard  
16 stories of he has tendencies to sue any of his  
17 opponents. He threatened to sue an opponent of 2006  
18 when he ran against him. I was told of other people in  
19 the neighborhood, meaning District 6, a large  
20 neighborhood, who said that they did not want to support  
21 me visually because they would be retaliated upon.

22 One lady in particular, who I don't remember  
23 her name, said to me that she does a number of his  
24 insurance products and as soon as she put her sign  
25 out -- my sign out in there, that she would lose a large

1 substantial part of her business because Jess would pull  
2 it instantly. There were many conversations like that  
3 amongst people that came to me.

4 Q. Do you recall any of their names?

5 A. My hesitation is if I give you a name, I'm  
6 afraid for retaliation against somebody that may have  
7 said something to me.

8 Q. Well, unfortunately, you have to answer the  
9 questions that I ask.

10 A. There was a lady whose last name is  
11 Cavanaugh, who presides in with the insurance and that's  
12 what she told me.

13 Q. This is the insurance lady --

14 A. Yes.

15 Q. -- that you were speaking about before?

16 A. Yes.

17 Q. Anybody else?

18 A. Specifically that he would retaliate or in  
19 general?

20 Q. In general.

21 A. Lots of people.

22 Q. Who were -- what were their names?

23 A. I don't recall.

24 Q. You don't recall any of them?

25 A. When you're at a meet-and-greet and people

1 are coming up to you and you're being introduced rapid  
2 fire and you're having a conversation looking at people,  
3 people you've never met before, and there may be two or  
4 three people, there may be 30 people in the room, there  
5 may be a hundred people because you went to somebody  
6 else's event, sometimes you remember a name, sometime  
7 you don't.

8 I can tell you that I was at a function in  
9 the Player's Club for Representative (sic)  
10 Elizabeth Benacquisto, there was a group of people I had  
11 never met before. This lady was part of it, and each  
12 one went around not as a group, but in a here there type  
13 of way telling me about what an uphill battle I had and  
14 what this was going to mean and that the chance of me  
15 being sued out of this was probably pretty good.

16 And for the sake of not betraying anybody who  
17 I believe was innocent, I didn't spread the rumors and I  
18 haven't made that foremost in my mind because I don't  
19 want to involve any innocent people for any reason.

20 Q. Are there any other names that you remember?

21 A. Remember what, sir?

22 Q. Having made these comments to you that we've  
23 been discussing about Jess Santamaria and his  
24 background.

25 A. Yes.

1 Q. Who?

2 A. John Carroll. Somebody that worked for  
3 John Carroll knew something about the Philippines and  
4 they were talking about the Monkeys, what a -- and that  
5 they had done a prior investigation --

6 (Discussion held off the record.)

7 THE WITNESS: The Filipino group is  
8 Mafia's --

9 MS. KITTERMAN: She was just asking what you  
10 were saying.

11 THE WITNESS: It's called the Monkeys. I  
12 don't even know how you spell Monkeys. It's  
13 spelled with some derivative.

14 BY MR. BARSKY:

15 Q. So you were telling us about the Monkeys.

16 A. Yes, in affiliation with Mr. Santamaria, that  
17 they tried to put a tie to during the 2006 election.

18 Q. And this is an employee of John Carroll, or  
19 an affiliate of John Carroll?

20 A. Correct.

21 Q. Was it an employee or affiliate if you know?

22 A. No clue.

23 Q. Somebody just associated with John Carroll?

24 A. It was a function where many candidates were  
25 and it was talk.

1 Q. Okay. Did anybody else tell you that  
2 Mr. Santamaria allegedly had a alias of Jesus?

3 A. I don't know the difference between alleging  
4 that he had an alias as much as that was his name.

5 Q. When you say that was his name --

6 A. He's testified already in the answers that it  
7 was his birth name. His wife said it was his birth  
8 name. I believe the first time I ever heard of it from  
9 anyone was from him. So the answer would be yes.

10 Q. But you're aware now that it's not actually  
11 Jess's name --

12 A. I'm not aware of that.

13 Q. -- legally?

14 You're not aware of that?

15 A. No, sir.

16 Q. Okay. So do you today still believe that  
17 Jess Santamaria's name is Jesus Santamaria?

18 A. I haven't drawn the conclusion based upon his  
19 wife saying yesterday that she has documentation saying  
20 his name was something else when they had their  
21 citizenship papers. The paper that was presented  
22 yesterday was the petition for naturalization that we  
23 referred to on ancestry.com earlier says, name,  
24 Jesus Vicente Santamaria. It says name you want to be  
25 known as, none.

1                   If I were to look at anything in writing to  
2                   quote no, up until that point, it's my understanding  
3                   that he has a different name in total. If there is  
4                   anything beyond that they possess, I have never seen  
5                   anything. I don't know what his name is. And his  
6                   daughter has testified that she does not know his legal  
7                   name. I don't know what his legal name is.

8                   Q.     The paper from ancestry.com, when was the  
9                   first time you saw that?

10                  A.     The first time I clicked on it.

11                  Q.     Which was?

12                  A.     I don't recall.

13                  Q.     Was it in the last month?

14                  A.     Month? No.

15                  Q.     Last two months?

16                  A.     No.

17                  Q.     Last three months?

18                  A.     I don't believe it was this year.

19                  Q.     You don't think it was in 2012. What about  
20                  2011?

21                  A.     I'm not sure if we're into the work product  
22                  thing, sir.

23                  MS. KITTERMAN: You could tell him when was  
24                  the first time you saw it.

25                  THE WITNESS: My recollection is 2011.



1 BY MR. BARSKY:

2 Q. After the election?

3 A. Correct.

4 Q. Did anybody else tell you that they believed  
5 Jess Santamaria was a convicted felon?

6 A. Anybody else what?

7 Q. Tell you that the believed Jess Santamaria  
8 was a convicted felon.

9 A. Pardon me. You said anybody else. Who is  
10 the first person I said told me that?

11 Q. Well, you've said it.

12 A. I said it? No, sir, I never said he was a  
13 convicted felon.

14 Q. Okay. You don't -- you didn't say he was a  
15 convicted felon?

16 A. Never. To this day, I've never made that  
17 statement to anyone in print, in TV, in casual  
18 conversation, in Internet, any form of communication, no  
19 writing. I have never once said that.

20 Q. Okay. Has anybody told you that they  
21 believed he was a convicted felon?

22 A. No one.

23 Q. Has anybody -- did anybody else bring the  
24 felony record for Jesus R. Santamaria in Palm Beach  
25 County to you?

1           A.     I guess the Clerk, if you consider her owning  
2     the site.

3           Q.     Did anybody -- did anybody actually tell you,  
4     go look at the clerk's website for this document?

5           A.     I did my background searches that led me down  
6     the road that it did. I testified already that I did  
7     that.

8           Q.     Nobody else had any influence on that  
9     process?

10          A.     I'm 100 percent responsible for my searches  
11     and what I did as I've testified.

12          Q.     I'm not asking whether or not you're  
13     100 percent responsible. I'm asking if anybody else  
14     influenced you in those searches?

15          A.     I can't be influenced, I did my own job.

16          Q.     You did your own job?

17          A.     (The witness nods.)

18          Q.     That's correct?

19          A.     Yeah.

20          Q.     Nobody showed you that document or suggested  
21     that that document existed?

22          A.     The search result from BeenVerified showed me  
23     that document, that there was something. I got the name  
24     of Jesus R. Santamaria, I went to the Clerk and  
25     Comptroller's website and there it was. It was very

1 easy. It was a two-step process. There was nothing --  
2 there's no magic to it.

3 Q. Well, I want to be clear. Did the  
4 BeenVerified search tell you that Jess Santamaria was a  
5 convicted felon?

6 A. Of course not.

7 Q. Okay. Did it have any implication that he  
8 might have been a convicted felon?

9 A. There's no information other than stated  
10 names. There is nothing on the free version that you go  
11 to that has any determination of any documents. It  
12 shows possibility of things that could come along. It  
13 would say possibility of, and then a whole litany of  
14 things that may or may not apply; a phone number, this  
15 that. There is nothing that said click this button  
16 because this man is a convicted felon.

17 Q. But it listed a bunch of things that may or  
18 may not have applied?

19 A. The overall site does. I don't believe the  
20 reference to this man does at all.

21 Q. Why do you not believe that?

22 A. Because it's not how the site works. When  
23 you go to a site, it gives a list of possible things it  
24 could find: Possibly employer records, possibly  
25 divorces, possibly wills, things like that. It didn't

1 say to me this is what is available on this person. So  
2 you're asking about the website and I'm responding as to  
3 the search results of the website.

4 Q. And which website was this?

5 A. You said BeenVerified.

6 Q. Okay. And the same thing would apply to  
7 Intelius and People Search?

8 A. To my knowledge, it applies to all websites  
9 of the same background.

10 Q. Okay. You included then -- eventually, you  
11 went to the clerk's website, you did the search for  
12 Jesus Santamaria and found a felony, a felony judgment  
13 for Jesus Santamaria; correct?

14 A. Jesus R. Santamaria.

15 Q. That's what you found?

16 A. That's what is on the paper.

17 Q. Okay. And then you took that, you printed  
18 that out?

19 A. No.

20 Q. How did you get that document?

21 A. It's available on the computer.

22 Q. So how did you get from the computer? Did  
23 you print it? Did you --

24 A. At what time, sir?

25 Q. Well, when you first saw it.

1           A.     I didn't have to do anything.  It was --  
2 perhaps I need to restate my position again.  Things  
3 that are obvious and things that are right there, I  
4 don't have a need to save for posterity, print out, do  
5 whatever.  I didn't need to do that.

6           Q.     Well, it wound up in the request for inquiry.

7           A.     That is correct.

8           Q.     How did it get in there?

9           A.     It was placed in there in a word processing  
10 or a, I don't know, publication program.

11          Q.     So did you print the document and scan it or  
12 did you take a screen capture or did you save a file?  
13 How did you get it from the clerk's website into the  
14 request for inquiry?

15          A.     I don't remember.

16          Q.     Why did you decide to do that, take it from  
17 the clerk's website and put it in the request for  
18 inquiry?

19          A.     Because if it was the case, it was -- if the  
20 two people were the same person, it would be relevant as  
21 to whether somebody could hold office or not.

22          Q.     But you only did that search for Palm Beach  
23 County?

24          A.     To the best of my knowledge.  I -- let me  
25 back up.  I've said several times I've done it for

1 Royal Palm. If you're including Royal Palm as Palm  
2 Beach County, I went to the Palm Beach County website  
3 which would then have every municipality that exists in  
4 Palm Beach County.

5 So when you're asking me if I'm doing  
6 Palm Beach, it would be a much broader range. I did a  
7 search originally for one man in one particular town.  
8 The next thing went to a site that then included things  
9 in the county. My search was for the man in Royal Palm  
10 Beach.

11 Q. Well, I thought you said that when you went  
12 to those three people search websites, the  
13 People Search, BeenVerified and Intelius, you put in  
14 Jess Santamaria and Florida, you didn't mention anything  
15 about Royal Palm.

16 A. When I looked at the aliases, I did say to  
17 you several times that it showed a man 74 years old  
18 approximate age living in Royal Palm Beach. That's what  
19 I said, that's what I did.

20 Q. I'm sorry. I thought you just said that you  
21 searched for Royal Palm, not that you came up with a  
22 result of somebody in Royal Palm.

23 A. In a pick list with 50 states, you cannot put  
24 in a city. The pick list showed the state of Florida.

25 Q. So you didn't do a search for Royal Palm, you

1 did a search for all of Florida?

2 A. I did a Florida search and looked at the one  
3 for Royal Palm.

4 Q. But then Royal Palm doesn't have its own set  
5 of public records, does it?

6 A. I would imagine so. There is a town hall.

7 Q. They don't have -- are you aware of how the  
8 official records of the county work?

9 A. County records are kept in the county, but  
10 you asked me if Royal Palm has their own records. If  
11 you go to get a building permit down at the Village of  
12 Royal Palm, you wouldn't get it at the county, you would  
13 get it at the Village of Royal Palm.

14 Q. So did you do a public records search in  
15 Royal Palm itself for Jesus Santamaria?

16 A. I did not.

17 Q. Okay. Did you do a search for  
18 Jesus Santamaria in the public records of Palm Beach  
19 County?

20 A. I think I've testified several times and  
21 that's exactly how I got this particular item that  
22 you're looking at.

23 Q. I'm just trying to get it straight now  
24 because you said you did a search in Royal Palm.

25 A. Let's back up. You're asking me about court

1 records. The court records are maintained by the court  
2 system which is Palm Beach County. Royal Palm Beach  
3 doesn't have a court system. There is no reason to  
4 search a court system that does not exist.

5 Q. Okay. So you wanted to find any court  
6 records relating to Jesus Santamaria?

7 A. Correct.

8 Q. Did you search on the clerk's website of  
9 court cases for Jesus Santamaria?

10 MS. KITTERMAN: Object to the form.

11 THE WITNESS: I believe the answer is yes.

12 BY MR. BARSKY:

13 Q. Did you find any results?

14 A. Yes.

15 Q. What were the results?

16 A. Seventy-eight lawsuits.

17 Q. For Jesus Santamaria?

18 A. Jesus, one -- pardon me, two.

19 Q. What were those two?

20 A. I don't know what the other one was, but the  
21 one that we have here is the arrest error.

22 Q. And I just want to be clear. This is the  
23 court side of the website, not the official records  
24 side.

25 A. I don't know well enough to -- the



1 determination between the two.

2 Q. You don't know the determination between the  
3 two?

4 A. Uh-huh.

5 Q. Okay. Back to the request for inquiry. So  
6 you decided that this was, in your mind, relevant  
7 information, you included it in the request for inquiry  
8 and then you published the request for inquiry at this  
9 event on September 13, 2010, and sometime, multiple  
10 times after that; correct?

11 A. No.

12 Q. No? What is incorrect about that?

13 A. What does multiple times mean?

14 Q. Well, did you distribute it to anybody else  
15 after the September 13th, 2010 event?

16 A. Not to my recollection.

17 Q. You didn't send it to anybody else?

18 A. After -- please describe the event. You mean  
19 the day, the day in question?

20 Q. No, the September 13th, 2010 Palm Beach  
21 County Government Center --

22 A. No, I understand that.

23 Q. Right.

24 A. The reason I'm asking for clarification,  
25 let's say that this press conference briefing started at

1 9 o'clock. 1 o'clock the mail is picked up by the  
2 mailman that I put out 8:30 in the morning, something  
3 like that. Theoretically, I distributed it afterwards.  
4 I don't know how to answer your question properly.

5 If you're saying did I continuously send it  
6 out, did I continuously market it past this date, the  
7 answer is no.

8 Q. No, you didn't put it on your website?

9 A. It did go on my website.

10 Q. And is it still available on your website  
11 today?

12 A. It is.

13 Q. So it has been continuously available since  
14 September 13, 2010?

15 A. There's a difference between available and  
16 distributed.

17 Q. Okay. And what is that difference in your  
18 mind?

19 A. If nobody goes to the website, nobody sees  
20 it.

21 Q. Does nobody go to your website?

22 A. Not very often.

23 Q. Not very often. What is not very often?

24 A. To be honest with you, I don't know the last  
25 time anybody was there, including myself. Once the

1 election was over, I stopped maintaining it.

2 Q. You stopped maintaining it and you haven't  
3 checked the visitors since then?

4 A. No, sir.

5 Q. Not once?

6 A. Not once.

7 Q. And you mentioned that there was somebody  
8 from CBS News at this press event on September 13th,  
9 2010. Who else was there if you remember?

10 A. Camera man.

11 Q. Anybody else?

12 A. I was there. Cheryl Carpenter Klimek was  
13 there. Some people standing around on the sidewalk were  
14 there, I don't know who they were. I don't know the  
15 camera man's name.

16 Q. If you turn to the second page of Exhibit 3,  
17 the third paragraph on the page, this request for  
18 inquiry is being provided to Federal Bureau of  
19 Investigation. Was the FBI there?

20 A. Is this three (indicating)?

21 Q. Yes.

22 A. The FBI was not there.

23 Q. No. Did you invite the FBI to be there?

24 A. I didn't invite anyone to there be.

25 Q. Did anybody in your campaign invite the FBI

1 to be there?

2 A. Not that I know of.

3 Q. Okay. Governor Charlie Christ is the next  
4 name listed. Did you or anybody in your campaign invite  
5 Governor Christ to be at this press event?

6 A. Not that I'm aware of.

7 Q. The Palm Beach County State Attorney is the  
8 next name listed or entity listed. Did you or anybody  
9 in your campaign invite the Palm Beach County State  
10 Attorney to be at this press event?

11 A. Not that I'm aware of.

12 Q. Florida Commission on Ethics is the next  
13 entity listed. Did you or anybody in your campaign  
14 invite the Florida Commission on Ethics to be present?

15 A. Not that I'm aware of.

16 Q. Next listed is the Palm Beach County  
17 Inspector General. Did you or anybody in your campaign  
18 invite the Palm Beach County Inspector General to be  
19 present?

20 A. Not that I'm aware of.

21 Q. Palm Beach County Commission on Ethics and  
22 Florida Division of Elections. I'm not sure --

23 A. They're two different.

24 Q. You've got two different ones. Okay.  
25 There's no comma there so I wasn't sure.

1                   Palm Beach County Commission on Ethics, did  
2                   you or anybody in your campaign invite that entity to be  
3                   present at the press event?

4                   A.     I don't know who was invited. I'm not aware  
5                   of anybody other than the news organization, maybe  
6                   organizations. I don't know.

7                   Q.     You don't know if anybody else was invited?

8                   A.     I don't know who was invited.

9                   Q.     Okay. So you don't know whether or not the  
10                  Florida Division of Elections was invited?

11                  A.     I don't know who was invited. If I did, I  
12                  don't recall.

13                  Q.     If you did invite them, you don't recall?

14                  A.     I didn't. If they were invited and I was  
15                  told who was there, I don't recall.

16                  Q.     Okay. At the bottom of the second page of  
17                  Exhibit 3, there is a link. It says Santamaria  
18                  sickness. What is that, do you know?

19                  A.     I do.

20                  Q.     What is that?

21                  A.     It's a reference to -- it's a reference to an  
22                  audio clip that Commissioner Santamaria made during one  
23                  of his county forums where he was talking about  
24                  Jeff Koons and county commissioners and people of power  
25                  having a sickness, which is they get into office and

1           they think they can use any tools at their disposal to  
2           go up against their opponents, go against anybody who  
3           does not agree with them. And he said it was a  
4           sickness.

5           Q.     And so were you implying that Santamaria has  
6           that same sickness?

7           A.     I'm applying that Mr. Santamaria will use any  
8           tool at his disposal for the purpose of conquering any  
9           opponent that he sees fit.

10          Q.     Have you ever retracted any of the statements  
11          made in the request for inquiry?

12          A.     I never made any statements in the request  
13          for inquiry.

14          Q.     You never made a single statement in here?

15          A.     There is not a single statement.

16          Q.     Take a look at the very second line of  
17          Exhibit 2, violations of Jess R. Santamaria and his  
18          county staff. So you're saying that's not a statement?

19          A.     No, it's a continuing read of the top. I  
20          used the -- I used the Grand Jury's styling. Once  
21          again, we talked about styling and legal form. I used  
22          the styling off the top of the Grand Jury's statements  
23          when they looked into activities that were going on in  
24          the county. I thought I was doing the right thing by  
25          using proper protocol.

1 Q. So you were trying to follow grand jury  
2 protocol?

3 A. I was trying to follow what I thought was a  
4 style that was acceptable for this type of inquiry.

5 Q. And what Grand Jury protocol -- what  
6 Grand Jury document were you looking at?

7 A. The Grand Jury looked into many things going  
8 on during the corruption of Palm Beach County, including  
9 Commissioner Masilotti, including Commissioner Newell,  
10 including Commissioner McCarty. It was this Grand Jury  
11 that ended up creating the Palm Beach County ethics and  
12 led to the Inspector General.

13 Q. Is that the -- is that the Grand Jury  
14 document that you've provided as part of your exhibit  
15 list that you were referring to?

16 A. I'm not sure of everything on the exhibit  
17 list. I personally am not sure I know of any other  
18 Grand Jury document that I would have referenced.

19 Q. But so it's -- you don't remember the name of  
20 the specific Grand Jury document, but it's the document  
21 that it was involving, if it's a few years ago --

22 A. If it's 54 pages long, then I remember it.

23 Q. Okay.

24 A. I don't remember the naming as much as I  
25 remember reading it.

1 Q. It's a 54-page document involving corruption  
2 of those commissioners that you just mentioned?

3 A. No, it's involving -- it was as a result of  
4 those things that went on and it was how to make the  
5 county better. And it was a request for inquiry, if I'm  
6 not mistaken.

7 Q. Okay. And so that's what you styled  
8 Exhibit 2 after?

9 A. That's what I styled my request for inquiry  
10 after.

11 Q. And it's your position that Exhibit 2  
12 contains no statements?

13 A. A statement from me from everything I've  
14 learned at school has a period at the end of the  
15 statement.

16 Q. Okay. And it's your position that there is  
17 no statement in Exhibit 2?

18 A. There's plenty of statements made by other  
19 people because there are public records in there. But  
20 on any of the things that I asked for any aspects of  
21 this, every one was a question. I made no statements, I  
22 made no determinations. The purpose of this document  
23 was for people who had the authority to make  
24 determinations, for them to come to fair and just  
25 conclusions. I made no conclusions.



1           Q.     So if I understand you correctly, there are  
2 statements made in Exhibit 2. They're not statements  
3 made by you, they're from other documents that you've  
4 incorporated into Exhibit 2, and your testimony is that  
5 you personally made -- you personally wrote no  
6 statements of your own in Exhibit 2?

7           A.     My hesitation is that when I went to the  
8 Florida Statutes or something that pertained to what I  
9 was putting there, I cut and pasted and put something in  
10 there that was the reasoning or justification as to why  
11 I thought something would be looked into.

12                   I had made no determination as to the  
13 validity or as to the accuracy of any commission of a  
14 impropriety, whatever. I said based upon the ruling as  
15 I understand it, would the various agencies look into  
16 whatever I provided based upon the explanation of it.

17           Q.     And I understand that you incorporated other  
18 things, other documents from information requests,  
19 e-mails that you had received, Florida Statutes. I'm  
20 not including those in that. You put those in there.  
21 I'm asking if you personally wrote --

22           A.     I made no editorial comments.

23           Q.     You made no comments. Okay. That's -- is  
24 that correct?

25           A.     To the best of my recollection, that's

1 absolutely correct.

2 Q. Well, you have the document in front of you  
3 if you want to take a look at it just to be sure.

4 A. All 118 pages?

5 Q. If you want to flip through it very quickly.  
6 You know, you have it there. So if you need to do  
7 something to refresh your recollection as to that.

8 (Discussion held off the record.)

9 BY MR. BARSKY:

10 Q. Ready?

11 A. Yep. Please ask your question again.

12 (Whereupon, the requested portion of the  
13 record was read aloud by the Court Reporter.)

14 THE WITNESS: I made no editorial comments as  
15 to his guilt or wrongdoing as a finding of fact. I  
16 asked a question, and subsequent documentation in  
17 the exhibit, I did give the reasons why I asked,  
18 but I made no statement whatsoever as to his guilt  
19 or as to what the ruling was or should be.

20 BY MR. BARSKY:

21 Q. Okay. Let me show you what we're marking as  
22 Exhibits 4 and 5.

23 (Plaintiff's Exhibit 4 and 5 were marked for  
24 identification.)

25

1 BY MR. BARSKY:

2 Q. And we've talked about these documents  
3 already, I just wanted to make sure we're all talking  
4 about the same thing. Exhibit 4 and 5, are these the  
5 two documents that you said you found on ancestry.com?

6 A. Correct.

7 Q. You hadn't seen them anywhere else before you  
8 saw them on ancestry.com?

9 A. That is correct.

10 Q. When approximately was it that you found them  
11 on ancestry.com?

12 A. 7/11.

13 Q. After the election?

14 A. Correct.

15 Q. Why was it that you were looking at  
16 ancestry.com in 2011 for Jess Santamaria?

17 A. For this litigation.

18 Q. I assume there's going to be an objection if  
19 I ask any additional questions about --

20 MS. KITTERMAN: You can ask it and I can --

21 BY MR. BARSKY:

22 Q. Just for the record, why was it that you  
23 decided to look at ancestry.com for this litigation?

24 MS. KITTERMAN: Objection, work product.

25 MR. BARSKY: I've just got to get you to say

1           it for the record.

2                   MS. KITTERMAN: I instruct him not to answer.

3           Yeah, that's fine.

4                   MR. BARSKY: Thank you.

5                   (Plaintiff's Exhibit 6 was marked for  
6           identification.)

7           BY MR. BARSKY:

8           Q.     I'll show you what we're marking as Exhibit 6  
9           to your deposition. It's a document given by you to our  
10          side as part of your exhibit list. Take a look at it  
11          for a second and when you're finished, let me know.

12          A.     I'm good.

13          Q.     Have you seen this document before?

14          A.     I have.

15          Q.     Did you create this document?

16          A.     I screen captured it off of the County's  
17          site. I didn't create the content of it.

18          Q.     Okay. But the actual image that we see here,  
19          you're the one who took this image from your computer?

20          A.     I took the image from the Clerk and  
21          Comptroller's website.

22          Q.     And you accessed that on your home computer.

23          A.     Is that a question?

24          Q.     Yes.

25          A.     No.

1 Q. Where did you access it from?

2 A. The Clerk and Comptroller -- the information  
3 comes from the Palm Beach County clerk.

4 Q. But where did you access the website from?

5 A. My work computer.

6 Q. Which is located at the house in Lake Worth?

7 A. Correct.

8 Q. How many computers do you own?

9 A. My -- I don't own any.

10 Q. Does your company own all of them?

11 A. Correct.

12 Q. Which company?

13 A. Palm Beach Financial Exchange.

14 Q. Does the entity that you use to lease out the  
15 horse stalls own any?

16 A. No.

17 Q. Is there an entity for that? Did you create  
18 a company of any type?

19 A. Yes.

20 Q. What's it called?

21 A. Fine Equine of Wellington Florida, Inc.

22 Q. So Palm Beach Financial Exchange, Inc., owns  
23 the computers that you use for your personal purposes?

24 A. I use them for business purposes, but if I  
25 need something or whatever, I have been able to access

1           them.

2           Q.     Do you have a computer at your home

3           residence?

4           A.     Yes.

5           Q.     Who owns that computer?

6           A.     All my computers are owned by my company.

7           Q.     So there is one computer that your company

8           owns that is not located at the company office?

9           A.     It's a travel computer.  It can be located

10          anywhere at any time.

11          Q.     It's a laptop?

12          A.     No, sir.

13          Q.     Is it a netbook?

14          A.     No, sir.

15          Q.     What kind of computer is it?

16          A.     A trade show computer.

17          Q.     What do you mean by trade show computer?

18          A.     If I go on a trade show, go to a demo,

19          whatever else, I have a self-contained computer.

20          Q.     It's portable?

21          A.     In that I can carry it.

22          Q.     I'm just trying to understand.  I've never

23          heard of a trade show computer before so I'm trying to

24          understand what it is.

25          A.     It's a term that I put to it.  It's a desktop

1 computer.

2 Q. Okay. So it's a computer, it's owned by your  
3 company, but it's not physically located normally at the  
4 company's office?

5 A. Sometimes it is.

6 Q. Sometimes it is?

7 A. Uh-huh.

8 Q. But sometimes it's located at your house?

9 A. Sometimes it's in my car, sometimes it's on a  
10 job site, sometimes it's at a trade show as an example.

11 Q. If you're at home and you wanted to surf the  
12 web, what computer do you use?

13 A. My telephone.

14 Q. You do all of your web surfing on your phone?

15 A. Not all.

16 Q. Okay. So where else do you do your web  
17 surfing?

18 A. If that computer is at home, perhaps that  
19 computer.

20 Q. And if it's not at home?

21 A. I wouldn't use it.

22 Q. What computer would you use then?

23 A. Perhaps my netbook.

24 Q. Okay. Is your netbook owned by you or by  
25 your company?

1           A.     All my computers are owned by my company.

2           Q.     So when you refer to it as my netbook, it's  
3     the netbook that you use that's owned by your company?

4           A.     Correct.

5           Q.     And so how many computers does Palm Beach  
6     Financial Exchange, Inc., own?

7           A.     Please define what a computer is.

8           Q.     Any device with the processor -- a  
9     microprocessor in it excluding calculators and clocks.

10          A.     I don't know.

11          Q.     You don't know?

12          A.     (The witness shakes head.)

13          Q.     Why do you not know?

14          A.     Because the mother board with no input  
15     device, no storage device and no memory, has a  
16     microprocessor on it and it's hardly a computer because  
17     it lacks all the things that I just mentioned.

18                 If I have old inventory, garbage stuff left  
19     over from wherever, you're asking me to put a number on  
20     each microprocessor I own. I can't -- I've got a couple  
21     boxes of garbage that probably should have been thrown  
22     out 15 years ago.

23          Q.     These are old pieces from old computers?

24          A.     Yes.

25          Q.     Do you know how to assemble a computer from



1           its component parts?

2           A.     Used to, haven't done it in years.

3           Q.     But you have actually built a computer from

4           scratch?

5           A.     Years ago.

6           Q.     Do you remember how many years ago?

7           A.     My first one I ever had back in the '80s.

8           Q.     What kind was that?

9           A.     At the time, they were called XT, that was

10          all that came out.  It was the Intel processor chip

11          called XT.

12          Q.     And how old were you when you built that?

13          A.     1987 perhaps.

14          Q.     Okay.

15          A.     1988.

16          Q.     So how old were you at that point in time?

17          A.     Twenty-three.

18          Q.     Okay.  So it was after -- that was after

19          college for you?

20          A.     Correct.

21          Q.     How many currently, functioning working

22          computers do you have at Palm Beach Financial Exchange?

23          A.     I don't know.

24          Q.     You don't know how many are actually in use

25          right now?

1           A.     Define in use.

2           Q.     Actually being used.

3           A.     Somebody's typing on it as we speak?

4           Q.     No, they don't have to be typed on, they can  
5     be plugged in and on.

6           A.     I don't know the exact number.

7           Q.     Do you have an approximate number?

8           A.     Plugged in and on, ten.

9           Q.     So which computer did you use to perform the  
10    search that generated the results in Exhibit 6?

11          A.     I don't remember.

12          Q.     Do you remember if it was at the Lake Worth  
13    property or at the Wellington property?

14          A.     Lake Worth.

15          Q.     Is Exhibit 6 the results of the search as you  
16    performed it back in 2010?

17                 MS. KITTERMAN: Object to form.

18                 MR. BARSKY: Basis?

19                 MS. KITTERMAN: You said is Exhibit 6 the  
20    basic form of what he did in -- searched in 2010 is  
21    what you said?

22                 MR. BARSKY: I asked the results.

23                 MS. KITTERMAN: The results, okay, because he  
24    did various searches. So I think you need to  
25    identify which search you're talking about.

1 BY MR. BARSKY:

2 Q. For this, the search that is reflected in  
3 Exhibit 6, are these the same results that you got when  
4 you performed this same search in 2010?

5 A. I don't remember.

6 Q. Exhibit 6 is not done in -- it was not  
7 created from a search run in 2010; correct?

8 A. This particular screen shot was not produced  
9 in 2010. Did I look at it in 2010, I don't remember.

10 Q. You don't remember if you looked at this  
11 information in 2010?

12 A. The reason I'm saying that is if you look  
13 here now, there's going to be X number of lines. I  
14 don't know if more were added, less were added. There  
15 may have been more entries, there may have been less  
16 entries at a particular time. I have no idea what this  
17 screen shot of this search criteria would have looked  
18 like in 2010.

19 Q. Okay. But Exhibit 6 is something that was  
20 created in 2012?

21 A. 2012?

22 Q. Yes.

23 A. I don't know that either.

24 Q. You don't know that either. When do you  
25 think it was created?

1           A.     I'm not going to guess.

2           Q.     Okay.  If you look at the second line there,  
3           it says verified as of 01/08/2012.  Was that the --

4           A.     Well, then I would say that's the day that it  
5           was done.

6           Q.     Okay.

7           A.     I'm not trying to play games.  I don't know  
8           if I did this in 2011 or 2012; I don't know.

9           Q.     Okay.

10          A.     Based upon the information from the website  
11          that you've pointed out to me, it does appear that it  
12          was done on 1/8 of 2012.

13          Q.     And you don't know whether or not this is  
14          what the same search would have looked like when you  
15          performed it in 2010?

16          A.     The clerk's website is a live and dynamic  
17          site.  This shows Page 1 of 36.  I have no idea how many  
18          entries could have been made at that time, maybe 32,  
19          maybe 34.  I have no way of knowing how much activity  
20          was done at a given time frame.

21          Q.     So you don't know if this is the same set of  
22          results?

23          A.     I would have no way of knowing that.

24          Q.     It shows at least as of January of 2012 for  
25          the search for Jess Santamaria, there is 710 records

1 returned; correct?

2 A. Correct.

3 Q. Did any of those records include the felony  
4 judgment that you placed inside the request for inquiry?

5 A. I didn't review 710 documents.

6 Q. So you don't know whether or not they did?

7 A. You asked me before if I searched the  
8 official court records or if I had searched another part  
9 of it. If one search is done on one aspect of the Clerk  
10 and Comptroller's website, it would not show the results  
11 that would come from another. I don't know.

12 Q. You don't know -- you didn't bother to look  
13 through all of the pages that came up when you searched  
14 for Jess Santamaria's name on the official records?

15 A. Define the word bother.

16 Q. You didn't do it.

17 A. Did I review every single document of all  
18 700 as you said, page by page by page, I don't believe  
19 I've ever done that.

20 Q. Okay. So you don't know whether or not in  
21 this search for Jess Santamaria on the clerk's website  
22 it returned the felony judgment that you included in the  
23 request for inquiry?

24 A. You're asking about multiple search sections  
25 in the clerk's website. If you --

1 Q. No, I'm asking about this particular search.  
2 Right here, the one that's reflected in Exhibit 6.

3 A. This particular search would not show any  
4 criminal records whatsoever.

5 Q. Why not?

6 A. It's not the right part of the clerk's  
7 website.

8 Q. This is not the right part of the clerk's  
9 website to show criminal results?

10 A. That's my understanding.

11 Q. That's your understanding. What is the basis  
12 for that understanding?

13 A. If you look through here, this is all listing  
14 of things such as -- my understanding this listed  
15 documents of recorded deeds, such as loans, mortgage  
16 satisfactions, things of that nature.

17 Q. Where do you see a loan listed on Exhibit 6?

18 MS. KITTERMAN: Object to the form.

19 THE WITNESS: It's my understanding that this  
20 was the area that would list such things as that.  
21 I don't know how to read numbered things on here.  
22 I don't what CFN is. I don't know what legal -- I  
23 don't know what book. I don't know pages. I don't  
24 know what these things are. I can't tell you  
25 something I don't know.

1 BY MR. BARSKY:

2 Q. You didn't look to see what those terms  
3 meant?

4 A. I wasn't doing the clerk's job.

5 Q. You didn't look to see if there was a  
6 glossary on the website that explained what all these  
7 categories and codes mean?

8 A. I don't recall what I did.

9 Q. So you don't recall whether or not you did  
10 that?

11 A. I don't know that I have a working knowledge  
12 of everything that appears on this page.

13 Q. So you don't have a working knowledge of  
14 everything that appears on this page?

15 A. Correct. I wouldn't know where to go find  
16 which book and which page. I don't know where the book  
17 is located.

18 Q. So what --

19 A. That's why I asked for help.

20 Q. Who did you ask for help?

21 A. My request for inquiry.

22 Q. So you asked for help through your request  
23 for inquiry, that was the point of the request for  
24 inquiry?

25 A. Correct. Let's verify what's accurate,

1 what's not and then move on.

2 Q. Okay. So that was -- the purpose of the  
3 request for inquiry was to ask for help?

4 A. To gain knowledge.

5 Q. To gain knowledge.

6 A. Request for help on the particular topics to  
7 find out if it was done, was it within the letter of the  
8 laws, the letter of the Ethics Commission rules, within  
9 all of the above or mentioned agencies to find out if  
10 everything that occurred as presented to me in my  
11 request for inquiry was exactly, quote, by the book.

12 Q. So you're asking for help for every area of  
13 inquiry in that request for inquiry?

14 A. That's the purpose of the request for inquiry  
15 and it is so titled.

16 Q. So you were asking for help over all of those  
17 areas?

18 A. When I signed up to run for office, I asked  
19 the Supervisor of Elections who will do this vetting.  
20 They told me it was up to the opponent. They told me  
21 that I needed to do whatever vetting. So if there was  
22 anything that I had a question with, I needed to bring  
23 it to the proper authorities. That's what my attempt  
24 was.

25 Q. So it's your testimony that you don't



1 understand what all of the information reflected on  
2 Exhibit 6 is?

3 A. It's my testimony that I don't have a working  
4 knowledge of some of these different terms, books,  
5 pages, legal. I don't have the working knowledge of  
6 that.

7 Q. What do you understand on this page?

8 A. It's very clear to me that if you click in  
9 the left-hand column to view, that it would bring up a  
10 detail of something of that nature. As far as  
11 everything that went on below that, I don't understand  
12 all the different terminology of what -- again, loans,  
13 books, mortgages, satisfactions, liens, things of that  
14 nature. It's not my area of expertise.

15 Q. So you understand that if you clicked on the  
16 link that says view, you would get something additional,  
17 something more than what's reflected on this page. But  
18 other than that, you don't have knowledge of what all  
19 these -- everything else on this page means?

20 A. This is not my area of expertise.

21 Q. I'm asking you.

22 A. I'm telling you.

23 Q. Okay. But you're not answering the question.  
24 And the question was: Do you not understand other than  
25 the column that says detail, where you click on the

1 thing that says view, do you not understand anything  
2 else on this page?

3 A. I understand that there is a name listed and  
4 I understand the cross name, which I would -- that it  
5 somehow relates to the name in the name column.

6 Q. Is there anything else on this page that you  
7 understand?

8 A. I understand a date.

9 Q. Is there anything else on this page that you  
10 understand?

11 A. I understand that this is Page 1 of 36.

12 Q. Is there anything else that you understand?

13 A. I understand it was verified as of 1/8 of  
14 2012.

15 Q. Anything else?

16 A. I understand that a star designates from  
17 party.

18 Q. Okay. And now you're just reading exactly  
19 what it says across the top of this page?

20 A. That is apparent to me based upon reading it.

21 Q. Do you know what from party means?

22 A. No.

23 (Plaintiff's Exhibit 7 was marked for  
24 identification.)

25

1 BY MR. BARSKY:

2 Q. Take a look at what has been marked as  
3 Exhibit 7 to your deposition, and let me know when  
4 you're finished.

5 A. Okay.

6 Q. Have you ever seen this document before?

7 A. You've just presented it to me.

8 Q. So you've never seen this document before?

9 A. As presented to me?

10 Q. Yes.

11 A. I've never seen this sheet of paper before.

12 Q. The information contained on the sheet of  
13 paper, have you ever seen that before?

14 A. Yes.

15 Q. When have you seen it before?

16 A. I'm imagining that I saw it for the first  
17 time according to this screen shot on this page that was  
18 created from this moment on 1/8 of 2012.

19 Q. So this is a screen shot of something that  
20 you took on a computer owned by Palm Beach Financial  
21 Exchange, Inc.?

22 MS. KITTERMAN: Object to form.

23 THE WITNESS: I believe so.

24 BY MR. BARSKY:

25 Q. If you take a look at this document alongside

1 Exhibit 6, you notice Exhibit 6 says it is a search for  
2 the term Santamaria and space, Jess, and it is  
3 displaying one through 20 of 710 records. And Exhibit 7  
4 says it is a search for Santamaria and space, Jess,  
5 displaying 21 through 40 of 710 records. So do you know  
6 whether Exhibit 7 is the next 20 records of the search  
7 that is reflected in Exhibit 6?

8 A. I know it says what you just stated.

9 Q. Okay. Do you know whether or not when you  
10 did the search that generated exhibit -- that you took a  
11 screen shot of when you made Exhibit 6, whether or not  
12 Exhibit 7 was the next screen you could click to when  
13 you clicked next page?

14 A. I didn't alter the content in any way. So if  
15 that's what it says, that's my assumption.

16 Q. Do you know how you created these two screen  
17 shots?

18 A. Keyboard entries.

19 Q. Do you know what you did to go back from six  
20 to seven, the difference is?

21 A. Probably used the mouse to go to next page.

22 Q. Okay. So Exhibit 7 probably is the next page  
23 that follows on the search from Exhibit 6 okay?

24 A. Okay.

25 Q. Is that what you're saying?

1           A.     I agree with you that it probably is.

2           Q.     Okay.  But you don't recall for sure?

3           A.     I've never memorized the number of entries on  
4 each page.  You're asking me when I believe I saw this  
5 for the first time.  It looks to be the same time.  The  
6 problem is there is no date stamp, there's no time  
7 stamp.  I don't know that I went to page -- it would  
8 seem I went to Page 1, then Page 2.  I don't know.  
9 Perhaps this screen shot was done on 12, 12 -- 11:59 at  
10 night and then two minutes later, it was a screen shot  
11 from the next day.  I don't know.

12          Q.     When you look at Exhibit 7, just the same  
13 questions as Exhibit 6.  Other than the things we've  
14 already discussed, do you have an understanding of what  
15 is on this page?

16          A.     Yes, I see multiple variations of the name  
17 Jess Santamaria.

18          Q.     What do you see as the variations?

19          A.     I see Jess Santamaria, I see Jess A.  
20 Santamaria, I see Jess G/PTR Santamaria.  I see next  
21 page, Jess G/PTR Santamaria.

22          Q.     When you say next page, you are referring in  
23 the beginning there to Exhibit 6?

24          A.     Next page, meaning Page 7 that you --  
25 Exhibit 7 that you handed to me that's not marked on

1 mine, I apologize.

2 (Discussion held off the record.)

3 BY MR. BARSKY:

4 Q. The Court Reporter is writing them down as we  
5 go along, so --

6 A. Okay. On Exhibit 7, I see Jess -- I see  
7 Santamaria Jess G/PTR. I see Santamaria Jess, I, TR. I  
8 see Santamaria, Jess, R.

9 Q. Okay. Do you know what Santamaria, space,  
10 Jess, space, G/PTR means?

11 A. Not as defined in the clerk's website.

12 Q. What do you mean not as designed in the  
13 clerk's website?

14 A. I can only make a guess as to what do I think  
15 it is, but I do not know for sure.

16 Q. You don't know for sure what that means?

17 A. Correct.

18 Q. The sixth line down, it's labeled Santamaria,  
19 space, Jess, space, I, space TR. You clicked on the  
20 link that says view. Do you see that?

21 A. I do.

22 Q. Why did you click on that link?

23 A. To see what was underneath it.

24 Q. And what did you find?

25 A. I don't remember.

1           Q.     Why did you click on that one and not any of  
2     the other links that are shown here on pages --  
3     Exhibits 6 and 7?

4           A.     I can't tell you if I ever refreshed the  
5     screen for any reason.  If I refreshed the screen, the  
6     link click goes away.  I can't make the statement that I  
7     never did, you made that.

8           Q.     You don't know how many of these you clicked  
9     on, if any -- if more than just the one?

10          A.     I can't recall.

11          Q.     Okay.  Exhibit 7 showed the felony judgment  
12     that you included in the request for inquiry?

13          A.     Exhibit 7 does not show the name  
14     Jesus Santamaria.

15          Q.     So the answer is it does not show the felony  
16     judgment that you included in the request for inquiry?

17                   MS. KITTERMAN:  Object to the form.

18                   MR. BARSKY:  What is wrong with the form?

19                   MS. KITTERMAN:  Asked and answered.

20                   MR. BARSKY:  He didn't answer the question.

21     BY MR. BARSKY:

22           Q.     It's a yes or no question, sir.  Does  
23     Exhibit 7 show the felony judgment that was included in  
24     the request for inquiry?

25          A.     I don't know the content of each one of these

1 items. You asked me if I knew what cross or from date  
2 or from party or something like that goes. I have no  
3 idea what is contained in here.

4 Q. So when you found the felony judgment, how  
5 did you know what it was? How did you know to look at  
6 it?

7 A. There were only two entries for the Jesus R.  
8 Santamaria.

9 Q. So did you look at both of those?

10 A. I did.

11 Q. And you found one of them was a felony  
12 judgment?

13 A. That is correct.

14 Q. Do you remember what the other one was?

15 A. I don't.

16 Q. So you don't know whether or not Exhibit 7  
17 shows the felony judgment for Jesus Santamaria?

18 A. If you're asking me if there is anything  
19 written on this page that says Jesus R. Santamaria, a  
20 felony judgment record, I don't see one.

21 Q. I'm asking whether or not Exhibit 7 shows the  
22 felony judgment for Jesus Santamaria that you included  
23 in the request for inquiry?

24 A. I don't see any documentation put up here. I  
25 see reference to documents. If you're asking me if



1 every one of the things on this page then points further  
2 to it, I'm not well versed enough to know if book has  
3 it, page has it. I don't know.

4 Q. Do you see any reference to that felony  
5 judgment that you included in the request for inquiry on  
6 Exhibit 7?

7 MS. KITTERMAN: Object to form. Asked and  
8 answered.

9 MR. BARSKY: You can answer.

10 MS. KITTERMAN: If you can, since you've said  
11 I don't know 500 times.

12 MR. BARSKY: Well, if he would say I don't  
13 know straight up, that's fine. If he would say yes  
14 straight up, that's fine. If he would say no  
15 straight up, that's fine. I'm looking for an  
16 unqualified answer.

17 THE WITNESS: I'm more than willing to answer  
18 what you're asking me. I don't know how to do it  
19 any better than I've done.

20 BY MR. BARSKY:

21 Q. Well, you can give me an unqualified answer.

22 Does Exhibit 7 show the felony judgment for  
23 Jesus Santamaria that you included in the request for  
24 inquiry?

25 A. Are you asking me to interpret what a cross

1 name means?

2 Q. I'm asking to your knowledge. If you don't  
3 understand what cross name means, then the answer is I  
4 don't know. I'm asking for what you personally know.  
5 Does Exhibit 7 show a reference to the felony judgment  
6 that you included in your request for inquiry?

7 A. Not to my knowledge.

8 Q. Okay.

9 (Plaintiff's Exhibit 8 was marked for  
10 identification.)

11 BY MR. BARSKY:

12 Q. I'm showing you what we're marking as  
13 Exhibit 8 to your deposition, and I'll ask you to take a  
14 minute to take a look at it and let me know when you are  
15 finished.

16 A. Okay.

17 Q. Have you ever seen this document before?

18 A. I've seen the content, not the page you  
19 printed.

20 Q. And we can continue to play this back and  
21 forth, but this was a printout of a file that was given  
22 to us by your attorney.

23 A. I want to make sure that I'm answering the  
24 question properly. So I'm not trying to play games with  
25 you.

1 Q. Well, I'm not asking whether or not you've  
2 ever seen physically that piece of paper.

3 A. Okay.

4 Q. But this is a representation of a document  
5 that you have created; is that correct?

6 A. I believe so.

7 Q. Okay. If you take a look, it is a search on  
8 the Clerk and Comptroller, Palm Beach County, for  
9 Santamaria, space, Jes, with only one S; is that  
10 correct?

11 A. It is.

12 Q. Why did you do a search for Santamaria,  
13 space, Jes with only one S?

14 A. I don't think I have a valid reason for it.

15 Q. You just did it?

16 A. It could have been a typo.

17 Q. Okay. You don't know whether you did it  
18 consciously or accidentally?

19 A. I don't know that I had any premeditated  
20 thought.

21 Q. Okay. And why did you print, take a screen  
22 capture of this page and include it as an exhibit on  
23 your exhibit list?

24 A. In Mr. Santamaria's answers, he said he's  
25 been known as Jess R. Santamaria since he got to Palm

1 Beach County in 1974. The way I interpreted it is  
2 that's his one and only name. I'm showing to you that  
3 there is documents referring to Mr. Santamaria as  
4 other -- things other than just Jess R.

5 The reason for this information -- or I  
6 should say the name, showing the name in the column, is  
7 there is many different name variations pointing to  
8 Mr. Santamaria. And if you look in the dates here, you  
9 have things from '78, '93, '94, '79. In previous  
10 documents, you see things from 2005, 2007, 2006. You  
11 see other things from the '70s as well.

12 I produced a document saying he's been known  
13 as -- he has been known by other names according to  
14 records from the Clerk and Comptroller's website as  
15 names other than just Jess R. Santamaria.

16 Q. So on Exhibit A, that first line that says  
17 Santamaria, space, Jess, space, G/PTR, it's your  
18 testimony that that refers to Jess Santamaria, the  
19 plaintiff in this lawsuit?

20 A. I'm referring that it's the same name that  
21 appeared when I did Jess with the two S's in previous  
22 cases -- or listings, whatever they are, and the  
23 document that you asked me to refer to in document  
24 Number 7 and then document Number 6.

25 Q. That's not what you just testified to. You

1 testified to say that that shows up in the other  
2 searches. Your testimony was that this shows  
3 Jess Santamaria has been known by other names in Palm  
4 Beach county since he arrived.

5 A. If I'm not mistaken, and I could be, you  
6 asked me the purpose for the searches, I heard a plural  
7 S in there. And if you're asking me for plural, why did  
8 I create these documents, that's what I answered to.

9 Q. No, I asked for this -- I said search  
10 singular. I'm sorry if I --

11 A. I heard plural, sir.

12 Q. Then why did you conduct this particular  
13 search, singular, that is reflect in Exhibit 8?

14 A. For the exact same reason that I conducted  
15 the search in the previous two exhibits.

16 Q. Why was that?

17 A. Name variation.

18 Q. Why did you suspect that Jess Santamaria had  
19 gone by Jess with only one S?

20 A. In Mr. Santamaria's discovery, he said he was  
21 named only -- he's been known by only one particular  
22 name, that's what he listed. I was verifying that.

23 Q. So why did you type in anything other than  
24 that one particular name into your search?

25 A. It's the exact same search with perhaps a

1           keystroke error. You can't type in a middle initial on  
2           the Clerk and Comptroller's website. So if I was going  
3           to type in Jess R. Santamaria, I can only to my  
4           knowledge, perhaps I'm wrong, type in Jess Santamaria.  
5           Therefore, it's the same search.

6           Q.       It's the same search?

7           A.       It is with the exception of possibly a  
8           keypunch error that I missed an S.

9           Q.       So you didn't do -- you don't think you did  
10          Exhibit 8 intentionally, you think it might have been  
11          just a mistake on your part?

12          A.       Correct.

13          Q.       Then why did you take a screen capture of it?

14          A.       Because it has a referral to Jes GTPTR (sic),  
15          same thing as all the others. I believed that I was  
16          doing a search on the exact same person.

17          Q.       And you believed that Jes G/PTR Santamaria is  
18          the same individual as Jess Santamaria, the plaintiff in  
19          this lawsuit?

20          A.       Yes.

21          Q.       Why do you believe that?

22          A.       At some point, I know I opened up a document  
23          that had him listed. I'm not sure which one.

24          Q.       You don't know if it is one of the documents  
25          on Exhibit A or not?

1           A.     No, it could have been Exhibit 7.

2           Q.     Could it have been Exhibit 6 as well?

3           A.     Could have been.

4           Q.     Could it have been any of the other multitude  
5 of records that are returned by these searches?

6           A.     No, because in order for me to look at  
7 Jess G/TPR (sic), I'd have to click on a search returned  
8 as Jess G/TPR (sic).

9           Q.     But you didn't -- you don't know because  
10 Exhibit 6 and 7 reference 710 total records.

11          A.     But as you very eloquently pointed out, this  
12 document has record one through 20 and record Number 20  
13 is Jes GTPR.

14          Q.     So you think it's one of these documents, it  
15 couldn't have been somewhere further down the list of  
16 710 results?

17          A.     I think we've been using the word could, it  
18 could have been.

19          Q.     But you're not sure exactly which one of  
20 these references you looked at?

21          A.     You're correct. There is a multiple  
22 occurrence of the exact same search result. I'm not  
23 sure which of the numerous search results I clicked on.

24                   (A brief recess was taken.)

25

1                   (Plaintiff's Exhibit 9 was marked for  
2                   identification.)

3                   BY MR. BARSKY:

4                   Q.     I'm showing you what has been marked as  
5                   Exhibit 9 to your deposition. I want you to take a  
6                   minute to look at it and let me know when you are  
7                   finished.

8                   A.     Okay.

9                   Q.     Have you ever seen the content of this  
10                  document before?

11                  A.     Yes.

12                  Q.     And did you create the content of this  
13                  document through a screen shot of your computer?

14                  A.     Yeah. If it came from me, I did.

15                  Q.     Okay. If I tell you that this is from your  
16                  exhibit list?

17                  A.     Uh-huh. Yeah.

18                  Q.     And this is -- appears to be the use of the  
19                  computer would have been you, correct, assuming this is  
20                  a document from your exhibit list that was provided to  
21                  us?

22                  A.     Yes.

23                  Q.     And the search term that is being used here  
24                  on the Palm Beach County Clerk and Comptroller's website  
25                  is Jesus Santamaria, but it's typed in reverse because



1           you entered the last name, first name?

2           A.     Correct.

3                     (Plaintiff's Exhibit 10 was marked for  
4     identification.)

5     BY MR. BARSKY:

6           Q.     I'm showing you what has been marked as  
7     Exhibit 10 to your deposition. Take a look at it and  
8     let me know when you are finished, please.

9           A.     Okay.

10          Q.     Have you ever seen the contents of this  
11     document before?

12          A.     Yes.

13          Q.     If I were to tell you that this is a document  
14     that was provided to us as part of your exhibit list,  
15     would that lead you to believe that you created this  
16     document?

17          A.     Yes.

18          Q.     Does this document appear to be the results  
19     of performing the search that is reflected on Exhibit 9?

20          A.     Yes.

21          Q.     Okay. You mentioned that when you searched  
22     for Jesus Santamaria, there were two results. This  
23     shows four total; correct?

24          A.     That is correct.

25          Q.     So were there actually four results that you

1 saw?

2 A. Yes.

3 Q. Do you see on this document reflected a link  
4 to the felony judgment that you included in your request  
5 for inquiry?

6 A. Yes.

7 Q. Which one is it?

8 A. Santamaria Jesus R.

9 Q. Is that the bottom one?

10 A. Fourth, the fourth entry.

11 Q. Do you know who Jesus Antonio and  
12 Adiela Santamaria are?

13 A. No.

14 Q. So is this a reflection of the search that  
15 you performed back when you were preparing the request  
16 for inquiry?

17 A. Yes.

18 Q. Is this the search that you got the felony  
19 judgment from?

20 A. Yes.

21 Q. When you got the felony judgment, you stated  
22 in your affidavit in support of your motion for summary  
23 judgment, as well as the motion itself, that that felony  
24 judgment was the one and only document available on the  
25 clerk's website; correct?

1           A.     Pertaining to the Number 4 entry that you  
2 just asked about.

3           Q.     Okay.  So that felony judgment itself is the  
4 only document available when you typed in on the Clerk  
5 and Comptroller's website, Jesus -- you know, did a  
6 search for Jesus Santamaria?  That felony judgment, what  
7 we see here linked to as the fourth entry on Exhibit 10  
8 is the only document that is available on the Clerk and  
9 Comptroller's website according to your testimony?

10           MS. KITTERMAN:  Objection.  I'm just going to  
11 ask you for a clarification.

12           MR. BARSKY:  Yes.

13           MS. KITTERMAN:  Because I thought you said  
14 something to him first about his affidavit and now  
15 you're asking about his testimony here.  So I'm  
16 just unclear.

17           MR. BARSKY:  Okay.  Yeah.  Let me rephrase  
18 it.  I'm sorry.

19 BY MR. BARSKY:

20           Q.     Exhibit 10 reflects the search that you  
21 performed -- it's not the search you performed because  
22 you didn't save a copy of that when you were preparing  
23 your request for inquiry; correct?

24           A.     Correct.

25           Q.     So this is a recreation of a search that you

1 did?

2 A. Correct.

3 Q. The fourth line is the link to the entry for  
4 the felony judgment that you included in the request for  
5 inquiry; is that correct?

6 A. Correct.

7 Q. Is this link where you got that document  
8 from, the felony judgment included in the request for  
9 inquiry?

10 A. Yes.

11 Q. You stated in your affidavit that the  
12 document that you get when you click on this link, the  
13 fourth link on Exhibit 10, that is the only document  
14 available on the clerk's website relating to this felony  
15 judgment; correct?

16 A. That was the only document that was available  
17 at the time that I did click on it and go from there.  
18 If it's been amended, added to, or subtracted since that  
19 time, I have no knowledge of that. But this was the  
20 only document that was available at the time.

21 Q. So when you did the search in Exhibit 10, you  
22 didn't click on that link to see if anything had  
23 changed?

24 A. I don't remember.

25 Q. Okay. Did you do anything else to verify

1           that that felony judgment related to Jess Santamaria?

2           A.     Define "to verify."

3           Q.     Did you do anything with it other than  
4 including it in your request for inquiry?

5           A.     Yes.

6           Q.     What did you do?

7           A.     I gave it to my campaign advisor.

8           Q.     Which campaign advisor?

9           A.     Cheryl Klimek.

10          Q.     Is she your campaign manager?

11          A.     Yeah.  And perhaps it's interchanging of the  
12 lady that was helping, running, whatever.  We didn't  
13 have titles.  I don't know what her title was.

14          Q.     The same woman we were talking about before?

15          A.     Above-referenced, yes.

16          Q.     What is --

17          A.     The above-referenced lady we referenced  
18 earlier in the day.

19          Q.     Why did you give her the felony judgment?

20          A.     To see if she could find out any information  
21 on it.

22          Q.     Why did you give it to her to do that rather  
23 than doing it yourself?

24          A.     I had no idea where to go with it.

25          Q.     You didn't have any idea where to go with it?

1 A. Uh-huh.

2 Q. What did your campaign advisor do with the  
3 felony judgment?

4 A. Honestly, I don't think she did anything.

5 Q. You don't think she did anything? Why do  
6 you -- you're shaking your head no. You have to answer  
7 verbally.

8 A. When I gave it to her, she said she would  
9 look into it. Time later, she said she didn't find  
10 anything. It's my interpretation that she didn't look  
11 into anything further to obtain any further knowledge on  
12 it.

13 Q. Is that what you understood at the time you  
14 published the request for inquiry?

15 A. That she didn't look into it any further?

16 Q. Yes.

17 A. Yes.

18 Q. So then you went ahead and included it in the  
19 request for inquiry.

20 A. Correct.

21 Q. If you understood that she didn't do any  
22 additional looking into that document, why didn't you  
23 then do something?

24 MS. KITTERMAN: Object to the form.

25 THE WITNESS: Because I knew that she wasn't

1 a legal person and the entity that could make the  
2 determination of whether that was Mr. Santamaria or  
3 not was not she or I.

4 BY MR. BARSKY:

5 Q. Who did you think that entity was?

6 A. Any one of the above-referenced agencies that  
7 I had mentioned before. I knew it wasn't my  
8 determination.

9 Q. So it was your position that neither you nor  
10 your campaign manager could do anything to verify  
11 whether or not that was the felony judgment of  
12 Jess Santamaria?

13 A. That's not the way I'd like to put it.

14 Q. Okay. How would you like to put it, because  
15 that's what you just testified to.

16 A. No, what I testified was to the best of my  
17 ability with the resources that were available to me  
18 through the Clerk and Comptroller's website, I had no  
19 way of verifying that it was Commissioner Santamaria.

20 If you're asking me -- you said no ability.  
21 That would insinuate that we couldn't hire a private  
22 investigator, an attorney or whatever else. I wouldn't  
23 make that assumption at all, sir.

24 Q. So you could have done something more, but  
25 you didn't?

1           A.     I did what was required of me in my  
2     understanding of the clerk -- of the Supervisor of  
3     Elections office that said to vet things, which was  
4     later stated by this super -- or the Florida Department  
5     of State, Division of Elections, which said whether a  
6     candidate has a criminal background or not is up to --  
7     I'm sorry, is to be determined by the opponent, the  
8     media and/or the general electorate.

9                     Further, in that letter to me, it said the  
10    Supervisor of Election or any ministerial has custody --  
11    I don't remember the exact words. The super -- because  
12    there was a mistake in the letter. It said something to  
13    the effect of the Supervisor of Election or any other  
14    administrator takes the information provided by the  
15    candidate -- I'm paraphrasing -- by the candidate in a  
16    ministerial function and face value and has no process  
17    for doing any background check.

18                    So I went to the media, the general  
19    electorate, and me as an opponent to ask anybody that  
20    would be able to verify it for me. I did the best I  
21    could with the tools that were available at the time  
22    given the time constraints of I was in the middle of an  
23    election, I had a business, and I was doing the best  
24    that I could to find out answers going to the people  
25    that would have them, and they weren't me.



1           Q.     So your understanding of what the Supervisor  
2 of Elections told you was that if you found something,  
3 you should go to the press with it?

4           A.     That is what the attorney for the -- I'm  
5 sorry, I believe it's called general counsel, assistant  
6 general counsel for the State of Florida, Division of  
7 Elections, Secretary of State stated in writing that it  
8 was -- the determination was left up to the opponents,  
9 the media and/or the general electorate. I didn't make  
10 that determination, the State of Florida did.

11          Q.     When did they send you that letter?

12          A.     I don't remember.

13          Q.     Was it before the election?

14          A.     The letter that I gave to you -- pardon me.  
15 The letter that I offered in my evidence was created as  
16 a result of this litigation.

17          Q.     So at the time, you didn't actually have a  
18 letter from the Supervisor of Elections?

19          A.     I didn't need a letter at the time.

20          Q.     Why not?

21          A.     Because I asked specifically the Supervisor  
22 of Elections' staff and they told me, I didn't need  
23 verification for this litigation of that. I had a  
24 complete understanding of it at the time. I have then  
25 produced the letter from both the Supervisor of

1 Elections office that told me that, as well as the State  
2 of Florida, for purposes of this litigation.

3 Q. So when you were testifying just a moment ago  
4 that you were referring to a letter, you didn't actually  
5 have that letter at the time you published the request  
6 for inquiry?

7 A. I had no need for that letter.

8 Q. You had -- I'm asking you a yes or no  
9 question. You did not actually have that letter at the  
10 time you published the request for inquiry?

11 A. I had the verbal from the people.

12 Q. You did not have the letter that you were  
13 referring to in your testimony at the time that you  
14 published the request for inquiry, yes or no?

15 A. I had the knowledge.

16 Q. Did you have the letter?

17 A. Not the one I gave to you.

18 Q. No. There wasn't one of those letters at the  
19 time, was there?

20 A. Define "one of those letters."

21 Q. The letters that you have provided to us as  
22 trial exhibits that set forth that the different  
23 Supervisors of Elections within the state of Florida and  
24 county of Palm Beach do not verify candidate  
25 information.

1           A.     I asked for those letters after the request  
2 for inquiry was created.

3           Q.     So they didn't exist at the time you  
4 submitted the request for inquiry?

5           A.     I don't know if they're standard forms that  
6 they sent out and my name just got attached to it. So  
7 the content of the letter, I don't know that it hasn't  
8 been something that's been reproduced for many years any  
9 time this question came up. It was not in my possession  
10 until after the request for inquiry.

11          Q.     So it's your testimony, then, that somebody  
12 at the election office verbally told you that you were  
13 responsible for vetting your opponents and that if you  
14 found something, you should take it to the media?

15          A.     I was told to go to whatever -- I want to  
16 paraphrase because I don't want to put it -- exact  
17 words. I was told that it was my responsibility through  
18 whatever means to find it that were acceptable. I asked  
19 how would somebody verify. They said news, they said  
20 private investigators, they said other candidates, they  
21 said people at work, that's up to you.

22          Q.     And so you decided that you were going to do  
23 the search and take the document to the press?

24          A.     I decided I was going to take it to the  
25 entities, but I notified the press.

1 Q. And the press was one of those entities that  
2 you were told to take it to by the elections office?

3 A. They didn't specifically tell me to go  
4 anywhere.

5 Q. Did you turn the request for inquiry over to  
6 the elections office?

7 A. Define elections office.

8 Q. Whoever it was that told you that you were  
9 responsible for vetting your opponents, did you give  
10 that person or their office a copy of the request for  
11 inquiry?

12 A. They had no power to come to any  
13 determination, no.

14 Q. How do you know that they had no power to  
15 come to a determination?

16 A. Because the Supervisor of Elections under my  
17 understanding conducts the election, they don't conduct  
18 any of the investigations that were contained in the  
19 request for inquiry.

20 Q. Who was responsible for conducting those  
21 investigations?

22 A. Various entities.

23 Q. And those are the entities that you referred  
24 to as -- the various entities that were told to you by  
25 the person in the elections office who you spoke to?

1           A.     Not specifically, no.

2           Q.     So how did you determine to go to the  
3           entity -- to present the request for inquiry to the  
4           entities that did?

5           A.     It depended on the inquiry.

6           Q.     Well, you didn't break them out into  
7           individual ones, there is one single document.

8           A.     But there's how many exhibits there?

9           Q.     I don't recall off the top of my head.

10          A.     I believe ten.

11          Q.     Okay.

12          A.     There was no one entity that had jurisdiction  
13          over all ten of those.

14          Q.     Well, you didn't break them up and say, well,  
15          this entity is responsible for one and two and --

16          A.     No, but the other entity --

17          Q.     You didn't do that?

18          A.     I didn't know which entity had jurisdiction  
19          over which exhibit.

20          Q.     But you knew that one didn't have  
21          jurisdiction over all of them.

22          A.     I did know that.

23          Q.     Can you say that again?

24          A.     I did know that.

25          Q.     You did know that.    But how did you know

1 that?

2 A. I believed that.

3 Q. You believed that. You didn't know it, but  
4 that's what you thought?

5 A. Correct.

6 Q. Okay. So you weren't sure about that?

7 A. We're getting into technicalities and I'll  
8 tell you why I'm telling you I didn't believe that.  
9 There was a newly formed Palm Beach County Ethics  
10 Commission. There was a newly formed Inspector General.  
11 There was -- the code for these different entities was  
12 in flux, as it still is. There was a question as to  
13 whether you could bring something that happened before a  
14 certain date. There was a question as to whether or not  
15 you could bring something forward if it didn't have  
16 monetary gain.

17 So in the number of entities that I would  
18 normally start with locally here, there was no  
19 established long history code. And in some cases, there  
20 was a prior date that if anything happened would not be  
21 able to be looked into because it was prior to the  
22 establishment of that office.

23 The entire Inspector General and the Palm  
24 Beach County ethics was just being created as this was  
25 done and nobody was sure who had jurisdiction over what.

1 Q. So how did you determine which entities to  
2 provide the request for inquiry to?

3 A. I provided it to anyone that might have  
4 jurisdiction over based upon whatever I thought could  
5 possibly be a determining factor.

6 Q. What jurisdiction did CBS have?

7 A. They didn't have jurisdiction.

8 Q. Okay. So you provided it to entities beyond  
9 those that had jurisdiction?

10 A. I provided it to entities that could assist  
11 me in bringing the information forward.

12 Q. That could assist you in bringing the  
13 information forward. What assistance did you need?

14 A. I think it was said by former Commissioner  
15 Ken Adams in front of the Board of County Commissioners  
16 that if it wasn't for the newspapers and ex-wives, none  
17 of the county commissioners at that time would have ever  
18 had their wrongdoings discovered.

19 So my idea was if there's somebody out there  
20 that can do more knowledge and bring to light the truth,  
21 whatever the truth was, that was the place to go to for  
22 help.

23 Q. So you didn't think the proper place to go to  
24 was to look in the court file for the case that  
25 generated the felony judgment against Jesus Santamaria?

1           A.     I went to the Clerk of the Court's website  
2           and retrieved everything that was available on that  
3           topic.

4           Q.     Just from the website, you didn't go to the  
5           courthouse and look?

6           A.     I have no ability to pull records down there  
7           with a Bar number.

8           Q.     You have no ability to pull records down  
9           there with a Bar number?

10          A.     Uh-huh.

11          Q.     It's your belief that you have to have a Bar  
12          number to obtain the public records of the State of  
13          Florida?

14          A.     It's my 100 percent testimony I didn't even  
15          know what building I was supposed to go in. I didn't  
16          know what records building was. I had no idea where the  
17          legal system was conducted. I've never had an issue  
18          with them.

19          Q.     You have no idea where the legal system in  
20          Palm Beach County is conducted?

21          A.     I do now.

22          Q.     You do now?

23          A.     Correct.

24          Q.     At the time you didn't know where the  
25          courthouse was?



1           A.     I knew that there was a -- I knew the  
2 courthouse was there, but I had no knowledge the records  
3 were stored at the courthouse.

4           Q.     You've written numerous letters to  
5 Sharon Bock, have you not?

6           A.     Numerous?

7           Q.     Yes, more than one.

8           A.     Not to my knowledge.

9           Q.     Have you written one letter to Sharon Bock?

10          A.     Yes.

11          Q.     You addressed that letter to some address;  
12 correct?

13          A.     Correct.

14          Q.     How did you know where to send it?

15          A.     She's in the same governmental building as  
16 the Board of County Commissioners. She's not in the  
17 courthouse.

18          Q.     Okay. So that's -- you knew that as that  
19 address for the clerk's office.

20          A.     I knew the address that was given to me to  
21 send.

22          Q.     What's that address?

23          A.     Which address?

24          Q.     For Sharon Bock.

25          A.     For which building?

1 Q. You just said you sent a letter to her. What  
2 address did you use?

3 A. I don't remember.

4 Q. Who gave you that address?

5 A. Her staff.

6 Q. How did you get a hold of her staff?

7 A. They contacted me.

8 Q. How did they contact you?

9 A. There was an inquiry on a website for --  
10 okay, you're confusing the issues because what I spoke  
11 to Clerk Bock had nothing to do with this case, request  
12 for inquiry. I've never written her a letter based upon  
13 request for inquiry.

14 Q. I know that.

15 A. Okay.

16 Q. I'm asking you how you got a hold of her?

17 A. She contacted me.

18 Q. Why?

19 A. For the purpose of speaking with me.

20 Q. Why?

21 A. Probably further clarification.

22 Q. Of?

23 A. I asked for an understanding of how money was  
24 being spent on a particular road project. She is the  
25 quote, by her terminology, the County's watchdog because

1 the County spends the money, but she writes the check.

2 Q. So you knew how to contact the Clerk herself,  
3 not her Deputy Clerk, but the actual Clerk, Sharon Bock?

4 A. No.

5 Q. You wrote her a letter.

6 A. At the direction of staff.

7 Q. So you knew how to get a hold of her?

8 A. When my -- ask for clari -- my question of  
9 clarification kept coming in, it was never addressed to  
10 her. It wasn't even addressed to any specific person.  
11 I had no address to send it to, I had no person in  
12 particular that I addressed.

13 Q. You wrote a letter to Sharon Bock; correct?

14 A. I did.

15 Q. You sent it somewhere.

16 A. I did.

17 Q. You don't remember that address?

18 A. I don't.

19 Q. Did you send it to anybody other than  
20 Sharon Bock?

21 A. Address or person?

22 Q. Person.

23 A. I don't remember.

24 Q. So you would have sent that letter to  
25 Sharon Bock, would you not have? You wrote it to her.

1           A.     Not necessarily.

2           Q.     So you would have written a letter that you  
3     didn't send to Miss Bock at the request of her staff?

4           A.     No.

5           Q.     No, you wouldn't have done that?

6           A.     I don't believe I would have ever written a  
7     letter that I didn't send.

8           Q.     Okay.  So you wrote a letter to her and you  
9     sent it and you wouldn't have not sent it to her.  So  
10    you sent it somewhere; correct?

11          A.     Correct.

12          Q.     So you did have an address for at least her?

13          A.     I had an address, I didn't know that was  
14    where her office was.

15          Q.     But you had an address for her?

16          A.     I had an address.

17          Q.     Did you get a phone number from the staff  
18    person who contacted you?

19          A.     I remember having a telephone conversation, I  
20    don't know who called who.

21          Q.     I thought you said that her staff contacted  
22    you?

23          A.     Correct.

24          Q.     So how do you not know who called who?

25          A.     Because the original contact may be different

1 than any communication I had subsequent.

2 Q. So you may have contacted Sharon Bock's  
3 office back, may have called them back is what you're  
4 saying?

5 A. That's not what I said.

6 Q. You said that you got a call from  
7 Sharon Bock's office and then you said that you're not  
8 sure who called who because there might have been  
9 subsequent contact. So was there or was there not  
10 subsequent phone calls?

11 A. I don't remember the chain of events as to  
12 the original phone call, but I do remember getting at  
13 least one phone call from the clerk.

14 Q. So you did at least have some contact  
15 information for the clerk's office?

16 MS. KITTERMAN: Object to form.

17 THE WITNESS: Not originally.

18 BY MR. BARSKY:

19 Q. What do you mean not originally?

20 A. I never made a call to Clerk Bock's office  
21 asking her to investigate anything.

22 Q. I didn't ask whether or not you ever made a  
23 call to anybody. I asked whether or not you had contact  
24 information for --

25 A. I was answering your question.

1 Q. -- Miss Bock.

2 No, I asked whether or not you had contact  
3 information for Miss Bock. You said not originally, and  
4 I asked you what you meant by not originally.

5 MS. KITTERMAN: Actually, you asked him if he  
6 had any contact information for the clerk.

7 MR. BARSKY: The clerk, I apologize. The  
8 clerk is Miss Bock.

9 THE WITNESS: Let's try that one more time,  
10 please.

11 BY MR. BARSKY:

12 Q. You told me that you didn't originally have  
13 contact information for the clerk's office. Miss Bock  
14 is the clerk. Numerous of your exhibits show her name  
15 there as the Clerk and Comptroller.

16 A. I want to be clear -- I want to be clear  
17 because if you go to the Clerk and Comptroller's  
18 website, you can find a telephone number there. So when  
19 I say I didn't have it, I'm saying I didn't send a  
20 letter to her office to initiate this conversation.

21 Q. Okay. But you did have information. Like  
22 you said, it's right there on the website, phone number  
23 and address.

24 A. There is a phone number for the clerk's  
25 office, it doesn't mean you're ever going to reach her.

1 Q. I'm not asking whether or not you're ever  
2 going to reach Sharon Bock, the individual.

3 A. You've been asking me about Sharon Bock.

4 Q. As an individual, and I'm saying that you  
5 have a phone number for the clerk's office, correct,  
6 because that's right on their website?

7 A. Years ago I had, but I don't know that I  
8 remember it now. But as long as it's still up there,  
9 which I presume it is, then okay.

10 Q. Okay. And there's an address displayed on  
11 that website as well; correct?

12 A. I don't remember. Most likely.

13 Q. Most likely. Take a look at Exhibits 5, 6,  
14 7, 8, 9 and 10. I think it goes back to 5.

15 A. I don't see any address for the clerk, sir.

16 Q. Sorry. Across the top, executive offices,  
17 301 North Olive Avenue. It's on the top of Exhibits 6,  
18 7, 8, 9 and 10.

19 A. There is.

20 Q. Okay. So you decided when you saw the felony  
21 judgment, you gave it to your campaign advisor/manager  
22 to do something more with because you didn't know what  
23 else to do and then you don't think she did anything  
24 with it. You included it in the request for inquiry,  
25 you had the press conference and sent it to the

1           investigating entities that you deemed and posted it on  
2           your website; correct?

3           A.     For the most part.

4           Q.     What's incorrect about that statement?

5           A.     Something you said triggered me.  Would you  
6           repeat your statement, please.

7           Q.     I said you found the felony judgment during  
8           your search, you took it, you gave it to your campaign  
9           manager/advisor -- you said you didn't really have a  
10          real title for her -- to investigate further because you  
11          said you didn't know what to do as further  
12          investigation.  You said you don't think she did  
13          anything with it.  You took it, you included it in the  
14          request for inquiry and you gave the request for inquiry  
15          out at that press event and you said you put it in the  
16          mail to some entity or entities, and you put it on your  
17          website; is that direct?

18          A.     Correct.

19                         (Plaintiff's Exhibit 11 was marked for  
20          identification.)

21          BY MR. BARSKY:

22          Q.     Okay.  Exhibit 11, take a look and let me  
23          know when you are finished.

24          A.     Okay.

25          Q.     Have you ever seen the information reflected



1 on this document before?

2 A. Yes.

3 Q. And when have you seen it before?

4 A. I saw it when I produced this as part of  
5 information for this litigation.

6 Q. This isn't an actual contemporaneous with the  
7 events in 2010 search; correct? You reconstructed it  
8 after the fact, because your testimony earlier was you  
9 didn't save any of that information when you did the  
10 background searches on Jess Santamaria originally;  
11 correct?

12 A. Uh-huh. Yes.

13 Q. Does this document reflect one of those  
14 background searches that you conducted?

15 A. Yes.

16 Q. And you did this sometime -- do you recall  
17 the year that you did the search actually reflected in  
18 Exhibit 11?

19 MS. KITTERMAN: Is this -- well, let me just  
20 off the record.

21 (Discussion held off the record.)

22 THE WITNESS: During preparation for  
23 litigation.

24 BY MR. BARSKY:

25 Q. And so my question is: Do you know if you

1 did it in 2011 or 2012? And I think I can ask that  
2 without invading work product.

3 A. 2012.

4 Q. And this document is a screen capture on the  
5 computer you were using sometime in 2012?

6 A. Uh-huh. Yes.

7 Q. And if you look at the tabs across the top,  
8 the tab on the left appears to be a Google search for  
9 the term background check; correct?

10 A. Correct.

11 Q. Why were you conducting a Google search for  
12 the term background check in 2012?

13 A. As stated earlier, because the three entities  
14 that I had mentioned were the top three that were listed  
15 as Google searches, and I went down the line.

16 Q. Why did you need to redo the search then, if  
17 you had done the search on Intelius and People  
18 Finder (sic) --

19 A. That's where I got Intelius, People Finder,  
20 and BeenVerified.

21 Q. Did you not remember which services you used  
22 originally in 2010?

23 A. It's my understanding that I needed to make  
24 documentations of the things that I had done. I was  
25 trying to do that.

1 Q. So you weren't running the Google search for  
2 the term background check for the purpose of actually  
3 doing the search, you were doing it just so that you  
4 could display that you had done it?

5 MS. KITTERMAN: Object to the form.

6 THE WITNESS: I was showing how I had done  
7 it.

8 BY MR. BARSKY:

9 Q. Okay. Then why is there not the document  
10 presented here for the actual background, the results of  
11 that Google search?

12 A. It should be the next document, sir.

13 Q. We have not received any document that  
14 reflects that.

15 A. I provided it.

16 Q. You did? Okay.

17 A. I provided it to my attorney. There is  
18 three, for each of the three that I've talked about.  
19 There is this. And then subsequent, the next page that  
20 belongs to this website shows Jesus R. Santamaria. The  
21 next one if you hand that to me, the Intelius, the next  
22 page shows Jesus R. Santamaria. The third one for  
23 BeenVerified shows the Google search and the result of  
24 Jesus R. Santamaria.

25 Q. None of these actually show the Google search

1 that you conducted.

2 A. Okay. I testified before that if you type in  
3 background search, based upon search engine results,  
4 things come up on the top.

5 Q. And your testimony was that those were the  
6 sites that you used to conduct background searches on  
7 Jess Santamaria in 2010?

8 A. I never thought to take a picture of Google  
9 searching background check.

10 Q. Well, then why did you do it in 2012?

11 A. I wanted to show what I had done at the time.  
12 If you're asking me why I didn't, and I believe your  
13 question, otherwise, clarify please. If you're asking  
14 me why I didn't take a screen shot of the Google search  
15 I did, what's the point?

16 Q. If there was no point, why did you do it?

17 A. I didn't take a screen shot of the Google  
18 search.

19 Q. Then why did you do that Google search if  
20 there is no point in capturing that search? The only  
21 other place it shows up is when I can see it on your  
22 search tab across the top of your screen shots.

23 A. Uh-huh.

24 Q. Why is that the only place I can see it? If  
25 it's something that you did to show what searches you

1 have done, why haven't any of those documents been  
2 produced to us?

3 A. I'd be more than happy to provide you with  
4 that. You're asking me what was done. I thought it was  
5 blatantly obvious that if I were to, as an example, ask  
6 for a restaurant list of things and I go to three  
7 different restaurants, why didn't you produce the  
8 original list of how you got to those three things, I  
9 testified already, I believed the top three entries on  
10 Google.

11 Q. My question is: Why were you doing that  
12 search in 2012? If you had already gone to Intelius and  
13 BeenVerified and People Search in 2010, why were you  
14 searching again in 2012 the term background check in  
15 Google?

16 A. To make a picture --

17 MS. KITTERMAN: Object to the form. Thank  
18 you.

19 THE WITNESS: To make a picture for the  
20 litigation as to how I did it.

21 BY MR. BARSKY:

22 Q. As to how you did what?

23 A. How I found the three searches, background  
24 search companies that I've given you in these.

25 Q. Then why didn't you give us a screen shot of

1 the Google search results?

2 A. I'll take it as advice for next time.

3 Perhaps I should have.

4 Q. Now, take it as advice for next time, isn't  
5 that what you told Michelle Santamaria when she informed  
6 you that the felony record was not her father?

7 A. No.

8 Q. No. What did you tell her when she told you  
9 that?

10 A. I told her I'd take it under advisement.

11 Q. You'd take it under advisement. Okay. And  
12 what did you just tell me? I'm sorry.

13 A. Should I ever find a position where I'm in  
14 litigation again, I will make sure that I will be  
15 forthcoming enough to provide a Google search and  
16 everything else that could possibly state the blatantly  
17 obvious so the opposing counsel could have a clear  
18 picture.

19 Q. So is there anything else that hasn't been  
20 provided to us because you deemed it to be blatantly  
21 obvious?

22 A. I guess that would be your call.

23 Q. Well, you just told me that you didn't  
24 provide this tab from Exhibit 11 because you deemed it  
25 blatantly obvious. What else did you deem blatantly

1 obvious and not produce?

2 A. I would have no way of knowing that in your  
3 estimation.

4 Q. I'm not estimating anything, sir. You told  
5 me that you believed it was blatantly obvious. That's  
6 your determination.

7 A. No, I -- okay, the reason I say blatantly  
8 obvious is based upon you asking me how I came across  
9 these things, and I told you. I also didn't tell you  
10 how -- or I don't have a screen shot of me pressing the  
11 button to type in any of the search criteria. In the  
12 future perhaps I should provide a video so you can  
13 actually see the buttons being pressed.

14 Q. No, I'm not asking for a video, sir. I'm  
15 asking if you had gone to these websites in 2010,  
16 Intelius, BeenVerified and People Search, why were you  
17 doing another search for a background check on Google in  
18 2012?

19 A. Okay. There is no way in a two-year period  
20 of time that the same search results would come up in  
21 2010 that 2012 would in the exact order, exact  
22 everything. I went to the best of my ability to  
23 recreate what I had done, put in the same search I did  
24 before and retrieved the exact same thing.

25 Q. Why did you do the same search though? If

1           you had already used these three websites, why didn't  
2           you just go directly to them?

3           A.       Because it was the exact same thing that I  
4           had done before. I wasn't modifying steps so you could  
5           ask me what did you do differently this time versus last  
6           time. I did the exact same thing. I repeated the same  
7           steps, I repeated the same trails, I did nothing  
8           differently.

9           Q.       I'll show you what we're marking as Exhibit  
10          12 to your deposition.

11                   (Plaintiff's Exhibit 12 was marked for  
12          identification.)

13          BY MR. BARSKY:

14          Q.       Have you ever seen this document before?

15          A.       The content of it.

16          Q.       Is this a screen shot that you took on a  
17          computer you were using?

18          A.       It was provided by me, yes.

19          Q.       Why isn't there the tab for the Google search  
20          for background check on this, on Exhibit 12?

21          A.       I don't know the time frame differences  
22          between each of the different documents you've shown me.  
23          I don't know if the computer was rebooted, I don't know  
24          if it was done on the same day. There's many  
25          variations. I wouldn't presume to guess.



1 Q. So you didn't actually recreate everything  
2 that you did when you first did the searches in 2010?

3 A. That's your assumption.

4 Q. So you're saying that you did this exactly  
5 the same way in 2012 as you did in 2010?

6 MS. KITTERMAN: Object to form.

7 THE WITNESS: I don't know exact. I have a  
8 habit of closing tabs along the way. Perhaps it  
9 was the exact same thing and I closed a tab.

10 BY MR. BARSKY:

11 Q. So you remember whether or not you closed a  
12 tab two years ago?

13 A. I don't remember.

14 Q. Okay. So you're not sure whether or not this  
15 is exactly the same thing?

16 MR. BARSKY: Object to form.

17 THE WITNESS: Exactly the same thing as what?

18 BY MR. BARSKY:

19 Q. As what you did in 2010.

20 A. If you're asking if I closed a useless tab  
21 the exact same way I closed a useless tab now, I cannot  
22 attest that I closed a useless tab at the same time.

23 Q. But you were just testifying that you wanted  
24 to show us exactly what you had done in 2010.

25 A. It would be nearly impossible for me to

1 recreate the exact step of closing a useless tab as to  
2 what I did or did not. I showed you how I obtained -- I  
3 testified how I obtained the three different sources and  
4 then I produced evidence showing how I obtained the  
5 results from each one of those three sources.

6 Q. You're certain you ran these three searches  
7 on Intelius, People Search, and BeenVerified in 2010?

8 A. I can't answer that.

9 Q. You can't answer that?

10 A. No, because I'm not sure, once again, if I  
11 got a front end engine that brought me to that, that was  
12 the Number 1 search from Google.

13 Q. I'm not asking what happened behind the  
14 scenes, I'm asking what you did. Did you do exactly the  
15 same thing in 2010?

16 MS. KITTERMAN: Object to the form.

17 THE WITNESS: I can't answer that to the  
18 point of I don't know if I closed a useless tab,  
19 had other tabs open, or what I did.

20 BY MR. BARSKY:

21 Q. Did you actually perform these background  
22 checks in Intelius, BeenVerified, and People Finder in  
23 2010?

24 A. I don't know.

25 Q. You do not know. Why do you not know?

1           A.     Because I don't know if they were the same  
2 companies at the same time.

3           Q.     I'm not asking whether or not --

4           A.     If you're asking me if I performed background  
5 checks that led me to the exact same thing, the answer  
6 is yes. I'm not comfortable enough with the way things  
7 changed, the front ends that get you to this point to  
8 say it was the exact same link from every time. And I  
9 also don't know where database information have been  
10 updated. So perhaps in 2010, there was three sources to  
11 Intelius. There may be seven now.

12                   So in your questioning, did I provide the  
13 exact same information with the exact same source, it  
14 would be 100 percent impossible for me to find that out  
15 because I have no knowledge of the inner workings of any  
16 of these places.

17           Q.     But that wasn't my question. My question is  
18 whether or not you actually did searches on Intelius,  
19 BeenVerified, and People Finder for Jess Santamaria in  
20 2010.

21           A.     And I will say that one more time, I don't  
22 know because I don't know the corporate structure of  
23 thingies.

24           Q.     Sir, I'm not asking you about corporate  
25 structures, I'm not asking what goes on behind the

1 scenes. I'm asking what you personally did. Did you  
2 personally go to these websites in 2010 and ask it to do  
3 or ask them to do search on Jess Santamaria?

4 A. I don't know.

5 Q. You don't know whether you did that or not?

6 A. Correct.

7 Q. Why do you not know?

8 A. You don't like my answer, but it is a  
9 truthful one. I don't know who I may have been using  
10 for my information because I don't know who provides the  
11 back engine results. I don't know.

12 Q. You don't know whether you went to  
13 Intelius.com in 2010?

14 A. If you look across the top, the way that you  
15 got to these different things with the address going  
16 across, that's not necessarily where you get it from  
17 Intelius.com. Example, you could type on  
18 backgroundcheck.com, there's a redirect, it goes to  
19 backgroundcheck.information. The result comes from  
20 Intelius.com. I do not know that I went to Intelius.com  
21 to do that.

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

23 A. I don't know that I did that.

24 Q. Okay. In 2010, you could have gone to a  
25 different website?

1           A.     That yielded the exact same result.

2           Q.     So even though you've testified repeatedly  
3 that things change from 2010 until now, you know that  
4 the results are exactly the same?

5           A.     I don't know all of the results.  Once again,  
6 information may have been added or deleted.  I know  
7 categorically that Jesus R. Santamaria came up.

8           Q.     So you don't know whether or not you went to  
9 Intelius.com to run a background check on  
10 Jess Santamaria in 2010, you know that you got a result  
11 from the Intelius company in response to a search you  
12 conducted in 2010?

13          A.     Again, I don't know the power structure.

14          Q.     I'm not asking what the power structure is,  
15 what goes on behind the scenes.  I'm asking what you  
16 personally did.

17          A.     I conducted background searches and it  
18 yielded me Jesus R. Santamaria.

19          Q.     Did you conduct one of those searches at  
20 Intelius.com?

21          A.     I don't know because you go to the front end.  
22 You have no idea where --

23          Q.     Which front end did you go to?

24          A.     I don't know.

25          Q.     How do you not know which front end you went

1 to?

2 A. Because once again, when you type in for a  
3 background check, what comes up may be different than  
4 the actual site address at the bottom.

5 Q. But you went to a front end. You went to  
6 somewhere where you typed in the name?

7 A. Correct.

8 Q. Where did you go to do that?

9 A. I don't remember.

10 Q. You don't remember. Okay. So that's why  
11 then in 2010, you did another Google search for  
12 background check so you could find the top three answers  
13 or responses again?

14 A. I didn't go to search for the top three  
15 answers.

16 Q. Why did you go to search that term,  
17 background check, at Google?

18 A. To be able to replicate a background check  
19 that would yield Jesus R. Santamaria the same way a  
20 background check yielded Jesus R. Santamaria in 2010.

21 Q. Why did you have to go to Google to do that?

22 A. I'm not in the background check business. I  
23 took the links that would get me back to where I  
24 originally had gone to Google to do background checks.

25 Q. But you said those ones change.

1           A.     I said I don't know that they do.

2           Q.     So you're not sure whether or not the  
3 documents that you provided us are exactly what you did  
4 in 2010?

5           A.     I know the searches are.

6           Q.     How do you know the searches are? You just  
7 told me you have no idea what goes on behind the scenes.

8           A.     You're misunderstanding the term. I did the  
9 search for Jess Santamaria in Florida. That's the  
10 search. You're trying to say that the results that came  
11 back are different. Please understand, I did the same  
12 search.

13          Q.     I'm not suggesting that the results that came  
14 back are different. Sir, I'm trying to understand what  
15 you did and I'm asking you what you did. And it's like  
16 if I asked you, did you drive your car down the street  
17 today? And what you're telling me is, well, I don't  
18 know because, you know, I turned the car on, but  
19 technically the engine was doing something and the car  
20 moved somewhere. I'm just asking, did you use the car?

21          A.     That's not what you're asking me. You're  
22 asking me if I drove it down a particular street.

23          Q.     No, I'm not.

24          A.     I apologize.

25          Q.     I'm asking what you did, what you did. What

1           happened down the road, what happened behind the scenes,  
2           what company did what, I am not asking that question. I  
3           understand that you don't know the answer to that  
4           question.

5                         I'm asking what you, Andrew Schaller did.  
6           That's all I want to know. You've made it quite clear  
7           you cannot testify as to what happened behind the scenes  
8           because you don't know. We all get that. I want to  
9           know what you did, what did you do.

10                        And so the question is: Why did you go back  
11           to the Google to run the search background check in 2012  
12           if you had already performed these background checks a  
13           year and a half prior?

14                        A.     Because I had no screen shots to present for  
15           the litigation.

16                        Q.     Then why did you need to go to Google? Why  
17           didn't you just go straight to Intelius.com?

18                        A.     Convenience.

19                        Q.     Convenience how?

20                        A.     Google is a gateway in many regards. Why  
21           does somebody type in Google the address instead of  
22           typing the physical address across the top? Shorthand.  
23           My browser at the very top is defaulted to Google. If I  
24           type in anything, you'll notice there is no search box.  
25           It's my default. My default search engine is Google.



1 If I type anything across the top, it automatically  
2 defaults to Google.

3 When I have the results come back, I then  
4 will select a tab that says open in new window or open  
5 in new tab. It leaves the original window up. You'll  
6 notice, there is no search box. I didn't intentionally  
7 go to Google. I didn't search Google out from anything  
8 else. When I type in my search criteria, the default is  
9 Google, the tab came up.

10 Q. Then why didn't you type in there Intelius?

11 A. Because I was doing multiple background  
12 searches and not specifically looking for any one  
13 particular entity to give me the information back, the  
14 way I did not look for Intelius 2 1/2 years ago. I did  
15 not type in Intelius for that purpose. I Googled,  
16 things came up. I Googled, things came up.

17 Q. You just said you weren't looking  
18 specifically for Intelius this time around?

19 A. You're asking me why I didn't go to a  
20 particular web address. Because I didn't go to a  
21 particular web address the first time.

22 Q. But if you're trying to recreate what you did  
23 a year and a half ago, why didn't you just go straight  
24 there?

25 A. Because when you have different websites, you

1 have different addresses. I don't know the exact  
2 website address. There may have been promotionals,  
3 there may have been a front end, there may have been a  
4 lead in, they may have changed their front end page.  
5 The extra information beyond the .com may have been  
6 completely different. I went back to the starting  
7 point.

8 Q. So you don't know that all of these search  
9 results that you provided us are exactly the same as  
10 what you did in 2010?

11 A. I don't know that the search results are  
12 exactly the same for the reasons I mentioned before.  
13 When you go to Intelius or People Search or do a search  
14 of whatever this third one is, it comes back with the  
15 information of Jesus R. Santamaria. There may be more  
16 or less entries now than there were in 2010.

17 Q. I'm showing you what we're marking as  
18 Exhibit 13 to your deposition.

19 (Plaintiff's Exhibit 13 was marked for  
20 identification.)

21 BY MR. BARSKY:

22 Q. Take a moment to take a look at it and let me  
23 know when you're finished.

24 A (Witness complies.)

25 Q. Have you ever seen this document before?

1 A. I've seen the content.

2 Q. And is this a document that you created by  
3 taking a screen shot?

4 A. If I provided it to you it is.

5 Q. Does this appear to be the results of  
6 searching for Jess Santamaria in Florida on Intelius --  
7 or with Intelius?

8 A. It does.

9 Q. You said that Jesus Santamaria was the first  
10 alias that came up; correct?

11 A. I said my recollection was out of the three,  
12 Jesus R. Santamaria was the first on two of them and  
13 one, that it was the second one. That's my  
14 recollection.

15 Q. Okay. So on this one, on Exhibit 13, Jess R.  
16 Santamaria is the first name that comes up; correct?

17 A. That's correct.

18 Q. And then Jesus R. Santamaria is the second  
19 name listed under aliases, name/aliases?

20 A. Correct.

21 Q. And Jose M. Santamaria is the third line that  
22 comes up under the heading name/aliases?

23 A. That's correct.

24 Q. And this is all under the first result for  
25 Jess R. Santamaria, age 74?

1           A.     Of Royal Palm Beach, Florida.

2           Q.     Of Royal Palm Beach, Florida. It doesn't say  
3 that. It just says, one, Jess R. Santamaria, age 74, as  
4 the first line; correct?

5           A.     Along with get the report on.

6           Q.     Correct. And you said you didn't click the  
7 get the report on button?

8           A.     I don't remember doing that.

9           Q.     You don't remember. Okay. Did you do any of  
10 the background searches for Jose M. Santamaria?

11          A.     When?

12          Q.     Ever.

13          A.     I don't remember.

14          Q.     You don't remember if you've ever done a  
15 background search for Jose M. Santamaria?

16          A.     Uh-huh. Yes.

17          Q.     If you don't remember, then why did you just  
18 ask me to specify the time period?

19          A.     Because I don't remember.

20          Q.     What relevance would the time period have  
21 made then?

22          A.     You've been asking me many things I've done  
23 since 2012. I could have given you a definitive answer.  
24 I was trying to be helpful.

25          Q.     So you don't know whether or not you did a

1 search for Jose M. Santamaria between 2008 and 2011?

2 A. Correct.

3 Q. Why wouldn't you have done one?

4 A. Didn't ring a bell.

5 Q. Why would you have done one for Jesus R.

6 Santamaria?

7 A. It rang a bell.

8 Q. Why did it ring a bell?

9 A. We've already talked about --

10 Q. I just want to make sure we understand

11 everything we talk about here. Why --

12 A. I've never known or been told by anyone that

13 Jess Santamaria's name was Jose, but I had knowledge or

14 belief that his name was Jesus.

15 Q. What was the basis for your beliefs, your

16 knowledge or belief?

17 A. I think we've gone over that already.

18 Q. No, why did you say or belief? The knowledge

19 you said -- you testified earlier that Jess told you his

20 name was Jesus. What was the basis for your belief?

21 A. That the man was telling the truth.

22 Q. There is nothing outside of Jess Santamaria

23 telling you that his name was Jose -- or, sorry, Jesus,

24 that led you to believe that he might have had an alias

25 of Jesus?

1           A.     Yes, his wife testified that that was his  
2 name, he testified in discovery that that was his name.

3           Q.     At the time you published the request for  
4 inquiry, other than Jess telling you that he had the  
5 name of Jesus, is there any other basis for your belief  
6 that he had an alias of Jesus?

7           A.     I testified, I believe, earlier that other  
8 people had said that as well. I didn't remember who or  
9 when.

10          Q.     So you still don't remember who or when?

11          A.     My recollection is not getting any better.

12                   (Plaintiff's Exhibit 14 was marked for  
13 identification.)

14 BY MR. BARSKY:

15          Q.     I'm showing you what's been marked as  
16 Exhibit 14 to your deposition. If you will take a look  
17 at it for a moment and let me know if you've ever seen  
18 this document before.

19          A.     Not to my knowledge.

20          Q.     You still don't think you've ever seen this  
21 document before now that you've finished looking through  
22 it?

23          A.     No, sir.

24          Q.     Does that appear to be records relating to  
25 Jess Santamaria, the plaintiff in this case?

1 MS. KITTERMAN: Object to form.

2 THE WITNESS: Not only does it seem to be  
3 referring to Jess Santamaria, it seems to be  
4 relating to Jesus R. Santamaria.

5 BY MR. BARSKY:

6 Q. As well as -- you're looking at where it says  
7 aliases in the kind of top center portion of Exhibit 14;  
8 correct?

9 A. Correct.

10 Q. All right. And it also says Jess R.  
11 Santamaria as one of his aliases; correct?

12 A. It does say that.

13 Q. Jose Ma Santamaria as one of his aliases?

14 A. Correct.

15 Q. And M. Victoria Santamaria is one of his  
16 aliases?

17 A. Correct.

18 Q. Is Jess known as M. Victoria Santamaria to  
19 your knowledge?

20 A. To my knowledge is he known as that?

21 Q. Yes.

22 A. Not to my knowledge.

23 Q. Isn't M. Victoria Santamaria the woman you  
24 met yesterday in deposition, Jess's wife?

25 A. I didn't know she had a first initial of M.

1 I'd have no way of knowing that.

2 Q. Could it be his daughter whose initials would  
3 be MVS?

4 A. You're asking me to speculate. Could be.

5 Q. Okay. So this list of aliases, you said  
6 earlier that you didn't look at the alias for Jose M.  
7 Santamaria because it didn't ring a bell; correct?

8 A. I believe that's what I said.

9 Q. So you knew, then, that the listing of  
10 aliases here on this Intelius report, Exhibit 13, wasn't  
11 necessarily accurate?

12 MS. KITTERMAN: Object to the form.

13 THE WITNESS: You've asked me -- you asked me  
14 if I've seen this report before, I said no.

15 BY MR. BARSKY:

16 Q. Right. And I asked you a question now about  
17 Exhibit 13. And I asked you since you had seen this  
18 document, you told me that -- when I was asking you  
19 about this document under the first entry, and it has  
20 three listings under the category name/aliases, and the  
21 third one, it says Jose M. Santamaria. I asked you if  
22 you had done any background searches on that name and  
23 you said no. And I asked why and you testified because  
24 it didn't ring a bell.

25 A. I think I said not to my knowledge, and you



1           then went on further and said why not. And I said  
2           because the name didn't ring a bell.

3           Q.     So you knew, then, at least when you saw the  
4           Intelius report that those listing of aliases might not  
5           necessarily be accurate?

6           MS. KITTERMAN: Object to the form.

7           THE WITNESS: I had no way of knowing what  
8           accuracy or not.

9           BY MR. BARSKY:

10          Q.     Well, you didn't bother to look at one of  
11          them because you didn't think it was accurate.

12          MS. KITTERMAN: Object to the form.

13          Misstating facts in the evidence. And I'd  
14          appreciate it if you would stop being argumentative  
15          toward my client.

16          BY MR. BARSKY:

17          Q.     You can answer.

18          A.     Please restate the question.

19          Q.     You didn't look at Jose M. Santamaria because  
20          you didn't -- strike that.

21                 You didn't do any background check into Jose  
22          M. Santamaria because you didn't think that it was  
23          accurate?

24          MS. KITTERMAN: Object to form.

25          THE WITNESS: Is that what I testified?

1 BY MR. BARSKY:

2 Q. Well, you said it didn't ring a bell.

3 A. You asked me if I did, I said I didn't  
4 recall.

5 Q. You don't recall. So you might have?

6 A. Correct.

7 Q. You just have no idea whether you did or  
8 didn't?

9 A. Correct.

10 Q. And you've never seen Exhibit 14 before?

11 A. No.

12 Q. Can you tell me where in Exhibit 14 it shows  
13 a felony conviction for Jess Santamaria?

14 MS. KITTERMAN: I'm going to object because  
15 he stated that he's never seen that and the  
16 document speaks for itself. So if you want my  
17 client to testify as to whether or not that  
18 document actually says that, I think --

19 MR. BARSKY: I'm asking him to look through  
20 it and if he can identify a location in that  
21 document where it shows that Jess Santamaria has a  
22 felony conviction to please let us know.

23 MS. KITTERMAN: I understand that, but it's  
24 something he's never seen before. So the relevance  
25 as to whether or not it is in that document --

1           MR. BARSKY: It doesn't matter whether it's  
2 relevant. As you stated yesterday, I can -- it's  
3 my deposition. I can ask all kinds of questions.

4           MS. KITTERMAN: I understand that, but you're  
5 asking him to look through something and testify as  
6 to whether or not it says that Jesus R. Santamaria.

7           MR. BARSKY: That's not what I'm saying.

8           MS. KITTERMAN: What are you asking?

9           MR. BARSKY: The question is whether or not  
10 Exhibit 14 shows that Jess Santamaria has ever been  
11 convicted of a felony.

12          MS. KITTERMAN: Correct. And you're  
13 asking --

14          MR. BARSKY: And he's capable of reading, so  
15 please take a look at the document and let me know  
16 whether there is any reflection of a felony  
17 conviction for Jess Santamaria.

18          MS. KITTERMAN: Based on a document that he's  
19 never seen before.

20          MR. BARSKY: That's exactly what I'm asking  
21 him to do.

22          MS. KITTERMAN: I just want the record to  
23 reflect that he's never seen that document before.

24          MR. BARSKY: Stipulated, he's never seen  
25 Exhibit 14 before.



1 THE WITNESS: I see it.

2 BY MR. BARSKY:

3 Q. Okay. Do you know whether or not  
4 Jess Santamaria received a speeding ticket in 2008?

5 A. According to his testimony in discovery, he's  
6 never received one, but according to this he has, and  
7 according to his wife's testimony yesterday he has.

8 Q. A speeding ticket?

9 A. Yes.

10 Q. Okay. And you're certain that  
11 Jess Santamaria has testified that he never received a  
12 speeding ticket?

13 A. Traffic infraction.

14 (Plaintiff's Exhibit 15 was marked for  
15 identification.)

16 BY MR. BARSKY:

17 Q. If you would take a look at Exhibit 15,  
18 please, and let me know when you're finished taking a  
19 look at it.

20 A. Okay.

21 Q. I just forgot something I meant to ask  
22 earlier. How much did it cost you to publish the  
23 request for inquiry?

24 A. I don't know.

25 Q. You don't recall?

1           A.     No.

2           Q.     Was it more than \$100?

3           A.     I don't remember.

4           Q.     Did you pay for the costs, or did your  
5 campaign pay for the costs?

6           A.     I paid for the costs.

7           Q.     Personally?

8           A.     I don't recall.

9           Q.     You don't recall whether you or your campaign  
10 paid it?

11          A.     I predominantly financed my own campaign so  
12 I'm not sure what that means.

13          Q.     Well, did the check come from your  
14 campaign -- did the costs come out of your campaign  
15 budget or your personal accounts?

16          A.     I don't remember.

17          Q.     You said you financed most of your campaign.  
18 How much did you actually finance of it?

19          A.     I don't know the percentage.

20          Q.     I'm asking dollar figures.

21          A.     I made two loans to the campaign in the grand  
22 total of \$55,000.

23          Q.     Okay. So back to Exhibit 15, have you ever  
24 seen this document before?

25          A.     No.

1 Q. It purports to be an Intelius search for the  
2 name Jesus Santamaria in Florida, does it not?

3 A. That's what it says.

4 Q. Can you tell me where in this result  
5 Jess Santamaria appears?

6 A. Are you going to point it out for me?

7 Q. No, I'm asking you to take a look.

8 A. I don't see the name Jess.

9 Q. Do you see any individual on here who meets  
10 the criteria for Jess?

11 A. What's the criteria?

12 Q. Well, you mentioned Royal Palm and mid-70s.

13 A. There's a Jesus R. Santamaria, age 78.

14 Q. Is he in Royal Palm?

15 A. Define "is he in Royal Palm."

16 Q. Well, do you see Royal Palm listed there?

17 A. As?

18 Q. With that entry. You said you see a Jesus R.  
19 Santamaria, age 78. You're looking at line -- or return  
20 Number 6. Do you see the words Royal Palm there  
21 anywhere?

22 A. I see a number of listings that start  
23 alphabetically and go down for four. I don't know if  
24 there is any further beyond that. But on this page,  
25 there are not -- Royal Palm is not listed. Perhaps if

1 the lines are limited to five lines, it would not show  
2 up on here.

3 Q. Well, if you look at Line 9, there's four  
4 lines and then there's a link that says view all under  
5 the names aliases.

6 A. You also notice that there is only two lived  
7 in places.

8 Q. Right. But there is a category for -- there  
9 is a link for view all, is there not? And if you look  
10 at the first line, there are five lived in places under  
11 that Jesus M. Santamaria, age 85.

12 A. I don't know if the top listing gets  
13 priority.

14 Q. The question is very simple, sir. Do you see  
15 under Line 6, Royal Palm listed anywhere?

16 A. I think I've already said no.

17 Q. And that's not Jess Santamaria's age either,  
18 is it? I think Jess is currently 74 according to the  
19 Intelius search that you did?

20 A. Okay.

21 Q. Is that correct?

22 A. I don't know that these are stated ages or  
23 approximate ages. So I don't know how to answer you.

24 Q. Well, is that the same age that's reported  
25 for the Jess Santamaria search that you did on Intelius?



1           A.     It's within four years, it's not exact.

2           Q.     It's not exact; is that correct?

3           A.     That is correct. This is also not the search  
4 that I had done.

5           Q.     That wasn't the question.

6           A.     I don't remember saying it was the answer to  
7 your question. I was told to tell the truth, the whole  
8 truth, and I was giving my further on the answer.

9                     (Plaintiff's Exhibit 16 was marked for  
10 identification.)

11 BY MR. BARSKY:

12           Q.     Take a look at Exhibit 16, please. When  
13 you're finished, please let me know.

14           A.     Okay.

15           Q.     Have you ever seen this document before?

16           A.     If it's the one that I provided to you, yes.

17           Q.     The first entry, Number 1, is for  
18 Jess Santamaria, age 74, has lived in Royal Palm;  
19 correct?

20           A.     Among others.

21           Q.     Correct. It says West Palm Beach,  
22 Winter Park, RYL Palm BCH, which appears to be an  
23 abbreviation of Royal Palm Beach; correct?

24           A.     It would appear that way.

25           Q.     And it lists two aliases, Jess R. Santamaria

1 and Jesus R. Santamaria; correct?

2 A. With a caption that says more aliases below.

3 Q. Correct. Did you click on that link that  
4 says more aliases?

5 A. I do not know.

6 Q. Why do you not know?

7 A. Because I don't remember every keystroke or  
8 every mouse click that I've ever done on my computer.

9 Q. So you don't remember whether you looked for  
10 more aliases for Jess?

11 A. I don't remember.

12 (Plaintiff's Exhibit 17 was marked for  
13 identification.)

14 BY MR. BARSKY:

15 Q. Showing you what has been marked as  
16 Exhibit 17 for your deposition. If you could take a  
17 look at it, please, and let me know when you are  
18 finished.

19 A. Okay.

20 Q. Have you ever seen this document before?

21 A. No.

22 Q. You took a minute there to look at some of  
23 the other exhibits in front of you. What were you  
24 looking for?

25 A. In particular?

1 Q. Yes.

2 A. Nothing.

3 Q. Why were you shuffling through those  
4 exhibits?

5 A. You asked me to look at them.

6 Q. I asked you to look at 17 and you went and  
7 looked at some other exhibits and I'm just trying to  
8 understand if there is something that triggered your  
9 memory about something.

10 A. You've asked me each time to look at these  
11 documents.

12 Q. At the exhibits that I've handed you. So was  
13 there something you were looking for, anything that I  
14 can provide that will help your memory, if anything?

15 A. I don't know what questions you are going to  
16 ask that I may need memory recollection of.

17 Q. Okay. I just wanted to make sure since you  
18 were looking through that list.

19 You've never seen Exhibit 17 before?

20 A. No.

21 Q. I'm going to tell you that this is a search  
22 on ussearch.com for the name Jesus Santamaria. Can you  
23 tell me out of these nine results that we see here,  
24 which one of these is Jess Santamaria?

25 MS. KITTERMAN: Object to form.

1 THE WITNESS: How would I possibly know that?

2 I didn't provide the search results.

3 BY MR. BARSKY:

4 Q. Well, which one of these -- you knew which  
5 one you were looking at when you did the search  
6 yourself. So which one of these appears to match with  
7 Jess Santamaria?

8 MS. KITTERMAN: Object to form.

9 THE WITNESS: Define "what appears to match."

10 BY MR. BARSKY:

11 Q. Well, when you did your original searches,  
12 you've determined which individual you thought Jess was  
13 because you didn't perform the search yourself under the  
14 definition you just gave me. So using that same  
15 criteria, which one of these individuals appears to be  
16 Jess Santamaria?

17 A. You're asking me to compare apples to  
18 oranges. I did not do a search on Intelius for  
19 Jesus Santamaria. So you're asking me to compare data  
20 results that I didn't prepare myself. I don't  
21 understand how that's fair or appropriate.

22 Q. The question is not whether it's fair or  
23 appropriate. The question is: You made a determination  
24 when you searched for Jess Santamaria, you saw a result  
25 and you said, this is him and that's his alias. Using

1 those same criteria, do any of these individuals on  
2 Exhibit 17 appear to be Jess Santamaria?

3 MS. KITTERMAN: Object to the form.

4 THE WITNESS: I don't know that I said that's  
5 him and that's it. That was the criteria that most  
6 likely matched it. I don't know the validity of  
7 any of the documents on any of the search sites  
8 that you've brought up.

9 BY MR. BARSKY:

10 Q. So you don't know whether or not any of them  
11 are accurate?

12 A. Accurate as to what?

13 Q. Well, you just said, I don't know whether the  
14 results are accurate on any of them.

15 A. I have no firsthand knowledge that  
16 Jesus Santamaria, aged 85, ever lived in Hollywood,  
17 Florida. I don't know that there isn't a  
18 Jesus Santamaria that has or does live in Davie,  
19 Florida. I don't know where you're getting the search  
20 results for Jesus Santamaria as you presented to me.

21 You're asking me to match two dissimilar sets  
22 of search criteria that aren't going to match. That's  
23 the point behind dissimilar search criteria.

24 Q. Well, you said that Jesus was just his name.  
25 You had been told that was his name, you still believed

1 that might be his name. Which one of these is him?

2 MS. KITTERMAN: Object to form.

3 THE WITNESS: How would I possibly know if a  
4 random list of a random search that you conducted  
5 would be somebody based upon a search that I  
6 conducted? How would you ask me to make that leap?

7 BY MR. BARSKY:

8 Q. I'm not asking you based on a search that you  
9 conducted. You have testified that Jesus Santamaria is  
10 one of Jess Santamaria's names. You've testified that  
11 you think it might still be his name. I am telling you  
12 this is a search for the name Jesus Santamaria conducted  
13 using the exact same parameters that you used on the  
14 exact same --

15 A. That's not true.

16 Q. -- website that you used --

17 A. That's not true.

18 Q. -- by adding the letter U to change Jess to  
19 Jesus. And I'm asking you, do any of these entities --  
20 entries appear to be Jess Santamaria?

21 A. Sir, respectfully, you can't say it's exactly  
22 the same only different. You just said to me it's the  
23 exact same thing adding a U. You're incorrect. You  
24 made a mistake. There wasn't a U added. There's a U  
25 and an S. It's two extra characters.

1                   It's not Jess versus Jess U, it's Jess versus  
2 Jesus, whichever way you want to look at it. One was  
3 dropped, one was added, numbers were flip -- the letters  
4 were flipped. You're corrupting your own data and  
5 asking me to testify to your results. I can't do that.

6           Q.     I'm asking you, you've testified,  
7 Jesus Santamaria is one of Jess's names; correct?

8           A.     I can't say yes to that because you said one  
9 of his names, which means that it currently exists as  
10 his name. I've said all along, I don't know that.

11          Q.     You don't know whether it's his name?

12          A.     I don't know whether that's currently his  
13 legal name.

14          Q.     Okay. But you believe Jesus is his alias?

15          A.     I believe that in his testimony, he told me  
16 and the court and anybody else that reads the court  
17 documents that his, quote, birth name was Jesus R.  
18 Santamaria. Unless you're suggesting he's not telling  
19 the truth in the court documents that he brought  
20 forward, I would tend to believe that that's the case.

21          Q.     I'm not suggesting anything. You testified  
22 that Jess told you between June 2008 and the election of  
23 2010 that his name was Jesus; correct?

24          A.     I said I believe the first time I heard it,  
25 it came from him.

1 Q. Right. So you believe that Jess told you  
2 that his name was Jesus sometime between June of 2008  
3 and 2010, the election in 2010?

4 A. No.

5 Q. No? Why is that incorrect?

6 A. I don't believe that I ever -- if I have, I  
7 want to make sure I'm clear. I don't believe I said  
8 that he told me that's his legal name today. I don't  
9 believe I've ever said that.

10 Q. I don't use the word today.

11 A. I want to make sure I understand your  
12 question so please feel free to clarify.

13 Q. What exactly did Jess Santamaria tell you  
14 with regards to his name being Jesus between June of  
15 2008 and the election in 2010?

16 A. Can't repeat it word for word.

17 Q. Summarize it for us.

18 A. I don't remember the wording of the  
19 conversation. I will tell you the background and how I  
20 believe that I remember it came out. He was giving me  
21 his life story, told me everything from having the bombs  
22 dropped in the Philippines, Malaysia. He talked about  
23 going to the missions. He talked about being in the  
24 same school and never seeing a female in the school  
25 until he got to the United States or 12th grade,



1 something along that line.

2 He talked about missions. He talked about  
3 his parents. He talked about his father being a judge  
4 at the time. He told me many different things,  
5 including having worked for IBM and I believe Mobil at  
6 the time. He talked to me about different plates and  
7 things that he had and different successes.

8 I have no idea as to the wording that came  
9 up. This was over not only one conversation, but more  
10 than one as he was telling me that there were many good  
11 people that could run for office should he decide not to  
12 continue. And I said, like who. He said like me. And  
13 I asked him if he would support me in a bid for county  
14 commission should he not run and he said yes. So  
15 sometime in the midst of all the conglomerations, that's  
16 my recollection.

17 Q. That he told you that his name was Jess -- or  
18 Jesus at some point?

19 A. Yes.

20 Q. Do you recall exactly what he told you about  
21 that?

22 A. I just testified I did not.

23 Q. Okay. And you can't summarize? You've  
24 summarized what you've described now as a series of  
25 conversations. Can you summarize for us the specific

1 portion where it was revealed to you that Jess's name  
2 was Jesus?

3 A. No. At the time it wasn't impactful.

4 Q. It's just something you remembered going  
5 forward when you saw the alias?

6 A. No. After -- after general knowledge, and I  
7 say I don't remember where I heard it otherwise, it was  
8 something that came up again. He told me that he went  
9 to Wharton School of Business. It didn't make a whole  
10 lot of impact on me for Wharton as much as hearing it  
11 again time after time or whatever that it was an  
12 important point to him.

13 He told me many things. Sometimes through  
14 repetition, things become more clear than they meant at  
15 the time. He and I were allies. I had no reason to  
16 parse his words or to remember things other than  
17 colloquial conversation.

18 Q. You just remembered generally that the name  
19 Jesus Santamaria was mentioned to you by Jess?

20 A. That's my remembrance.

21 Q. And so the question back to Exhibit 17 is do  
22 any of these entities appear to be Jess Santamaria?

23 MS. KITTERMAN: Object to form.

24 THE WITNESS: Because of typo, clerical  
25 errors, I don't know if Number 2 happened to be at

1           some particular time or not. I don't know. I  
2           can't say with any clarity.

3           BY MR. BARSKY:

4           Q.     You don't know. It could be they got the age  
5           wrong and he has lived in incorrect and the related with  
6           column incorrect as well --

7           A.     Correct.

8           Q.     -- because none of that information for  
9           Line 2 on Exhibit 17 matches up with your Exhibit 16,  
10          Line 1?

11          A.     That's correct.

12          MS. KITTERMAN: Are you going to continue to  
13          show him documents that he didn't see?

14          MR. BARSKY: Maybe.

15          BY MR. BARSKY:

16          Q.     Can you tell me by the way, just going back  
17          to Exhibit 17, how many individuals with the name or  
18          alias Jesus R. Santamaria who have lived in Florida are  
19          listed here?

20          MS. KITTERMAN: Object to form.

21          THE WITNESS: Three.

22          (Plaintiff's Exhibit 18 was marked for  
23          identification.)

24          BY MR. BARSKY:

25          Q.     Thank you. Showing you what we're marking as

1 Exhibit 18. Take a look at it and let me know when  
2 you're finished, please.

3 A Okay.

4 Q. Have you ever seen this document before?

5 A. If I presented it to you, yes.

6 Q. Does this appear to reflect the search on  
7 BeenVerified.com that you performed for Jess Santamaria?

8 A. Yes.

9 Q. But then this exhibit isn't -- wasn't made at  
10 the time you performed the search in 2010, this is  
11 something that you've done in preparation for  
12 litigation?

13 A. Correct.

14 (Plaintiff's Exhibit 19 was marked for  
15 identification.)

16 BY MR. BARSKY:

17 Q. Let me show you what we're marking as  
18 Exhibit 19 to your deposition. Take a look at it and  
19 let me know when you're finished.

20 A. I'm confused on something. Unless I gave  
21 these to you as they are, I believe mine had the icon of  
22 fingers pointing to the name.

23 (Plaintiff's Exhibit 20 was marked for  
24 identification.)

25

1 BY MR. BARSKY:

2 Q. Let me show you Exhibit 20. Have you ever  
3 seen Exhibit 20 before?

4 A. Yes.

5 Q. Are those the -- on Exhibit 20, a third of  
6 the way down, are those the icons of a hand pointing to  
7 the name that you just mentioned?

8 A. Yes.

9 Q. And I'll just let you know you provided  
10 actually copies of both without and with the hands  
11 pointing at the names for all of the similar documents  
12 we've looked at.

13 A. Then I must have learned from failing to  
14 provide the Google search screen shots and I'm glad I  
15 was better as time went along.

16 Q. Did you take the DeLorean back in time?

17 A. Pardon me?

18 Q. Did you take the DeLorean back in time from  
19 this deposition to -- I'm just kidding.

20 Both hands you've drawn on there are you've  
21 added those in; correct?

22 A. I did.

23 Q. Okay. Let's just use Exhibit 19. For all  
24 intents and purposes, other than the hands drawn in is  
25 there anything different between 19 and 20?

1           A.     It doesn't appear to be.

2           Q.     Okay.  If you take a look at Exhibit 19, the  
3 first result is Jess R. Santamaria.  And it says also  
4 Jesus R. Santamaria, Jose Ma, M-a, Santamaria,  
5 M. Victoria Santamaria, and Michelle Victoria  
6 Santamaria.  Do you see that?

7           A.     I do.

8           Q.     Jess Santamaria isn't actually known as  
9 M. Victoria Santamaria and Michelle Victoria Santamaria,  
10 is he?

11          A.     I have no way of knowing that.

12          Q.     Have you ever known Jess Santamaria to be  
13 called M. Victoria Santamaria or Michelle Victoria  
14 Santamaria?

15          A.     I haven't had knowledge of all of his aliases  
16 that has come out in documents for this court.  I don't  
17 pretend to be an expert on all of Commissioner  
18 Santamaria's names.

19          Q.     Do you know if his daughter's name is  
20 Michelle Victoria Santamaria?

21          A.     I didn't know that.

22          Q.     You did not know that?

23          A.     I didn't know her middle name.

24          Q.     Oh, okay, you did not know her middle name.  
25 You knew her as Michelle?

1           A.     Correct.

2           Q.     So at least it appears that two of these  
3 aliases may be incorrect of the four that are listed?

4           A.     Why would you say only two?

5           Q.     Well, right off the bat, we can say that two  
6 of them are women's names, are they not?

7           A.     Once again, you're talking about data  
8 collection.  And let's say -- excuse me.  Let's say, for  
9 example, there's a common document that contains father  
10 and daughters.  If the father and daughter are listed,  
11 daughter first, father second, and there is only  
12 X number of spaces to provide a listing of this, there's  
13 a very good opportunity that the alias of the daughter  
14 shows up.  Whatever that document was that they pulled  
15 the name from could have listed his daughter first and  
16 then him.  Another document might have been him, then  
17 her first.

18          Q.     What's the basis for your knowledge of this,  
19 since you said you don't know how these searches are  
20 run?

21          A.     I only have a software program that only  
22 allows 17 characters for a particular first name, last  
23 name or whatever.  Older technology did not allow names  
24 to go further.  For example, Christopher would leave off  
25 the R in most early programs because it was too long.

1                   Going further, you talk about banking and  
2 banking software, you have hyphenated names usually  
3 coming from the Middle East that add additional length.  
4 Therefore, the term is truncated. It would go a certain  
5 number of characters and then truncate to what was the  
6 applicable spacing for the field.

7           Q.     And you know that's how these people finder  
8 searches worked?

9           A.     I don't know that I said I know that. I said  
10 there was a possibility it could be.

11          Q.     That still doesn't mean, though, that  
12 Michelle is Jess's alias, does it?

13          A.     Is it concrete, absolute proof of it, no.

14          Q.     But you'll agree that at least two of these  
15 aliases are female names; correct? M. Victoria and  
16 Michelle Victoria?

17                   MS. KITTERMAN: Object to the form.

18                   THE WITNESS: No.

19 BY MR. BARSKY:

20          Q.     You will not agree that those are female  
21 names?

22                   MS. KITTERMAN: Object to the form.

23                   THE WITNESS: I went to school with a male  
24 named Michelle.

25



1 BY MR. BARSKY:

2 Q. Did you really?

3 A. I did.

4 Q. In what school?

5 A. I believe it was Torrington High School.

6 Q. Torrington, Connecticut?

7 A. Correct.

8 Q. What year did you graduate Torrington,  
9 Connecticut?

10 A. '83.

11 Q. Is Michelle from the United States?

12 A. It was a name like Yohan Michelle and Kim,  
13 that I've known.

14 Q. Was the individual's name Yohan Michelle Kim?

15 A. Different individuals with ambiguous names.

16 Q. So you actually know, spelled exactly this  
17 way, no additional --

18 A. I don't remember spelling, but Michelle and  
19 Michael is a French derivative of Michelle, if I'm not  
20 mistaken. They pronounce it Michelle, just like  
21 Jean Claude and John Claude.

22 So you're asking me to make an absolute  
23 determination that they are women's names. I don't know  
24 that to be the case.

25 Q. So you think that Jess Santamaria may also be

1 known as Michelle Victoria Santamaria?

2 A. I don't know how he prepares his legal  
3 documents.

4 Q. I'm not asking how he prepares his legal  
5 documents. I'm asking whether or not you believe  
6 Jess Santamaria is also known as Michelle Victoria  
7 Santamaria?

8 A. Not to my knowledge.

9 Q. I'm not asking about your knowledge. I'm  
10 asking about your beliefs. What do you personally  
11 believe?

12 A. I believe so based upon my knowledge, not to  
13 my belief.

14 Q. Okay. So do you believe that Jess Santamaria  
15 is also known as Michelle Victoria Santamaria?

16 A. I don't believe Michelle Victoria Santamaria  
17 is 74 years old.

18 Q. That's not the question I've asked, and I'll  
19 ask it again. Do you believe that Jess Santamaria is  
20 also known as Michelle Victoria Santamaria?

21 A. Not to my experience.

22 Q. And, again, there is Jose Ma Santamaria  
23 listed here as a possible alias. Did you conduct any  
24 kind of background search on that name, Jose Ma  
25 Santamaria?

1           A.     I think it's the same name you referred to  
2 before, but this time there's an A after the M.

3           Q.     Still not an answer to my question. The  
4 question was: Did you conduct a background search for  
5 Jose Ma, M-a, Santamaria?

6           A.     I don't recall.

7           Q.     You do not recall. You said that in these  
8 background searches that you did, one of them, Jesus,  
9 showed up as the first result for Jess. Which one of  
10 them was it now that you've seen all three of the  
11 searches you did?

12          A.     The one we're talking about in Exhibit 19.

13          Q.     This one lists Jesus Santamaria as the first  
14 result?

15          A.     Yes.

16          Q.     Okay. After you published the request for  
17 inquiry, you talked about it very briefly, you --

18          A.     May I look back at the others?

19          Q.     Sure. Go ahead.

20          A.     Okay.

21          Q.     You wanted to take a second. Is there  
22 something you wanted to say or are you okay?

23          A.     I'm good.

24          Q.     Okay. We mentioned very briefly before that  
25 you would -- talked after the request for inquiry was

1 published with Jess's daughter Michelle; correct?

2 A. Correct.

3 Q. Had you ever met her before that, the time  
4 that you met her after the request for inquiry was  
5 published?

6 A. I think you stated two befores and afters.  
7 Perhaps I didn't hear that properly. Would you restate  
8 that again?

9 Q. Had you ever met Michelle prior to publishing  
10 the request for inquiry?

11 A. Yes.

12 Q. Do you recall how many times?

13 A. Once.

14 Q. So you knew who she was when she came up to  
15 you after the request for inquiry was published?

16 A. Yes.

17 Q. What did she tell you when she came up to you  
18 after the request for inquiry was published?

19 A. It was in a public forum at her father's mall  
20 during a County District 6 town hall meeting type thing,  
21 forum. She came up to me, sat next to me and stated  
22 that I knew that this person wasn't her because --  
23 wasn't her father because I -- I think the term she used  
24 was cherry picked one page out of a 30-some-odd page  
25 report.

1 Q. And what did you say in response?

2 A. I said that's absolutely not what I did, I  
3 didn't know that there were 30 pages. How would I know  
4 that? She told me that she went down to the courthouse  
5 and pulled the file showing the 30-some-odd pages and  
6 that the man in the report was a different man -- I  
7 forgot why. She said younger, older, taller, fatter,  
8 I'm not sure, was a different man than her father.

9 I then told her that I had absolutely no  
10 malice -- no, that's not true. I told her I had no idea  
11 it was her father, and that I would be more than happy  
12 to stand up at the meeting, the public forum we were at  
13 afterwards, walk to the front of the room, shake his  
14 hand, apologize for any misunderstanding that had arisen  
15 out of this. I told her that I would stand next to her  
16 father in the front of the room, but I would not  
17 approach him because I felt it was his house, venue.  
18 That if he turned around, I would shake his hand and  
19 apologize.

20 I further told her to tell her mother that I  
21 had never been involved in a homosexual relationship  
22 with her father, and that her father's marriage as far  
23 as I was concerned was safe because he called me in the  
24 papers, he said that I was a scorned lover.

25 Q. You didn't mean to actually think that the

1 two of you -- that Jess's comment in the paper meant  
2 literally that the two of you had had any kind of  
3 intimate relationship?

4 A. He further said in that same paper, I gave  
5 him so much of my time and then I let him down.

6 Q. So it's your position that Jess Santamaria  
7 was inferring that you and he had had some kind of  
8 intimate relationship?

9 A. It's my position that he could have used a  
10 lot better language.

11 Q. Well, I'm asking whether or not what you're  
12 saying is that Mr. Santamaria was telling the world that  
13 the two of you had had an intimate relationship?

14 A. I think his loose vernacular could have led  
15 to ridicule and a perception of whoever the audience  
16 was.

17 Q. Do you recall how soon after you published  
18 the request for inquiry that you had this conversation  
19 with Michelle?

20 A. Yes.

21 Q. How soon after?

22 A. The request for inquiry was published on  
23 September 13th, the town hall meeting, called the forum,  
24 was the 15th. I did tell her I would take it under  
25 advisement.

1           On the 20th, one day -- one week afterwards,  
2           the first opportunity I had, I went on the Dick Farrel  
3           radio show. And I said when Dick Farrel asked me, so,  
4           let me get this straight, Commissioner Santamaria has a  
5           felony record, what's up with that? I said, I need to  
6           be fair to the commissioner on that one. His daughter  
7           came up, I explained what we just talked about here. He  
8           said, so she verified Social Security numbers -- you  
9           verified Social Security numbers that it wasn't her?  
10          And I said, basically, no, I took her word, moved on.

11                 It was the only time that this request --  
12           this felony document has been brought up in any way,  
13           shape, or form in the media with me speaking about it  
14           was to say I needed to be fair to the commissioner and  
15           to resoundingly say it was not him.

16                 MR. BARSKY: I have nothing further.

17                 MS. KITTERMAN: I just have a couple of  
18           follow-up questions.

19                         CROSS EXAMINATION

20           BY MS. KITTERMAN:

21           Q.     Andy, have you ever been requested to produce  
22           any type of search history by the plaintiff?

23           A.     No.

24           Q.     Have you destroyed any evidence on your  
25           computer that relates to this case?

1 A. No.

2 Q. Have you intentionally deleted anything off  
3 of your computer that might have related to this case?

4 A. No.

5 Q. Have you evaded any discovery questions from  
6 plaintiff that relate to this case?

7 A. No.

8 Q. Have you ever been asked by the plaintiff to  
9 search your computer for any documents that relate to  
10 this case?

11 A. I've been asked to produce access to my  
12 computers through no specific reason for it. It was --  
13 the computer request was for a time frame. It didn't  
14 ask for any information specifically whatsoever.

15 Q. Okay. So any time prior to the request to  
16 inspect your computer, had you been asked for any  
17 documents or anything that relates to your computer  
18 history, searches, any document that could be discovered  
19 on your computer as it relates to this case?

20 A. No.

21 MS. KITTERMAN: That's all.

22 THE WITNESS: Hold on.

23 BY MS. KITTERMAN:

24 Q. Do you want to clarify your answer?

25 A. Yes. Not only have I never been asked for



1 any of the documentation, I've never been asked to  
2 withdraw, clarify, take down the original request for  
3 inquiry. I've never been asked to publish anything in  
4 regard to the one question, which was does Santamaria  
5 have a felony record. I have never been asked to  
6 clarify that of which I would have been more than happy,  
7 as I volunteered within two days to his daughter.

8 No request has ever come for clarification on  
9 this topic whatsoever. The first time clarification, in  
10 my opinion, was ever asked for by the plaintiff was in  
11 the form of a lawsuit. There was no telephone call, no  
12 through the grapevine, nothing whatsoever that asked me  
13 to clarify. It was just a lawsuit that came forward.

14 Q. Okay. Well, with your request for inquiry,  
15 once you discovered that the felony record wasn't  
16 related to the plaintiff, Jess Santamaria, why wouldn't  
17 you just remove that from the request for inquiry that  
18 was on your website?

19 A. A historical document was a historical  
20 document and I wasn't going to alter it in any way,  
21 shape, or form. What I did do is go on the Dick Farrel  
22 radio program, and then I posted the audio from that  
23 program so that anybody would be able to hear that  
24 should I be asked about it.

25 It was my determination that if it was asked

1 any further, I would have been more than happy to put up  
2 any kind of disclaimer, but nobody spoke of it.

3 MS. KITTERMAN: I have no further questions.

4 REDIRECT EXAMINATION

5 BY MR. BARSKY:

6 Q. So it's your position that  
7 Michelle Santamaria telling you that the felony record  
8 was not her father and that whole conversation that you  
9 had with her was not any kind of an objection to the  
10 request for inquiry?

11 A. Please define objection.

12 Q. You just said nobody said anything to you  
13 about it, nobody asked you to take it down, nobody asked  
14 for an apology, nobody asked you to do any of these  
15 things. So Michelle coming up to you and telling you  
16 that is not my father, you didn't think that was any  
17 kind of -- and the full conversation you had with her  
18 after that, that wasn't in your mind any kind of  
19 objection to -- or statement about that request for  
20 inquiry at that time?

21 A. When I told her I would take the entire  
22 situation under advisement, that was why I made sure I  
23 emphatically stated on the Dick Farrel radio program  
24 that it was not her and it never became an issue with  
25 anybody from that point -- I'm sorry, I stated on the

1           Dick Farrel radio program that I needed to be fair to  
2           the commissioner, I got new information from his  
3           daughter, I took it completely at face value, it was not  
4           her -- it was not him that was the subject of that  
5           because she had pulled the records. And until the case,  
6           I never really spoke about it again.

7           Q.     And so that was your form of rectifying the  
8           situation?

9           A.     Correct.

10          Q.     That's the only thing that you did?

11          A.     That was more than I was ever asked to do.

12          Q.     That's the only thing that you did?

13          A.     No, I posted the audio so that anybody who  
14          wanted to hear that could hear me doing it as well.

15          Q.     Those are the only two things you did, then,  
16          made the statement and posted the audio on the website?

17          A.     I can't recall if anybody had asked me any  
18          questions about the radio show from that, which I would  
19          have clarified and said it's not him.

20                   MR. BARSKY:   That's all I have.

21                   MS. KITTERMAN:  We'll read.

22                   MR. BARSKY:   I'll order.

23                   THE REPORTER:  Do you need the transcript?

24                   MS. KITTERMAN:  Yes.

25                   (Deposition concluded at 5:55 p.m.) - - -

CERTIFICATE OF OATH

THE STATE OF FLORIDA  
COUNTY OF PALM BEACH

I, the undersigned authority, certify that  
ANDREW F. SCHALLER personally appeared before me and was  
duly sworn.

Dated this 20th day of March, 2012.

---

Pamela J. Sullivan, RPR, FPR, CLR  
Notary Public - State of Florida  
My Commission Expires: June 5, 2014  
My Commission No.: DD 993731

## C E R T I F I C A T E

1  
2 THE STATE OF FLORIDA  
3 COUNTY OF PALM BEACH  
4

5 I, Pamela J. Sullivan, Registered Professional  
6 Court Reporter and Notary Public in and for the State of  
7 Florida at large, do hereby certify that I was  
8 authorized to and did report said deposition in  
9 stenotype; and that the foregoing pages are a true and  
10 correct transcription of my shorthand notes of said  
11 deposition.

12 I further certify that said deposition was taken at  
13 the time and place hereinabove set forth and that the  
14 taking of said deposition was commenced and completed as  
15 hereinabove set out.

16 I further certify that I am not attorney or counsel  
17 of any of the parties, nor am I a relative or employee  
18 of any attorney or counsel of party connected with the  
19 action, nor am I financially interested in the action.

20 The foregoing certification of this transcript does  
21 not apply to any reproduction of the same by any means  
22 unless under the direct control and/or direction of the  
23 certifying reporter.

24 Dated this 20th day of March, 2012.  
25

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21 Pamela J. Sullivan, RPR, FPR, CLR  
22  
23  
24  
25

1 March 20, 2012  
2 ANDREW F. SCHALLER  
3 C/o Christina M. Kitterman  
4 CMK LAW, P.A.  
5 530 S. Federal Highway, Suite 201  
6 Deerfield Beach, Florida 33441  
7 IN RE: SAN TAMARIA V. SCHALLER  
8 CASE NO.: 502010CA000246XXXXMB

Dear Mr. Schaller:

Please take notice that on Tuesday, the 13th of March, 2012, you gave your deposition in the above-referred matter. At that time, you did not waive signature. It is now necessary that you sign your deposition.

As previously agreed to, the transcript will be furnished to you through your counsel or counsel for Defendant. Please read the following instructions carefully:

At the end of the transcript you will find an errata sheet. As you read your deposition, any changes or corrections that you wish to make should be noted on the errata sheet, citing page and line number of said change. DO NOT write on the transcript itself. Once you have read the transcript and noted any changes, be sure to sign and date the errata sheet and return these pages to me.

If you do not read and sign the deposition within a reasonable time, the original, which has already been forwarded to the ordering attorney, may be filed with the Clerk of the Court. If you wish to waive your signature, sign your name in the blank at the bottom of this letter and return it to us.

Very truly yours,

\_\_\_\_\_  
Pamela J. Sullivan, RPR, FPR, CLR  
Signature Court Reporting, Inc.  
105 South Narcissus Avenue  
Suite 400  
West Palm Beach, Florida 33401  
561.659.2120

I do hereby waive my signature.

ANDREW F. SCHALLER ANDREW F.

SCHALLER

C E R T I F I C A T E

- - -

THE STATE OF FLORIDA

COUNTY OF PALM BEACH

I hereby certify that I have read the foregoing deposition by me given, and that the statements contained herein are true and correct to the best of my knowledge and belief, with the exception of any corrections or notations made on the errata sheet, if one was executed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_

ANDREW F. SCHALLER

E R R A T A S H E E T

IN RE: SAN TAMARIA V. SCHALLER  
 CR: PAMELA J. SULLIVAN, RPR, FPR, CLR  
 DEPOSITION OF: ANDREW F. SCHALLER  
 DATE TAKEN: March 13, 2012

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PAGE #	LINE #	CHANGE	REASON
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Please forward the original signed errata sheet to this office so that copies may be distributed to all parties.

Under penalty of perjury, I declare that I have read my deposition and that it is true and correct subject to any changes in form or substance entered here.

DATE: \_\_\_\_\_

SIGNATURE OF DEPONENT: \_\_\_\_\_