Remote Videotaped Deposition of: Miguel Pulido, Volume I Santa Ana Needs Equity vs. City of Santa Ana December 16, 2020



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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE, CIVIL COMPLEX CENTER

SANTA ANA NEEDS EQUITY, an unincorporated association; WILLIAM CONKLIN, an individual; KARINA RANGEL CONKLIN, an individual; YOON Case No. 30-2019-01104316-HEE CHOE, an individual,

CU-WM-CXC

Petitioners,

vs.

CITY OF SANTA ANA; THE CITY COUNCIL OF THE CITY OF SANTA ANA; PLANNING COMMISSION OF THE CITY OF SANTA ANA; and DOES 1 through 20, inclusive,

Respondents.

RICHARD KEITH FINKEL; BUNDY-FINKEL ARCHITECTS; RUSSELL FISCHER, LP; CHASE RUSSELL; and ROES 1 through 20, inclusive,

> Real Parties in Interest.

> > REMOTE VIDEOTAPED DEPOSITION OF MIGUEL PULIDO VOLUME I (Pages 1 through 174) California Wednesday, December 16, 2020

REPORTED BY: Marlene Apodaca, CSR No. 6579 Job No. 108457

| 1 | SUPERIOR COURT OF THE STATE OF CALIFORNIA |
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| 2 | COUNTY OF ORANGE, CIVIL COMPLEX CENTER |
| 3 | |
| 4 | SANTA ANA NEEDS EQUITY, an unincorporated association; |
| 5 | WILLIAM CONKLIN, an individual; KARINA RANGEL |
| 6 | CONKLIN, an individual; YOON Case No. 30-2019-01104316- HEE CHOE, an individual, CU-WM-CXC |
| 7 | Petitioners, |
| 8 | vs. |
| 9 | CITY OF SANTA ANA; THE CITY |
| 10 | COUNCIL OF THE CITY OF SANTA ANA; PLANNING COMMISSION OF |
| 11 | THE CITY OF SANTA ANA; and DOES 1 through 20, inclusive, |
| 12 | Respondents. |
| 13 | |
| 14 | |
| 15 | |
| 16 | Remote Videotaped Deposition of MIGUEL PULIDO, |
| 17 | VOLUME I, taken via web videoconference, with all |
| 18 | participants attending remotely, commencing at |
| 19 | 10:30 a.m. and concluding at 2:49 p.m. on Wednesday, |
| 20 | December 16, 2020, before Marlene Apodaca, Certified |
| 21 | Shorthand Reporter No. 6579. |
| 22 | |
| 23 | |
| 24 | |
| 25 | |
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|----|--|
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| 23 | ALSO PRESENT: |
| 24 | MICK IRWIN, Videographer |
| 25 | |
| | |

Miguel Pulido, Volume I - December 16, 2020

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| 1 | California |
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| 2 | Wednesday, December 16, 2020 |
| 3 | 10:30 a.m. to 2:49 p.m. |
| 4 | *** |
| 5 | THE VIDEOGRAPHER: I am Mick Irwin, your |
| 6 | videographer, and I am representing KW Court Reporting, |
| 7 | LLC, in Irvine, California. I am not financially |
| 8 | interested in this action, nor am I a relative or an |
| 9 | employee of an attorney or any of the parties. |
| 10 | Today's date is December 16, 2020, at |
| 11 | 10:30 a.m. This deposition is taking place with Zoom |
| 12 | video conference, with all participants attending |
| 13 | remotely from separate locations. The case number is |
| 14 | 30-2019-01104316-CU-WM-CXC, in the Superior Court of |
| 15 | the State of California, for the County of Orange, in |
| 16 | the Civil Complex Center, in the above entitled action |
| 17 | of Santa Ana Needs Equity, an unincorporated |
| 18 | association, et al., versus the City of Santa Ana, et |
| 19 | al. |
| 20 | This deposition is taking place on behalf of |
| 21 | the petitioners in the matter. This begins media one, |
| 22 | Volume I, of the deposition of Miguel Pulido. The |
| 23 | court reporter is Marlene Apodaca. |
| 24 | Would the counsel please give their |
| 25 | appearances, for the record? |

| 1 | MR. GRANT: Evan Grant, of Kara Grant Law, on |
|----|---|
| 2 | behalf of the petitioners. |
| 3 | MR. MCCLUNG: Charles McClung, on behalf of |
| 4 | the witness, Miguel Pulido. |
| 5 | MS. ROSSINI: Laura Rossini, on behalf of |
| 6 | Respondents, City of Santa Ana and the City Council of |
| 7 | The City of Santa Ana. |
| 8 | MR. LEE: Andrew Lee, on behalf of the |
| 9 | Russell Fischer Partnership LP, Real Party in the |
| 10 | action. |
| 11 | THE VIDEOGRAPHER: Will the court reporter |
| 12 | please administer the oath? |
| 13 | THE COURT REPORTER: My name is Marlene |
| 14 | Apodaca. I am a California Certified Shorthand |
| 15 | Reporter, and this deposition is being held via |
| 16 | videoconferencing equipment. The witness and reporter |
| 17 | are not in the same room. The witness will be sworn in |
| 18 | remotely, pursuant to California Code of Civil |
| 19 | Procedure 2025.310. |
| 20 | *** |
| 21 | MIGUEL PULIDO, |
| 22 | having been first duly sworn by the certified shorthand |
| 23 | reporter, was examined and testified as follows: |
| 24 | |
| 25 | \\\ |

| 1 | | EXAMINATION |
|----|----------|--|
| 2 | BY MR. G | RANT: |
| 3 | Q | Good morning, Mr. Pulido. |
| 4 | А | Good morning. |
| 5 | Q | What's your current location? What's the |
| 6 | address | where you currently are located where your |
| 7 | providin | g this testimony today? |
| 8 | А | 20 Civic Center Plaza. |
| 9 | Q | So you're at Santa Ana City Hall? |
| 10 | А | Yes. |
| 11 | Q | Okay. And is that a location that you |
| 12 | selected | to give your deposition testimony today? |
| 13 | А | No. |
| 14 | Q | Did you have any input at all in the location, |
| 15 | or was t | his something that was decided by somebody |
| 16 | else? | |
| 17 | А | Somebody else. |
| 18 | Q | Okay. Now, and was that an attorney, or was |
| 19 | it anybo | dy other than an attorney? |
| 20 | А | I don't know. I was just told to be here. |
| 21 | Laura ma | y know, or other people may know. I don't |
| 22 | know. | |
| 23 | Q | And were you told to be there by an attorney? |
| 24 | А | Yes. |
| 25 | Q | Okay. All right. And we've discussed off the |

| 1 | record that the purpose that we were doing a remote |
|----|--|
| 2 | deposition today to accommodate the requests of the |
| 3 | city that was made on behalf of, at least in part by |
| 4 | you, because of concerns about having an in-person |
| 5 | deposition. |
| 6 | Does that sound about right to you, that you |
| 7 | had made some request to do a remote deposition? |
| 8 | A I spoke to my attorney about that. Yes. |
| 9 | Q Okay. And so the purpose of all the |
| 10 | procedures that the parties had agreed to for this |
| 11 | deposition was to attempt as best as possible to |
| 12 | replicate the conditions of an in-person deposition. |
| 13 | Okay? |
| 14 | And so the reason why I'm saying that is |
| 15 | because off the record we had a conversation about the |
| 16 | fact that you appear to be in a room by yourself, and |
| 17 | you're wearing a mask for the testimony today. Is that |
| 18 | correct, that you're in a room by yourself, currently? |
| 19 | A Yes. With a central air conditioning system, |
| 20 | where air mixes with everybody else in the building. |
| 21 | Correct. |
| 22 | Q Okay. And do you have any other location |
| 23 | other than no. Let me back up. |
| 24 | Do you currently work for the City of |
| 25 | Santa Ana in any capacity? |

| 1 | A No. |
|----|---|
| 2 | Q Have you ever worked for the City of |
| 3 | Santa Ana? |
| 4 | A Yes. |
| 5 | Q When did you first start in any capacity as an |
| 6 | employee or an independent contractor or agent of the |
| 7 | City of Santa Ana? |
| 8 | A 1986, right after the election in November of |
| 9 | 1986. |
| 10 | Q And what was your position at that time? |
| 11 | A Member of the City Council. |
| 12 | Q And then I'm going to come back and fill in |
| 13 | the stuff between that, but what was the last date that |
| 14 | you worked for the City of Santa Ana in any capacity? |
| 15 | A December 8th of this year, 2020. |
| 16 | Q Do you have any location, for example at your |
| 17 | home, where you would feel comfortable providing |
| 18 | testimony without a mask? |
| 19 | MR. MCCLUNG: Counsel, I'm not understanding |
| 20 | what the purpose of this. Can we move the deposition |
| 21 | on? |
| 22 | Off the record I've already told you that we |
| 23 | will create a space for him to have the deposition |
| 24 | without a mask, if that's what you want. We can't do |
| 25 | that right now. |

| 1 | MR. GRANT: I understand that, but |
|----|---|
| 2 | MR. MCCLUNG: So there is no reason for you to |
| 3 | ask the witness questions about whether he has it or |
| 4 | hasn't. |
| 5 | MR. GRANT: Okay. |
| 6 | MR. MCCLUNG: We've off the record said, and |
| 7 | you've chosen to go forward right now, with him with |
| 8 | the mask. |
| 9 | MR. GRANT: Right. |
| 10 | MR. MCCLUNG: So let's go forward and do the |
| 11 | deposition. |
| 12 | MR. GRANT: All right. I appreciate that, |
| 13 | Mr. McClung. You did make that offer off the record; |
| 14 | and I have decided to go forward at this time, because |
| 15 | we would like to actually take the deposition, and not |
| 16 | reschedule it again. |
| 17 | But I am noting our objection for the record |
| 18 | that the only person who is wearing a mask for the |
| 19 | deposition today is the witness, and that it is going |
| 20 | to obstruct and prevent the trier of fact or whomever |
| 21 | else is going to watch the video from being able to |
| 22 | fully evaluate the witness's demeanor and credibility. |
| 23 | Number two, is that I've asked the witness to |
| 24 | adjust the camera that he is using, as specified in the |
| 25 | notice, so that we can see him and his tablet, for when |

| 1 | he reviews exhibits. And as of yet, either the witness |
|----|--|
| 2 | is unable or unwilling to do that. So I've noted that |
| 3 | for the record. |
| 4 | I'm going to proceed at this time. I'll let |
| 5 | you know if there is a point in time where I decide |
| 6 | that we should suspend the deposition and reconvene, |
| 7 | where Mr. Pulido can testify without covering the |
| 8 | majority of his face. |
| 9 | Is that fair? |
| 10 | MR. MCCLUNG: That's fair. And I've already |
| 11 | agreed that you can do that, if you find that this |
| 12 | isn't working for you. We'll reschedule the deposition |
| 13 | and get him set up at a place where he's not where |
| 14 | he's mask-free. |
| 15 | BY MR. GRANT: |
| 16 | Q Got it. All right. Well, let's see what we |
| 17 | can get through for a little bit. |
| 18 | Mr. Pulido, are you currently employed? |
| 19 | A Yes. |
| 20 | Q What is your current employment? |
| 21 | A I work as a consultant. |
| 22 | Q Do you work as a consultant for your own |
| 23 | business or for another person's business? |
| 24 | A I have a consulting company, and I consult for |
| 25 | different entities. |

1 Q What's the name of your consulting company? 2 Α Cangas, Inc. 3 0 Is that spelled C-a-n-g-a-s, I-n-c? Α 4 Correct. 5 And is that a California corporation? O 6 Α Yes. 7 Are there any other employees or independent O 8 contractors, besides yourself, that have ever done any 9 work for Cangas or Cangas? 10 Α No. Only myself. And you pronounced that name in a different 11 O way than I assumed, I guess it would be pronounced. 12 13 Is there some meaning to that word, Cangas, or 14 something like that? It's a Spanish name, and I speak Spanish. 15 16 that's the way you pronounce it in Spanish. And what is it -- what's the translation from 17 O 18 Spanish? 19 Α It's just a proper name. It's a region in 20 Spain. 21 0 I'm sorry? 22 It's a region in Spain. It's just a name. Α 23 Got it. Okay. 0 24 And is this consultancy that you are operating 25 under something that you started once you left the

1 employment at the City of Santa Ana, or something that you were already doing while you were working at the 2 3 City of Santa Ana? I was already doing it while I was working at 4 5 the city. And when did you start any role as a 6 7 consultant for any companies, entities, anything like 8 that? I don't recall the start date; but it's within 9 Α 10 a year, I would say. Within a year from today? 11 Q 12 Α Yeah. So sometime since approximately December of 13 0 14 2019? That would be my estimate. If you want an 15 Α 16 exact date, I would need some time. I can go figure it out, but it's recent. 17 18 And what's the nature of the consulting that 19 you do? 20 Α Variety of different businesses. You consult for a variety of different 21 0 22 businesses? 23 Α Correct. And I assume that you receive some sort of 24 O 25 compensation for that work?

| 1 | А | Correct. |
|----|-----------|---|
| 2 | Q | Okay. And what is is there any type of |
| 3 | categorie | es of the nature of the businesses that you |
| 4 | have been | n hired to consult for? |
| 5 | A | Primarily energy companies and real estate. |
| 6 | Q | And have you ever consulted for any business |
| 7 | involved | with marijuana? |
| 8 | A | Yes. |
| 9 | Q | How many different businesses strike that. |
| 10 | | How many different marijuana related |
| 11 | businesse | es have you consulted for, in let's say since |
| 12 | you start | ted your consulting business or consulting |
| 13 | work? | |
| 14 | A | Two. |
| 15 | Q | What are the names of those two businesses? |
| 16 | A | One is named well, I know the owner of the |
| 17 | company. | I'm not certain as to the name. I believe |
| 18 | it's call | led Tested. |
| 19 | Q | I'm sorry? |
| 20 | A | Tested, T-e-s-t-e-d. |
| 21 | | And another is called, Touchstone. |
| 22 | Q | How do you spell Touchstone? |
| 23 | A | T-o-u-c-h-s-t-o-n-e. |
| 24 | Q | Okay. So you said the first company you |
| 25 | consulted | d for that was a marijuana related business was |

| 1 | called Tested? |
|----|---|
| 2 | A Correct. |
| 3 | Q Okay. And you said you weren't if I heard |
| 4 | you correctly I'm sorry, I do a better job when I |
| 5 | can see people's lips and match it up. So I apologize |
| 6 | if I'm asking you to repeat stuff or whatever; but I'm |
| 7 | doing my best, under the circumstances. |
| 8 | A That's okay. |
| 9 | Q All right. So I think you said that you |
| 10 | weren't a hundred percent sure of the name, but that |
| 11 | you knew the name of the owner. Is that accurate? |
| 12 | A Correct. |
| 13 | Q Okay. What's the so it's your best |
| 14 | estimate, if I have it correct, that Tested is the name |
| 15 | of the company, or Tested is in the name; but you do |
| 16 | know the name of the owner. |
| 17 | What's the name of the owner of that business? |
| 18 | A Tim Wright. |
| 19 | Q And is that W-r-i-t-e? |
| 20 | A W-r-i-g-h-t. |
| 21 | Q All right. And during what period of time did |
| 22 | you consult with Mr. Wright's business? |
| 23 | A Maybe the last six months or so. |
| 24 | Q And when you say just so we're on the same |
| 25 | page throughout the deposition, if you give me an |

1 estimate, like "the last six months or so", does that mean that, you know, it's your best estimate that it's 2 3 six months, give or take a month or so? What does that 4 mean? 5 Α I have --How wide is that estimate? 6 7 It might be more than six months. Not less 8 than six months. 9 Can you give me sort of a general idea of what Q it was that you were -- what services you were 10 providing to the Tested business, or Mr. Wright's 11 business? 12 13 It primarily involved in a project in 14 Imperial County, California, where we're developing, you know, some cannabis facilities out there in 15 16 Imperial. 17 Is this a manufacturing facility? 18 Α It's -- yes. Okay. And is there a storefront that's being 19 O 20 developed? 21 Α Yes. Anything other than manufacturing and 22 0 23 storefront? Cultivation. 24 Α 25 Anything else? O

| Τ | A There could be some delivery. It's still |
|----|---|
| 2 | being developed. We're not, you know, finished. |
| 3 | Q Right. At any point in time, have you had any |
| 4 | ownership interest, be it a legal ownership well, |
| 5 | let me back up. |
| 6 | Do you understand what the difference is |
| 7 | between a legal ownership and a beneficial ownership |
| 8 | interest? Or is that something that you've never heard |
| 9 | about, the difference of those things? |
| 10 | A Don't know the difference. |
| 11 | Q All right. So let me give you what my |
| 12 | understanding of it is; and if it sounds fair to you, |
| 13 | then I'll ask you the question. |
| 14 | My understanding is that a legal ownership |
| 15 | interest is where you are on title of being an owner, |
| 16 | in some amount. |
| 17 | And a beneficial ownership is that you have an |
| 18 | ownership interest, because you have the right to it, |
| 19 | but that it might be held in another person or entity's |
| 20 | name. |
| 21 | Does that sound does that make sense to |
| 22 | you? |
| 23 | A I understand. Okay. |
| 24 | Q All right. So my question to you is: At any |
| 25 | point in time, have you had any ownership interest, be |

| 1 | it legal or beneficial, in this Tested business? |
|----|--|
| 2 | A No. |
| 3 | Q At any point in time, have you had an option |
| 4 | to acquire any legal or beneficial ownership interest |
| 5 | in the Tested business? |
| 6 | A No. |
| 7 | Q Is your compensation as a consultant at all |
| 8 | tied to the performance of the business? |
| 9 | A No. |
| 10 | Q Is your compensation as a consultant tied to |
| 11 | the revenue or profit of the Tested business? |
| 12 | A No. |
| 13 | Q All right. Do you know somebody by the name |
| 14 | of Jill Wallace? |
| 15 | A Yes. |
| 16 | Q And who is Jill Wallace, as far as you're |
| 17 | concerned? |
| 18 | A She's a former employee here in Santa Ana that |
| 19 | I met back in 1986, when I came onto the City Council. |
| 20 | She left the city about eight years ago. |
| 21 | Q Anything else? |
| 22 | A She's been a friend and an ally for many |
| 23 | years. |
| 24 | Q What do you mean, when you say she's been a |
| 25 | friend for many years? |

| 1 | A Well, you know, when you work with people for |
|----|---|
| 2 | a long time you, you know, develop a friendship. And |
| 3 | we've had a friendship for a long time. |
| 4 | Q All right. So what and when would you say |
| 5 | that you first developed a friendship with Ms. Wallace? |
| 6 | A Probably in the 90's sometime, after I |
| 7 | started got to know her, worked with her for a few |
| 8 | years. |
| 9 | Q And what does what mean to you? You indicated |
| 10 | that your best estimate is that you developed a |
| 11 | friendship with Ms. Wallace in the 1990's. So there |
| 12 | was a number of years that you worked together, or that |
| 13 | you worked both for the city, before you feel like you |
| 14 | had developed a friendship. |
| 15 | So my question to you is: What does that mean |
| 16 | to you, that you developed a friendship? What does |
| 17 | that mean? |
| 18 | A Over time, when you work with people I |
| 19 | didn't work with her that much in the early years. |
| 20 | In the 90's I began to work with her more often on |
| 21 | projects. And as with many people in the city, I |
| 22 | developed a lot of friendships. |
| 23 | Q Were all of your friendships with people at |
| 24 | the city that you developed over the years the same in |
| 25 | character as the friendship that you developed with |

| 1 | Ms. Wallace? |
|----|---|
| 2 | A Yes. Many were. |
| 3 | Q Okay. You said "many were"? |
| 4 | A Yes. |
| 5 | Q So were some of the friendships that you |
| 6 | developed of a different character with the people who |
| 7 | work at the City of Santa Ana from the character of the |
| 8 | friendship you developed with Ms. Wallace, starting in |
| 9 | the 1990's? |
| 10 | A Some people I was not didn't work as much |
| 11 | with, and I was not as close to. You know, in the city |
| 12 | we have thousands of employees, and some I didn't know |
| 13 | as well. But many, many and I would |
| 14 | characterize that as in the dozens of individuals I |
| 15 | developed similar relationships to my relationship with |
| 16 | Ms. Wallace, in terms of friendship. |
| 17 | Q And once you developed this friendship with |
| 18 | Ms. Wallace in the 1909's, have you maintained a |
| 19 | friendship with Ms. Wallace from that point in time, up |
| 20 | until today? |
| 21 | A Yes. |
| 22 | Q And would you how would you characterize |
| 23 | your friendship with Ms. Wallace from the time that you |
| 24 | first developed it in the 1990's through today? Would |
| 25 | you say it's been pretty consistent? Would you say |

1 that it's changed over time? How would you describe that friendship over those years? 2 3 It's been generally consistent, but not all years have been the same. There have been some years 4 5 when we worked on projects together very actively; and there's been other years where we haven't really, you 6 7 know, had as much to work on. I'll give you one example, the Federal 8 9 Courthouse. When we were working on that, we worked, 10 you know, very actively on it as a project. Other years, we haven't had projects like 11 12 So it's been off and on, up and down; but 13 overall, consistent. All right. So you said something, and one of 14 the things I like about being an attorney is that I'm 15 16 always learning about a new subject. So I apologize in 17 advance if I ask you questions that seem like they're 18 obvious to you or that, you know, anyone who's been in the public servant business for a couple of decades or 19 20 even a couple of years should know. So I'm going to apologize from the outset. 21 22 Please indulge me and just, you know, assume that I 23 know very little, and then you'll probably be very close to what I know about the things that you know 24

25

about.

All right?

| 1 | A Go ahead. |
|----|---|
| 2 | Q All right. You referenced this Federal |
| 3 | Courthouse project that you worked on with Ms. Wallace. |
| 4 | Correct? |
| 5 | A Yes. |
| 6 | Q Okay. During what years did you work on the |
| 7 | Federal Courthouse project with Ms. Wallace? |
| 8 | A 199 probably '93 to '95, somewhere around |
| 9 | that period. |
| 10 | Q And that was strike that. |
| 11 | And you were both working for the City of |
| 12 | Santa Ana? |
| 13 | A Yes. |
| 14 | Q Throughout the time you worked together on |
| 15 | that project? |
| 16 | A Yes. |
| 17 | Q All right. And let me all right. |
| 18 | Are there any other projects that you worked |
| 19 | on with Ms. Wallace that you can specifically identify, |
| 20 | other than the Federal Courthouse project? And just to |
| 21 | be clear, at any point in time, so whether she's |
| 22 | working at the city or not. |
| 23 | A We worked on the Discovery Science Center, |
| 24 | worked on the Bowers Museum, worked on the Santa Ana |
| 25 | Zoo, worked on the Orange County Streetcar, and I think |

| 1 | those were the primary projects. |
|----|---|
| 2 | Q And were those all projects that were being |
| 3 | worked on by both you and Ms. Wallace, while you both |
| 4 | worked for the City of Santa Ana? |
| 5 | A Yes. |
| 6 | Q Okay. What's your best estimate as to the |
| 7 | years when you worked on the Discovery Science Center |
| 8 | project with Ms. Wallace? |
| 9 | A That was in the 2000's. That was about a |
| 10 | ten-year project. Actually, it's still being worked |
| 11 | on, as we speak; but that began in the early 2000's, |
| 12 | and it was a very active decade. It was about a |
| 13 | ten-year effort. |
| 14 | Q Did you continue to work on the Discovery |
| 15 | Science Center project in any way after Ms. Wallace was |
| 16 | no longer working at the City of Santa Ana? |
| 17 | A Yes. |
| 18 | Q And did Ms. Wallace perform strike that. |
| 19 | Did Ms. Wallace in any way work on the |
| 20 | Discovery Science Center project after she left the |
| 21 | employment of the City of Santa Ana? |
| 22 | A No. |
| 23 | Q And just to be clear, did Ms. Wallace provide |
| 24 | you with any assistance whatsoever in connection with |
| 25 | the Discovery Science Center project, once she left the |

| 1 | employment of the City of Santa Ana? |
|----|--|
| 2 | A Not actively. She may have given me thoughts, |
| 3 | on occasion; but no, not really. |
| 4 | It was mainly me trying to raise money for the |
| 5 | Discovery Science Center. |
| 6 | Q And is that something you were doing strike |
| 7 | that. |
| 8 | Was your efforts to raise money for the |
| 9 | Discovery Science Center something that you were doing |
| 10 | in your official capacity as the Mayor of the City of |
| 11 | Santa Ana? |
| 12 | A Yes. |
| 13 | Q You mentioned that Ms. Wallace may have given |
| 14 | you her thoughts on occasion about the Discovery |
| 15 | Science Center project. Correct? |
| 16 | A Yes. |
| 17 | Q And that would have been after she left the |
| 18 | employment of the City of Santa Ana. Correct? |
| 19 | A Yes. |
| 20 | Q Okay. What do you mean by that, that she may |
| 21 | have given you |
| 22 | A She may have suggested a donor. I can't |
| 23 | remember, but she may have suggested a donor for me to |
| 24 | call. |
| 25 | Q And how did there come to be the opportunity |

1 for Ms. Wallace to provide you with her thoughts about the Discovery Science Center project after she had left 2 3 the employment of the City of Santa Ana? She could call me on the telephone on 4 occasion, and I would talk to her. 5 And when you say "the telephone", is this a 6 0 7 telephone like your cell phone, or is this the office 8 phone at the city? Is this your home phone? What type 9 of telephones are you referring to? 10 Α Cell phone. 11 O I'm sorry? 12 Cell phone, c-e-l-1, phone. Α 13 0 Oh, cell phone. See that's -- I could have 14 swore you kept saying "telephone"; but no, now I get it. Now you spelled it, you said cell phone. Okay. 15 16 And so do you have -- do you currently have a 17 cell phone? 18 Α Yes, I do. Is that what you're looking at right now? 19 0 20 Α Yes, I am. And do you have -- what type of phone 21 Q Okay. 22 is it? 23 Α It's an iPhone. And when did you get that iPhone? 24 Q 25 I don't really recall. Maybe a year and a Α

| 1 | half ago. I don't have a date. |
|----|---|
| 2 | Q All right. It's not something that you got in |
| 3 | the last couple of months? |
| 4 | A No. |
| 5 | Q And do you have do you know what an iCloud |
| 6 | account is? |
| 7 | A Yes. |
| 8 | Q Do you have an iCloud account? |
| 9 | A I recently established one. Yes. |
| 10 | Q And so once you established the iCloud |
| 11 | account, are you now backing up your information on |
| 12 | your phone to the iCloud account? |
| 13 | A I haven't done it yet, but I'm trying to. |
| 14 | Q Have you ever backed up any of the information |
| 15 | from your cell phone in any way, such as by signing up |
| 16 | for a service, like a cloud service, or hooking up |
| 17 | phone up to iTunes and having a backup on your |
| 18 | computer, or any other way that you understood to be |
| 19 | backing up any of the data from your cell phone? |
| 20 | A No. |
| 21 | Q And in the last, let's say ten years, how many |
| 22 | different cell phone numbers have you had, whether it |
| 23 | was personal, business, whatever the nature of the cell |
| 24 | phone, cell phone that you used more than once? |
| 25 | A I don't know. |

| 1 | Q Can you give me your best estimate? | |
|----|--|---------------|
| 2 | A It's been several numbers. I've had phones | |
| 3 | stolen. I've had, you know, numbers given out; and | |
| 4 | I've had to cancel them because the general public, yo | ou |
| 5 | know, overwhelmed me. | |
| 6 | It's been several, several phones, several | |
| 7 | numbers. | |
| 8 | Q How long have you had your current number? | |
| 9 | A I don't know. I don't know, but it's been | |
| 10 | more than two years, but I don't know. | |
| 11 | Q All right. So at least two years? | |
| 12 | A Yes. | |
| 13 | Q Okay. And what is the current, that cell | |
| 14 | phone number that you've had for the last two years? | |
| 15 | A The number is (714) 393-2727. | |
| 16 | Q All right. And during that period of time | |
| 17 | when you had that cell phone number, did you have any | |
| 18 | other cell phone numbers that you used more than once | |
| 19 | or twice, like somebody else's phone, something that | |
| 20 | you used more regularly? | |
| 21 | A No. I used to have another number, because 1 | <u>.</u> - |
| 22 | used to have two phones; but I think that's been more | |
| 23 | than two years, and I got rid of the other phone. | |
| 24 | But I don't use any other phone. | |
| 25 | Q And was there a reason why you had two phones | 3 |

| 1 | during that period of time? Like was one your personal |
|----|---|
| 2 | phone, and one was a phone provided to you by the city? |
| 3 | A No. |
| 4 | Q Okay. Was there any reason or reasons why you |
| 5 | had multiple cell phones during any period of time that |
| 6 | you're describing? |
| 7 | A Yes. |
| 8 | Q And what were the reasons or reason? |
| 9 | A One was with AT&T, and the other one was with |
| 10 | Verizon. And I sometimes when I couldn't get a good |
| 11 | signal with one, I could get a signal with the other. |
| 12 | Q All right. And the seven the number ending |
| 13 | in 2727, is that with AT&T or Verizon? |
| 14 | A Verizon. |
| 15 | Q And do you know how long you've had Verizon as |
| 16 | the provider for your cell phone service? |
| 17 | A I don't know exactly, but it's been a while. |
| 18 | I've been with Verizon a long time. |
| 19 | Q So you'd say more than a couple years? |
| 20 | A Yes. |
| 21 | Q All right. And do you recall the number for |
| 22 | that AT&T cell phone? |
| 23 | A I'm trying to think of it. I can probably |
| 24 | find it, but I don't want to give you a wrong number |
| 25 | right now. I haven't had it in awhile. I don't want |

| 1 | to give you a wrong number. |
|----|---|
| 2 | Q All right. Well, we'll leave a place in the |
| 3 | transcript, a blank. And when you review your |
| 4 | transcript, which I will talk to you about in a second, |
| 5 | I'm going to request that you fill that information in. |
| 6 | Okay? |
| 7 | A Fine. |
| 8 | (INFORMATION REQUESTED: |
| 9 |) |
| 10 | BY MR. GRANT: |
| 11 | Q All right. Is there any reason why you would |
| 12 | not be able to locate that number and fill it in, if |
| 13 | you were given you know a couple of weeks to review and |
| 14 | correct your transcript? |
| 15 | A I just am not certain where I would go look |
| 16 | for it. I will try, but I don't have a file with empty |
| 17 | phone bills, or anything like that. |
| 18 | Q Understood. |
| 19 | When you would communicate with Ms. Wallace on |
| 20 | your cell phone, did you have any idea of what phone |
| 21 | she was generally communicating with you on? Like was |
| 22 | it also a cell phone that you would know, because you |
| 23 | would see her number come in when she would call you on |
| 24 | the cell phone, or anything like that? |
| 25 | A Yes. |

1 0 Okay. And what was your understanding of the phone that phone or phones that Ms. Wallace used 2 3 regularly in communication with you on your cell phone? They changed over the years. You know, she 4 had city cell phones. And later, when she left the 5 city, she had a private cell phone. 6 7 I don't remember, you know, all the numbers. 8 0 All right. Do you know her current cell phone 9 number? 10 Α Yes. What is her current cell phone number? 11 O Okay. 12 (714) 514-6455. Α 13 And are you stating that by memory, or are you 0 14 looking at something? I'm looking at the phone. I've got it right 15 16 I thought you might ask me that. here. 17 Can you hold that up, and show me what you're O 18 looking at? (Witness complies). 19 Α 20 Can you -- I can't see it. You have to hold 0 it to the camera. I just want to see what you were 21 22 looking at. 23 You don't have to change anything you were looking at. 24 25 Well, the screen went blank on me now.

1 0 Oh, it looked like it was there for a second. I don't know if you can see, but my phone is 2 Α 3 cracked. I've got to get a new phone. I see. Yeah, I see it. But I don't see -- I 4 5 just see the dial pad there. 6 Would you mind pulling up the contact you have 7 there for Ms. Wallace? 8 Let me look it up. 9 0 Yeah. Please don't alter or erase or modify any of the information that you have there for 10 Ms. Wallace's contact, or any of her communications. 11 Okay? 12 13 Α (Indicating). 14 All right. So hold it up that way. O So I see it says a mobile number, and it 15 16 doesn't -- it doesn't have a name there. 17 Α Right. I don't have a name. I just dial it. 18 And I can look it up by dialing it, and it comes up. But that's her number, (714) 514-6455. 19 20 Okay. Do you have anywhere in your phone that O you have contact information saved for Ms. Wallace, 21 22 such as an e-mail address or e-mail addresses, 23 telephone numbers, addresses, anything like that? 24 Α No. 25 When you call Ms. Wallace on your cell phone,

1 do you manually dial the number each time? 2 Α Yes. 3 Or do you have --Α 4 Yes. 5 And do you ever communicate -- strike that. 0 Have you ever communicated with Ms. Wallace 6 7 via text message or similar service, like iMessage? 8 Α Text message. 9 And when was the last time you either sent or Q received a text message to or from Ms. Wallace? 10 I believe yesterday. 11 Α 12 And what was the -- strike that. O 13 And did you send the message or did she send 14 the message, initially, yesterday. Strike that. a bad question. 15 16 Did you guys exchange a number of text messages yesterday? 17 18 A couple, a couple. And what was the nature or the subject matter 19 O 20 of the messages you exchanged with Ms. Wallace 21 yesterday via text? 2.2 Northgate Markets. Α 23 What is Northgate Markets? O 24 Northgate Market is a chain that is here in Α 25 Santa Ana, of grocery stores. I like them a lot.

| | They're a very solid corporate entity in town. |
|----|---|
| 2 | And they were going to be on the council |
| 3 | agenda last night, and I you know, I just wanted to |
| 4 | know if she knew anything about how that was going. |
| 5 | And so we talked about Northgate. |
| 6 | Q Why did you think that she might know |
| 7 | strike that. I want to make sure the questions are |
| 8 | clear. So let's start again. |
| 9 | Why did you believe that Ms. Wallace might |
| 10 | know something about Northgate Market, such that you |
| 11 | reached out to her yesterday? |
| 12 | A We have friends at Northgate, you know, the |
| 13 | Gonzalez family, et cetera, et cetera. |
| 14 | Q I'm sorry. Who? |
| 15 | A At the City Council meetings, I don't. I'm |
| 16 | now off the City Council meetings. So I just wanted do |
| 17 | know if they were going to be on the agenda, and she |
| 18 | told me yes. |
| 19 | Q Okay. There is a few things I want to find |
| 20 | out here. I think you said that "we have friends at |
| 21 | Northgate Market". |
| 22 | And I think, if I understood you correctly, |
| 23 | you're referring to you and Ms. Wallace have friends at |
| 24 | Northgate Market. Is that accurate? |
| 25 | A Yes. |

| 1 | Q All right. And what do you mean by that? |
|----|--|
| 2 | A Just people that we've known over the years, |
| 3 | the owners of Northgate, I've known them 25 years. And |
| 4 | they're, you know, a very solid corporate entity. When |
| 5 | she was working at the city, she knew them as well. |
| 6 | And they, you know, have a project. Well, |
| 7 | many projects that they're doing in the city. |
| 8 | Q And you said the name, I think, of the owners, |
| 9 | the Gonzalez's, or something like that? |
| 10 | A Yes. |
| 11 | Q Is that what you said? |
| 12 | A The Gonzalez brothers. Correct. |
| 13 | Q All right. And can you tell me the first name |
| 14 | of the Gonzalez brothers, that you're referring to? |
| 15 | A Miguel, Miguel Gonzalez, Michael. Miguel is |
| 16 | Michael in Spanish. |
| 17 | Q Right. I know that much. But not very much |
| 18 | more than that. All right. Mike, Miguel, Mike |
| 19 | Gonzalez. That name sounds well, strike that. |
| 20 | What is the name of the other Gonzalez brother |
| 21 | or brothers? |
| 22 | A Oscar, Oscar Gonzalez. |
| 23 | Q All right. And how long have you been friends |
| 24 | with Mike Gonzalez? |
| 25 | A Many years, maybe about 20 years. |

| 1 | Q All right. And how did you come to know |
|----|--|
| 2 | Mike Gonzalez? Just curious. |
| 3 | A Actually, it's a little bit more than that, |
| 4 | I'm recalling. They were building a market on Fourth |
| 5 | and French, and they had some property. And I was |
| 6 | working with them, trying to figure out how big of a |
| 7 | market they could put on that site. |
| 8 | And at the time, you know, their father was |
| 9 | still alive. He's now passed away. And that's when I |
| 10 | really got close do the Gonzalez family, 27 years ago. |
| 11 | Q What do you mean when you say you really got |
| 12 | close to them? What does that mean? |
| 13 | A Started working with them as mayor, as a City |
| 14 | Council member. I was a mayor pro tem 27 years ago, |
| 15 | and they wanted to build up there. You know, they're a |
| 16 | chain of grocery stores, and they're a specialty |
| 17 | Hispanic store. |
| 18 | And they were very interested in Santa Ana; |
| 19 | and so I got to know them, and started working with |
| 20 | them. |
| 21 | Q Have you ever been in any business ventures |
| 22 | with the Gonzalez brothers, or either of them? |
| 23 | A No. |
| 24 | Q Have you ever had any ownership interest at |
| 25 | all in any business that was owned in part or operated |
| | |

| 1 | in part by either of the Gonzalez brothers? |
|----|---|
| 2 | A No. |
| 3 | Q All right. Is Miguel Gonzalez the person who |
| 4 | ran for either City Council or something like that at |
| 5 | the City of Santa Ana about a couple years ago? |
| 6 | A Same name, different person. |
| 7 | Q Is there another guy by the name of Miguel |
| 8 | Mike Gonzalez, that you know, that ran for City Council |
| 9 | a couple of years ago? |
| 10 | A Yes. |
| 11 | Q Is that someone that you're also friends with? |
| 12 | A Yes. |
| 13 | Q How long have you been friends with that |
| 14 | Mike Gonzalez? |
| 15 | A About ten years. |
| 16 | Q And have you ever been involved in any |
| 17 | projects for any businesses or strike that. |
| 18 | Have you ever been involved with any projects |
| 19 | for Mike Gonzalez, the second one that we're talking |
| 20 | about, at any point in time? |
| 21 | A No. |
| 22 | Q So I take it that you haven't had any direct |
| 23 | or indirect ownership interest in any business that |
| 24 | that Mike Gonzalez has had an ownership interest in? |
| 25 | A Correct. |

| 1 | Q All right. Did one of these Mike Gonzalezes |
|----|---|
| 2 | have some sort of interest in the restaurant that used |
| 3 | to be at 325 North Tustin Avenue in Santa Ana? |
| 4 | A Yes. |
| 5 | Q Which one of the Mike Gonzalezes was the one |
| 6 | that had the interest in that business? |
| 7 | A The candidate. |
| 8 | Q You said "the candidate"? |
| 9 | A Yes. |
| 10 | Q All right. And did you ever have any |
| 11 | involvement in any way with that business or that |
| 12 | property, when Mr. Gonzalez had an interest or was |
| 13 | involved with it, at 325 North Tustin Avenue? |
| 14 | A Yes. |
| 15 | Q And what was your involvement? |
| 16 | A I visited, at times. He invited me for |
| 17 | events, community events; and I went over, and I |
| 18 | attended those. |
| 19 | Q During what period of time would you say that |
| 20 | you were involved in any way with that business? |
| 21 | A Well, I was not involved with the business. I |
| 22 | was aware of it, and I attended community events there. |
| 23 | He had Christmas events; and he had, you know, I think |
| 24 | a toy drive, at one point, and I attended. He had some |
| 25 | media there, and I showed up. That was it. |

| 1 | Q All right. |
|----|--|
| 2 | A And it was over the last three years; but he's |
| 3 | been out of that for over a year, as I recall. I think |
| 4 | the building is no longer there, and but when it was |
| 5 | there, that's when I went there. |
| 6 | Q Right. |
| 7 | Do you know what happened, that led to Mr. |
| 8 | Gonzalez exiting his involvement with that business at |
| 9 | 325 North Tustin? |
| 10 | A Yes. |
| 11 | Q And what was that? |
| 12 | A His lease ran out. |
| 13 | Q So there was somebody else who owned the |
| 14 | property? |
| 15 | A Yes. |
| 16 | Q As far as you were aware? |
| 17 | A (Witness nods head.) |
| 18 | Q Is that a "yes"? |
| 19 | A Yes. |
| 20 | Q And who was it that you understood owned that |
| 21 | property? |
| 22 | A I didn't know at the time who the owner was; |
| 23 | so I have no idea when he was when he lost his |
| 24 | lease, I didn't have any understanding of the |
| 25 | ownership. |

| 1 | Q Do you know now who the owner was? |
|----|--|
| 2 | A I now have learned, because of the car wash, |
| 3 | that it is owned by Chase Russell. |
| 4 | Q So what was your understanding strike that. |
| 5 | What is your understanding, as you sit here |
| 6 | today, of who was the owner of the property at |
| 7 | 325 North Tustin Avenue, when Mike Gonzalez had that |
| 8 | restaurant there? |
| 9 | A It is now my understanding that, at the time, |
| 10 | it was Chase Russell or Russell Fischer. I frankly |
| 11 | don't know any more than that. |
| 12 | Q And how did you come to learn that the |
| 13 | property owner was either Chase Russell or |
| 14 | Russell Fischer? |
| 15 | A Because when he applied, you know, for the car |
| 16 | wash well, strike that. |
| 17 | I was not aware until very recently, when, you |
| 18 | know, the appeal occurred, and this whole car wash |
| 19 | issue, you know, became a bigger issue. Then I was |
| 20 | aware that that project that he wanted to build |
| 21 | included the property on you know, with the car |
| 22 | wash, and where the restaurant used to be. |
| 23 | Q All right. And how would you characterize |
| 24 | your relationship with that Mike Gonzalez over the |
| 25 | years? Would you say it's similar in character to your |

| 1 | relationship, your friendship with Jill Wallace? Would |
|----|---|
| 2 | you say it's not as close? Would you say it's closer? |
| 3 | How would you describe it? |
| 4 | A I think it's similar. It's been pretty |
| 5 | steady. He's run for City Council. He's lost a couple |
| 6 | times, and I helped him on the campaigns. It didn't |
| 7 | work out, didn't pan out for him; but he's been a |
| 8 | pretty steady friend. |
| 9 | Q All right. And what do you mean when you said |
| 10 | you helped Mr. Gonzalez on his campaigns? |
| 11 | A I gave him advice; helped him, you know, raise |
| 12 | money. Told him to walk, you know, go knock on doors, |
| 13 | and look for voters to support you. You know, gave him |
| 14 | advice on his signs. |
| 15 | I just I did for him what I've done for |
| 16 | dozens and dozens of candidates, both |
| 17 | successful and not successful, here in Santa Ana. |
| 18 | Q All right. And what else would you say you |
| 19 | did in connection with Mr. Gonzalez, that you believe |
| 20 | is part of that friendship that you developed with him? |
| 21 | So, for example, you helped him with his |
| 22 | campaign. Anything else? Any other projects that you |
| 23 | helped him with or worked for him on, or anything like |
| 24 | that? |
| 25 | A Yes. |

| 1 | Q And what are those projects or items? |
|----|---|
| 2 | A There was one project. He has a friend in |
| 3 | Mexico that wants to run for governor in the State of |
| 4 | Jalisco. And that gentleman has come here to |
| 5 | California on more than one occasion, and we've gotten |
| 6 | together, and I've advised him on ideas as to what he |
| 7 | ought to do in his campaign. |
| 8 | And so Mike Gonzalez and I often talk about |
| 9 | this gentleman, who is still interested in running for |
| 10 | governor of Jalisco, and he might run next year. And |
| 11 | that's been an ongoing project or subject or point of |
| 12 | discussion. |
| 13 | Q Have you ever received any money, gifts or |
| 14 | other things of value from Mike Gonzalez, during any of |
| 15 | the period of type of that you're describing that |
| 16 | you've known him? |
| 17 | A I've received loans, yes. |
| 18 | Q And can you tell me your best estimate as to |
| 19 | the number of loans you've received from Mr. Gonzalez? |
| 20 | A I think it's a total of \$20,000. |
| 21 | Q And when did you first receive any money in a |
| 22 | loan from Mr. Gonzalez? |
| 23 | A This has all been fairly recently, within the |
| 24 | last three months or so. |
| 25 | Q Was there a particular purpose for obtaining |

1 loans from Mr. Gonzalez, or was it just like there was no specific purpose for obtaining the loan? 2 No specific purpose. And I've already started 3 arranging paying him back. 4 5 0 Was the loan that Mr. Gonzalez gave to you, was that documented? Were there -- was there like a 6 7 Promissory Note, things of that nature, to document the 8 loan and the terms of repayment? 9 It was just a check, saying that it was a Α No. loan. 10 11 0 Was there a date by which you had to repay the 12 loan? 13 Α Within six months. And was that just a verbal? 14 0 15 Α Yes. 16 And was there an interest rate you guys agreed Q 17 to? 18 Α No. 19 O So it's -- you're paying him back, interest-free, within six months? 20 No. I told him that I'd pay him back 21 22 interest. I want to pay ten percent. He talked about 23 five. I said, "Look, when I pay you off, we'll 24 25 decide then, but I want to pay more."

| 1 | And he said, "Fine." |
|----|--|
| 2 | Q Were you in need of financial assistance, |
| 3 | or is that the reason why you got a loan from |
| 4 | Mr. Gonzalez? Or was there some other reason why you |
| 5 | got a loan? |
| 6 | A The former. |
| 7 | Q Have you ever received any loan of any kind |
| 8 | from Jill Wallace? |
| 9 | A No. |
| 10 | Q Have you ever made alone of any kind to |
| 11 | Jill Wallace? |
| 12 | A No. |
| 13 | Q Have you ever given any gifts of any kind to |
| 14 | Jill Wallace? |
| 15 | A No. |
| 16 | Q Have you ever received any gifts of any kind |
| 17 | from Jill Wallace? |
| 18 | A No. |
| 19 | Q Have you ever paid any money to Jill Wallace |
| 20 | for any reason? |
| 21 | A No. |
| 22 | Q Has Jill Wallace ever paid any money to you |
| 23 | for any reason? |
| 24 | A No. |
| 25 | Q Have you ever given any gifts to any of |

| 1 | Ms. Wallace's family members? |
|----|---|
| 2 | A No. |
| 3 | Q Has Ms. Wallace ever given any gifts to any of |
| 4 | your family members, as far as you're aware? |
| 5 | A No. |
| 6 | Q Have you ever all right. |
| 7 | Have you ever received any loans from |
| 8 | Chase Russell or Russell Fischer? |
| 9 | A No. |
| 10 | Q Have you ever provided any loans to |
| 11 | Chase Russell or Russell Fischer? |
| 12 | A No. |
| 13 | Q What did you do, if anything, for income |
| 14 | during the years that you were the mayor of Santa Ana, |
| 15 | aside from this most recent period of approximately a |
| 16 | year, where you were having a consultancy business? |
| 17 | A I worked for different companies, on different |
| 18 | projects. |
| 19 | Q As like a consultant? |
| 20 | A Yes. |
| 21 | Q Okay. So when did you first start working as |
| 22 | a consultant while you were either a member of the City |
| 23 | Council of Santa Ana or the mayor? |
| 24 | A I really began in the 90's, working on energy |
| 25 | projects for different companies. And over the years |

| 1 | I've worked for several different companies. |
|----|---|
| 2 | Q All right. Have any of the and I assume |
| 3 | that you received compensation from those companies, |
| 4 | for whatever services you provided to them as a |
| 5 | consultant? |
| 6 | A Correct. |
| 7 | Q All right. Have you ever performed any |
| 8 | services for any company in which Ms. Wallace was |
| 9 | involved? |
| 10 | A No. |
| 11 | Q And so that so you haven't performed any |
| 12 | services for compensation or not compensation for any |
| 13 | company that Ms. Wallace was involved in any way, |
| 14 | including as an owner, manager, anything at all. |
| 15 | Correct? |
| 16 | A There was a company in Adelanto, California, |
| 17 | where some folks that I know, the Bushala family, in |
| 18 | particular, were involved. And I'd worked with them on |
| 19 | projects, and she's been involved with them; but I had |
| 20 | no ownership or direct connection to Ms. Wallace in any |
| 21 | of that. |
| 22 | Q Okay. What are can you please identify |
| 23 | for me, aside from the Adelanto project that you |
| 24 | referred to, any other projects that you were |
| 25 | referencing or that you can think of, that where both |

| 1 | you and Ms. Wallace were involved in some capacity, in |
|----|---|
| 2 | connection with the Bushalas? |
| 3 | A No. |
| 4 | Q Are there any other projects that didn't |
| 5 | involve the Bushalas, that both you and Ms. Wallace |
| 6 | were both involved in, in some capacity, after |
| 7 | Ms. Wallace had left the City of Santa Ana? |
| 8 | A No. |
| 9 | Q Did you ever have a direct or indirect |
| 10 | ownership interest in the Adelanto business that you |
| 11 | mentioned the Bushalas were involved in? |
| 12 | A No. |
| 13 | Q Did any of your family members ever have any |
| 14 | ownership interest, direct or indirect, in the business |
| 15 | that you mentioned in Adelanto, involving the Bushalas? |
| 16 | A My father had an option that was rescinded and |
| 17 | canceled and never exercised, with the Sanchez Group, |
| 18 | which was held since its inception by Albert Bushala. |
| 19 | Q And how did you come to learn about your |
| 20 | father's option in the Sanchez Group? |
| 21 | A It was set up that way, because Al wanted to |
| 22 | hold the interest, and we wanted to have an option. |
| 23 | And when I say "we", working with my father; |
| 24 | but it was in my father's name. |
| 25 | However, before that option was exercised, and |

| 1 | before I believe it's definitely before anything |
|----|---|
| 2 | involving the car wash came to the City Council, that |
| 3 | option was void. It was nullified. |
| 4 | And the company, that interest, that |
| 5 | 20 percent interest went back, or stayed with the |
| 6 | Bushalas. It was always with the Bushalas. It just |
| 7 | stayed there. |
| 8 | Q Okay. You say that you were working with your |
| 9 | father in some capacity, in connection with this |
| 10 | option. Right? |
| 11 | A Yes. |
| 12 | Q And what do you mean by that? What are you |
| 13 | saying you did? |
| 14 | A I worked with the Bushalas and with my father, |
| 15 | you know, to develop that option. |
| 16 | Q What do you mean by develop the option? |
| 17 | A Just talked to them about how that could |
| 18 | function, how that could work. |
| 19 | Q Okay. And whose idea was it for your father |
| 20 | to acquire an option in the Sanchez Group or the |
| 21 | Adelanto enterprise? |
| 22 | A Several of us, working together. |
| 23 | Q And who are the "several"? |
| 24 | A Al Bushala, my father, myself; and, you know, |
| 25 | and the attorneys at the Alvarado Sanchez Law Firm. |

1 Q When you said -- I think you made a mistake. You mean Alvarado Smith? Not Alvarado Sanchez. 2 3 Α Yes, Alvarado Smith. Was Ms. Wallace at all involved in any way in 4 0 5 any discussions leading up to, or as part of this option that your father acquired at some point in time 6 7 for an interest in the Adelanto business? 8 Α She may have been in a meeting, but she had no input and no authority and, you know, no direction in 9 That was strictly the other parties. 10 that. What meeting are you referring to? 11 O 12 A meeting at the Alvarado Smith Law Firm. Α 13 0 Were you present at that meeting? 14 Yes. Α 15 0 Was your dad present at that meeting? 16 No. Α 17 What's your dad's name? O 18 Α Miquel Armando Pulido. Did you say Miguel Armando Pulido? 19 0 20 Α Yes. 21 Is that his full name? 0 Okay. 22 Α Yes. 23 Has he ever gone by any other names, other 0 24 than Miguel Armando Pulido or Miguel A. Pulido? 25 Α No.

| 1 | Q Okay. |
|----|---|
| 2 | A Miguel Pulido sometimes; but no "Armando" and |
| 3 | no "A". |
| 4 | Q Okay. Have you ever gone by strike that. |
| 5 | Have you ever used any names other than |
| 6 | Miguel A. Pulido, Miguel Angel Pulido, Miguel Pulido, |
| 7 | any of those names? |
| 8 | A No. |
| 9 | Q Have you ever referred strike that. |
| 10 | Have you ever heard of anybody by the name of |
| 11 | M.A.P Sanchez? |
| 12 | A Miguel Armando Pulido Sanchez. Sanchez is my |
| 13 | father's mother's maiden name; and in Mexico, sometimes |
| 14 | you use two names, two last names. |
| 15 | I should restate what I said earlier. Me, on |
| 16 | my birth certificate, I'm Miguel Angel Pulido LaFarga, |
| 17 | LaFarga being my mother's maiden name. So Sanchez is |
| 18 | my father's mother's maiden name. |
| 19 | Q Have you ever used at any time the name |
| 20 | M.A.P Sanchez for |
| 21 | A No. |
| 22 | Q anything involving yourself? |
| 23 | A No. |
| 24 | Q So if the Bushalas said that the M.A.P Sanchez |
| 25 | that had an ownership interest in the Adelanto business |

1 was you, Miguel Pulido, the former mayor of the City of Santa Ana, then your position is that they 2 3 are not telling the truth. Is that correct? That would be correct. 4 5 Are you aware that the Bushalas have alleged O that the person referred to as M.A.P Sanchez, who had 6 7 an ownership interest in the Adelanto marijuana 8 business, was you, and not your father? 9 Α No. You're not aware of that? 10 11 Α No. 12 As you sit here today, you've never heard that O 13 from any source. Is that correct? 14 Correct. Α 15 When is the last time you talked to the 16 Bushalas? 17 Α A month ago. 18 And have you ever had any conversations with them about who is M.A.P Sanchez? 19 20 Α No. 21 When was your father born? 0 22 Α September 24, 1925. 23 So how old is he today? O 24 95. Α And where does he live? 25 O

| 1 | A In Santa Ana. |
|----|---|
| 2 | Q Does he live at your house? |
| 3 | MR. MCCLUNG: Counsel, would this be a good |
| 4 | time to take a break? I think we've been going for an |
| 5 | hour. |
| 6 | MR. GRANT: Yeah. Let me just get the answer |
| 7 | to this question. Sure. No problem. Let me just get |
| 8 | the answer to this question, and then we can take a |
| 9 | break. |
| 10 | Q Does your father live with you, at your |
| 11 | residence? |
| 12 | A No. |
| 13 | Q Does he live how far away from your |
| 14 | residence does he live? |
| 15 | A Ten minutes. |
| 16 | Q Okay. How often |
| 17 | MR. MCCLUNG: Counsel, you got the answer to |
| 18 | your question. |
| 19 | MR. GRANT: All right. That's fine. |
| 20 | MR. MCCLUNG: And you said we would take a |
| 21 | break. |
| 22 | MR. GRANT: You're right. |
| 23 | MR. MCCLUNG: I'm not understanding why you're |
| 24 | not doing it. I do this for the reporter, the |
| 25 | videographer, and the other people. |

1 So if we could take a five-minute break, that 2 would be great. 3 MR. GRANT: Sure. Let's go off the record. MR. MCCLUNG: What time do we have on the 4 5 record, Mr. Irwin? 6 THE VIDEOGRAPHER: One moment. Let's go off 7 The time is 11:34. the record. 8 (Break taken from 11:34 a.m. to 11:53 a.m.) 9 THE VIDEOGRAPHER: The time is 11:53. We are back on the record. 10 BY MR. GRANT: 11 12 Something that we -- your attorney All right. 13 probably went over with you ahead of time, Mr. Pulido, 14 but I'm doing it sort of out of order. I'm going to go through some of the rules of the deposition or what 15 16 attorneys like to call "admonitions". 17 Have you ever had your deposition taken, prior 18 to today? 19 Α Yes. 20 0 How many times? 21 Probably two times. Α 22 And when was the last time you had your O 23 deposition taken? 24 Many, many years ago. I had the same attorney Α 25 at the time. Maybe I could ask him, because I don't

| 1 | recall; but it was many years ago. |
|----|---|
| 2 | Q All right. So I believe what you're saying is |
| 3 | that the last time you were deposed, it's your |
| 4 | recollection that Mr. McClung was also representing |
| 5 | you, for purposes of that deposition? |
| 6 | A Yes. |
| 7 | Q And it's your best recollection that it was a |
| 8 | number of years ago? |
| 9 | A Yes. |
| 10 | Q Okay. And what was that deposition given in |
| 11 | connection with? Were you testifying as an individual |
| 12 | or as a designated witness on behalf of, for example, |
| 13 | the City of Santa Ana? Do you understand the |
| 14 | difference? |
| 15 | A Yeah. But I'm not sure what it was. Maybe |
| 16 | I'm not, you know, it was because I was mayor; but they |
| 17 | were, you know, I believe suing me individually. So I |
| 18 | don't know that it falls into either category. It's a |
| 19 | little bit of both. |
| 20 | Q All right. And what was the was there a |
| 21 | lawsuit that was pending, pursuant to which you gave |
| 22 | the deposition? |
| 23 | A Yes. |
| 24 | Q And do you recall the name of the lead |
| 25 | plaintiff in the lawsuit? |

| 1 | A | Yes. |
|----|-----------|---|
| 2 | Q | And what's that name? |
| 3 | А | Hermandad Mexicana. |
| 4 | Q | And |
| 5 | А | H-e-r-m-a-n-d-a-d, and then M-e-x-i-c-a-n-a. |
| 6 | Q | And what was the general nature of the |
| 7 | dispute? | Was it an employment dispute? Was it a |
| 8 | personal | injury matter? What was the general nature of |
| 9 | the disp | ate for which you were giving deposition |
| 10 | testimon | À. |
| 11 | А | I believe it was political. |
| 12 | Q | Okay. I understand that you believe it was |
| 13 | politica | l. But more of what was the subject matter of |
| 14 | the liti | gation that gave rise to your deposition? |
| 15 | | In other words, someone had lost a job, |
| 16 | someone q | got in a car accident, someone said that you |
| 17 | stole mon | ney from them? I have no idea. |
| 18 | A | It was an allegation which we prevailed on. |
| 19 | You know | , nothing occurred at the end of the day. |
| 20 | | But the allegation was over a form, and the |
| 21 | disclosu | re of that form, and whether or not information |
| 22 | was prope | erly being filed. |
| 23 | Q | Was that a Form 700, for the Fair Political |
| 24 | Practice | 5? |
| 25 | А | Yeah, it was a Form 700; but it was not for |

| 1 | the City of Santa Ana only. It was also for the Orange |
|----|--|
| 2 | County Transportation Authority; and it had to do with |
| 3 | the definition of jurisdiction and, you know, which |
| 4 | form should it go on, you know, based on the physical |
| 5 | location. |
| 6 | And it was something that was outside of the |
| 7 | City of Santa Ana, and I included it on my OCTA form. |
| 8 | But because it was outside of the City of Santa Ana, I |
| 9 | didn't include it within the City of Santa Ana. And |
| 10 | the allegation was that I should have included it on |
| 11 | both. |
| 12 | Q Did this deal with the alleged property swap |
| 13 | matter, or was this something else? |
| 14 | A No. This was something else. |
| 15 | Q All right. And all right. |
| 16 | And then you said that there was another |
| 17 | instance that you can recall where you gave deposition |
| 18 | testimony. Is that correct? |
| 19 | A To tell you the truth, I'm not sure about |
| 20 | that. There may have been another case, earlier, but |
| 21 | that may have been the first deposition. |
| 22 | Q All right. Have you ever testified in any |
| 23 | court proceeding, other than in deposition? So at |
| 24 | court? |
| 25 | A Yes. |

| 1 | Q Approximately what's your best estimate as to |
|----|--|
| 2 | the number of times? |
| 3 | A One time. |
| 4 | Q And when did you give that testimony? |
| 5 | A I believe it was back in the 1980's. We were |
| 6 | fighting I was with an organization, and we were |
| 7 | fighting a nuclear power plant. And I went in with a |
| 8 | group of scientists; and I you know, we were part of |
| 9 | the trial. |
| 10 | And I don't know that I went up on the witness |
| 11 | stand. I would remember that. But I did go through, |
| 12 | you know, being qualified to testify, et cetera, |
| 13 | et cetera. |
| 14 | Q Got you. All right. So I'm going to go |
| 15 | through some of the ground rules with you, since it |
| 16 | sounds like, you know, your experience of giving |
| 17 | deposition testimony or testimony in court is fairly |
| 18 | limited and fairly long ago. |
| 19 | Although the rules haven't changed much, this |
| 20 | is really just to make sure we're on the same page |
| 21 | although I think that we are, for the most part and |
| 22 | to make sure we have a record of what our ground rules |
| 23 | are. |
| 24 | Okay? |
| 25 | A Go ahead. |

| 1 | Q All right. So you understand that everything |
|----|---|
| 2 | that's being said today is being recorded by the court |
| 3 | reporter, and also on the video audio and video. |
| 4 | Correct? |
| 5 | A Yes. |
| 6 | Q All right. And because of the fact that it's |
| 7 | all being taken down by the court reporter, it's |
| 8 | important that whenever you answer one of my questions, |
| 9 | you do so audibly and with words, and not things like |
| 10 | shakes of the head or "uh-huhs" or "huh-uhs"; because |
| 11 | we want to make sure we have the clearest record |
| 12 | possible, and those type of responses are not always |
| 13 | accurately depicted in the transcript. |
| 14 | Do you understand that? |
| 15 | A Yes. |
| 16 | Q All right. So if there may be times |
| 17 | throughout the deposition where I ask you "Is that a |
| 18 | 'yes'; is that a 'no'," that's not me trying to |
| 19 | intimidate you or embarrass you, or anything like that. |
| 20 | It's just me trying to make sure we have a clear |
| 21 | record. |
| 22 | Is that fair? |
| 23 | A Understood. |
| 24 | Q All right. Because we have a court reporter |
| 25 | taking down everything, and we want to make sure we |

have your most accurate testimony, it's important that you do your best to wait until I am completely finished with my question before you provide your response, and I'll do my best to wait until you're done with your answer before I ask you my next question.

Is that fair?

A Yes.

2.2

Q Okay. And the reason why is because what ends up happening is, if I start my question -- and when we talk in conversation, you anticipate the question that I'm going to ask. And in a normal conversation you'd tell me, I wouldn't need to finish my question, and we'd both be on the same page.

But in a deposition we want to make sure that we have the full question and then your full answer. And if we talk over each other, either the court reporter might not get it all down; or you'll see half of my question, part or all of your answer, and then the remainder of my question. And that -- then you're not really confident or sure that you had heard the entire question when you gave your answer.

So it's important. There will be times when we end up talking over each other; but we've got to do our best to, you know, wait until we're done.

Is that fair?

| 1 | A Yes. |
|----|--|
| 2 | Q All right. Will you please let me know, if I |
| 3 | ask you a question that you do not hear some or all of |
| 4 | the question, that you will ask me to repeat the |
| 5 | question? |
| 6 | A Yes. |
| 7 | Q And will you agree that, if you do not |
| 8 | understand a question or any part of my question, that |
| 9 | you will ask me to rephrase or to clarify the question |
| 10 | before you answer? |
| 11 | A Yes. |
| 12 | Q So is it fair to say that if you answer one of |
| 13 | my questions, you will have believed you heard it and |
| 14 | you understood it, if you do not ask for clarification |
| 15 | or for it to be repeated? |
| 16 | A Yes. |
| 17 | Q All right. And you understand that you're |
| 18 | under oath today. Correct? |
| 19 | A Yes. |
| 20 | Q And that you've you've sworn to the truth |
| 21 | of your testimony, under penalty of perjury? |
| 22 | A Yes. |
| 23 | Q What's your understanding of what that means, |
| 24 | to swear to give testimony that's truthful, under |
| 25 | penalty of perjury? |

| Τ | A What those words say, that you have to give it |
|----|---|
| 2 | under penalty of perjury. |
| 3 | Q All right. And do you have any understanding |
| 4 | as to what the potential well, strike that. |
| 5 | Do you know whether there are any well, |
| 6 | strike that. |
| 7 | Are you aware of the fact that if it's |
| 8 | determined that you gave false testimony, that there |
| 9 | are potential possible criminal implications or other |
| LO | types of sanctions that can be imposed by the court? |
| 11 | A Yes. |
| 12 | Q All right. Now, at the end of the deposition, |
| 13 | the court reporter is going to prepare a booklet that |
| 14 | contains my questions and your answers; and you're |
| 15 | going to have an opportunity to review your answers and |
| 16 | make any changes that you believe are necessary, to |
| L7 | make your testimony accurate and complete. |
| 18 | Do you understand that? |
| 19 | A Yes. |
| 20 | Q But I want to caution you that if you make any |
| 21 | changes to your deposition transcript, we have the |
| 22 | right to comment on that at the time of trial or any |
| 23 | other proceeding, and it may affect your credibility |
| 24 | with the Judge or any other trier of fact. |
| 25 | Do you understand that? |

| 1 | A Yes. |
|----|--|
| 2 | Q All right. You understand that it's important |
| 3 | for us to get your best and most accurate and complete |
| 4 | testimony today. Correct? |
| 5 | A Yes. |
| 6 | Q All right. So if you can, we're hoping that |
| 7 | we're going to get the information today, and that |
| 8 | there won't be substantive changes to your testimony. |
| 9 | So if there is any point today where you |
| 10 | believe that an answer that you gave is incorrect or |
| 11 | incomplete, please let us know, so that we can have an |
| 12 | opportunity to follow up with you, to follow up on the |
| 13 | question and clarify anything in your answer. |
| 14 | Okay? |
| 15 | A Yes. |
| 16 | Q All right. Is there anything that prevents |
| 17 | you from giving your best testimony today? |
| 18 | A No. |
| 19 | Q So there is no medical conditions that you |
| 20 | have, that prevents you from giving accurate or |
| 21 | complete testimony today. Is that correct? |
| 22 | A Correct. Other than, you know, this the |
| 23 | all I wish we could just do it all live together, in |
| 24 | person. This is awkward, at times. |
| 25 | Q With the remote? |

| 1 | A Everything, yes. |
|----|---|
| 2 | Q Okay. Well, I agree with that. We're doing |
| 3 | the best we can do. |
| 4 | So maybe one day we'll have some of it in |
| 5 | person; but I appreciate you working with us, getting |
| 6 | it done, in light of the circumstances of COVID and |
| 7 | everything else. All right. |
| 8 | And I take it that you haven't taken any |
| 9 | medications or any substances that you understand could |
| 10 | affect your ability to provide accurate and complete |
| 11 | testimony. Is that a fair statement? |
| 12 | A To the best of my knowledge. I mean, I do |
| 13 | take insulin, and sometimes that has a lot of a lot |
| 14 | of impacts; but I'm doing it to the best of my ability. |
| 15 | Q All right. And do you recognize when you're |
| 16 | having an impact from the insulin? |
| 17 | A I don't have a constant monitor. So sometimes |
| 18 | the blood sugar can be higher than I think it is; but I |
| 19 | have to go test, and then I inject insulin. Right now |
| 20 | I don't have any of that here; so I believe I'm okay, |
| 21 | but sometimes, you know, you have to really be on top |
| 22 | of blood sugar. It can spike. |
| 23 | Q Sure. |
| 24 | And did you take insulin this morning? |
| 25 | A No. Last night. |

| 1 | Q All right. And do you believe, so far today, |
|----|---|
| 2 | that the testimony you've given has been impacted by |
| 3 | your the diabetes and the insulin issue that you're |
| 4 | referring to? |
| 5 | A Other than I just don't feel a hundred |
| 6 | percent; but, you know, but again, I'm doing the best I |
| 7 | can. |
| 8 | Q All right. Do you think that you would be |
| 9 | more like a hundred percent on a different day |
| 10 | tomorrow, next week, something like that or do you |
| 11 | think it's about the same any given day? |
| 12 | A It goes up and down. It depends what you eat. |
| 13 | It depends how much you take. It depends how often |
| 14 | you're testing. |
| 15 | Diabetes is a difficult thing to deal with. |
| 16 | Q And does this diabetes and the blood sugar, |
| 17 | does that affect your memory? |
| 18 | A Yes, sometimes it does. |
| 19 | Q Does it affect your ability to accurately |
| 20 | recall information? |
| 21 | A Yes. |
| 22 | Q All right. Having had the opportunity to take |
| 23 | a break, is there any testimony that you've given |
| 24 | today, before now, that you want to correct, amend or |
| 25 | in any way, you know, modify, add to, to make sure that |

1 it's accurate and complete, as far as you are aware? 2 I think we're okay. Α 3 All right. So it's your position that, as far as you are concerned, the testimony you provided today 4 is accurate and complete so far. Correct? 5 6 Α Correct. 7 All right. Now, you mentioned that you had 0 8 texted with Ms. Wallace as recently as yesterday. 9 Correct? 10 Α Yes. And that was on your cell phone. 11 Q 12 Α Yes. 13 So do you still have those text 0 14 messages on your cell phone? 15 Α No. 16 So what happened to the text messages Q Okay. between you and Ms. Wallace from yesterday? 17 18 I make it a practice, and I have for years, to delete text messages. And so I delete at the end of 19 20 the day; sometimes more than that. I just delete all 21 messages. 22 And when did you adopt that practice? Q 23 Many years ago. Α What's your best estimate as to when? 24 Q At least ten years ago, whenever heavy texting 25 Α

| 1 | began. |
|----|--|
| 2 | Q All right. And how do you go about deleting |
| 3 | these text messages, as part of this procedure that |
| 4 | you've described? |
| 5 | A I go on the phone, and there is options, and |
| 6 | you click the "delete", and it deletes. |
| 7 | Q All right. And what's the reason why you |
| 8 | adopted that procedure, to delete all text messages on |
| 9 | a daily basis or so? |
| 10 | A I like to see what new messages are. I get a |
| 11 | lot. And some of these, I just don't want them hanging |
| 12 | around. I'd rather just, you know, clean up the files, |
| 13 | so to speak. |
| 14 | Q And why do you not want the messages to hang |
| 15 | around? |
| 16 | A I like the phone better when it's just |
| 17 | everything is fresh. |
| 18 | Q Do you currently have any text messages that |
| 19 | you sent to or received from Jill Wallace at any time, |
| 20 | including today? |
| 21 | A No. |
| 22 | Q And when was the last time that you deleted a |
| 23 | text message that was you sent to or received from |
| 24 | Jill Wallace? |
| 25 | A Yesterday. |

| 1 | Q And if you were going to send Jill Wallace a |
|----|---|
| 2 | text message on your phone how would you go about doing |
| 3 | that? |
| 4 | A I type in her number, and I go to the text |
| 5 | thing. I press that, and then I text a message. |
| 6 | Q So if you go to your what your text |
| 7 | messages on your phone right now, can you please do |
| 8 | that, and hold it up? Because I want to see that there |
| 9 | is no text messages there. |
| 10 | A (Witness complies). |
| 11 | Q Okay. Can you press the see, it says |
| 12 | "Ruben Smith". I would like to do you see where it |
| 13 | says I would like you to go to your text messages |
| 14 | screen, and hold that up. |
| 15 | A (Witness complies). |
| 16 | Q That's Ruben Smith still. |
| 17 | A Look, the number is Jill's number, but it says |
| 18 | "Ruben Smith". My phone is acting up severely. I'm |
| 19 | trying to get it cleaned up here at the city. They |
| 20 | deleted my whole city system, and that has caused a lot |
| 21 | of problems. |
| 22 | Q Okay. Can you turn the phone towards the |
| 23 | camera again? |
| 24 | A Yeah, I am. But I'm trying to show you. |
| 25 | Q Right. But I don't want you to change |

| 1 | anything. |
|----|---|
| 2 | A I'm not. I'm not. What I'm trying to show |
| 3 | you is I'm trying to show you that the number I gave |
| 4 | you, the 514-6455, area code 714, that that is Jill's |
| 5 | number, even though it currently says "Ruben Smith". |
| 6 | Q All right. But if you could turn the phone |
| 7 | back around to the camera, please? |
| 8 | A Hold on. I'm trying to get to Ruben's back |
| 9 | on. |
| 10 | MR. MCCLUNG: Counsel, what exactly is your |
| 11 | question that you want to ask? Because I'm unclear. |
| 12 | MR. GRANT: I want him to show me the text |
| 13 | messages screen on his phone, to see if it's accurate |
| 14 | that he deleted all the text messages or not. |
| 15 | MR. MCCLUNG: Perfect. Okay. |
| 16 | So Miguel, you need to go to text messages on |
| 17 | your phone. |
| 18 | THE WITNESS: This is my screen. |
| 19 | MR. MCCLUNG: And then bring your phone up in |
| 20 | front of the camera, for counsel to see. |
| 21 | BY MR. GRANT: |
| 22 | Q Cancel this. Then there should be can you |
| 23 | hit the "cancel" button there, please? |
| 24 | And then show the phone to the screen, please. |
| 25 | A Now, right now |

1 Q Without changing the stuff that's depicted. That's the screen (indicating). 2 Α 3 0 Right. So that's your messages. And you have a text message from Mia Bushala 4 5 that came in today, at 12:01 p.m. Correct? Α 6 Correct. 7 And it says: "Please call. Very important O 8 that --" is that a message you sent or that you received? 9 No, I received, but I haven't opened it yet. 10 And then there is also a message one 11 12 minute before, from Al Bushala, that says: "Miguel, 13 please call ASAP. Very important." 14 Correct? 15 Α Correct. 16 Okay. And if you click on the Mia Bushala Q thing, without changing anything, just click on it one 17 Please show me. No, you've got to go back to 18 time. that. 19 Okay. 20 Α (Indicating). 21 All right. Now, that shows that you have text 0 22 messages -- wait. No, no. Please put it back up. 23 It shows that you have text messages between you and Mia Bushala from Thursday. So prior to --24 25 that's last week. Correct?

| 1 | A I don't delete everything, but I do delete |
|----|---|
| 2 | everything from Ms. Wallace. |
| 3 | Q Why do you delete everything from well, |
| 4 | let's back up. Who else wait, wait, wait. Please |
| 5 | don't. Okay. Please go back to Mia Bushala. Okay. |
| 6 | Please take your finger, and just pull the |
| 7 | scroll down. I want to see how far back the text |
| 8 | messages go. |
| 9 | MR. MCCLUNG: Counsel |
| 10 | MR. GRANT: That you have. |
| 11 | MR. MCCLUNG: Counsel, you need to ask |
| 12 | questions. I'm going to object to any further |
| 13 | demonstrative testimony at this time. You've made your |
| 14 | point. He's got some |
| 15 | MR. GRANT: No. I've not. |
| 16 | MR. MCCLUNG: It's beyond the scope of the |
| 17 | deposition. It has nothing to do what he's here for |
| 18 | today. |
| 19 | Ask him questions, please. No more |
| 20 | demonstrative evidence. |
| 21 | MR. GRANT: That's incorrect, counsel. The |
| 22 | way that a deposition works is the same as at trial. |
| 23 | And the California Supreme Court has ruled that you can |
| 24 | ask at trial and at deposition people to make please |
| 25 | do not make any changes to the phone. |

You have a duty to preserve potentially relevant evidence, and we asked for the communications between you and the Bushalas. We asked for the communications, including text messages, between you and Jill Wallace.

You're on notice, if you weren't already, that you may not alter, delete any of those messages. You have a duty to preserve them; and you've had a duty to preserve them since you were aware of the fact of the disputes in litigation, where they could be potentially relevant evidence.

And I don't care if you agree with that or not, but I'm putting it on the record that I'm advising you of that. I am entitled to, and I will go call Judge Wilson and see if he will rule on it, if it's a problem. Because I believe that the witness has exfoliated evidence earlier today, by deleting the name that he had Ms. Wallace's contact information on. And I'm watching him.

I've told you that I have a problem with how the setup was. I'm watching him hit buttons and do stuff on the phone when I'm asking him not to it. So I'm going to tell you what my request is, which is perfectly appropriate for a deposition.

Mr. Pulido, please hold up your phone and

| 1 | scroll down on the text messages with Mia Bushala, so |
|----|--|
| 2 | that you can tell me the earliest date of the text |
| 3 | message you have with her. |
| 4 | MR. MCCLUNG: I'm instructing the witness not |
| 5 | to do any more demonstrative things with his phone. |
| 6 | That's not part of this deposition. |
| 7 | If you want to ask him a question regarding |
| 8 | documents, feel free to ask him. |
| 9 | MR. GRANT: Counsel |
| 10 | MR. MCCLUNG: You need to stay within the |
| 11 | scope of the deposition. |
| 12 | MR. GRANT: Counsel, what's the basis for your |
| 13 | instruction? |
| 14 | MR. MCCLUNG: Let me talk, counsel. Only one |
| 15 | person can talk at a time, for the reporter and for |
| 16 | Zoom. |
| 17 | I'm stating an objection that you're asking |
| 18 | questions that are outside the scope of the Court's |
| 19 | Order. You're asking for text messages yesterday, when |
| 20 | the time period of your notice and documents ends in |
| 21 | 2019, October. So if you want to ask him about |
| 22 | please let me finish. |
| 23 | Feel free to ask him about documents; and you |
| 24 | can ask him about his phone, if you want to. But there |
| 25 | is nothing about this deposition that requires him to |

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|----|---|
| 1 | show you his phone, and have you ask him to hit buttons |
| 2 | on it. That's not part of this deposition. It's |
| 3 | beyond the scope of this deposition, and I'm objecting |
| 4 | to it and asking you not to do that further. |
| 5 | Ask him questions, please. |
| 6 | MR. GRANT: I hear your request. It is |
| 7 | denied. I will continue to ask the questions I believe |
| 8 | are appropriate. You are incorrect about the |
| 9 | timeframe. |
| 10 | The timeframe is what is related to that |
| 11 | timeframe. It is not limited to documents that came |
| 12 | into existence during that timeframe and if |
| 13 | communications between him and some other person |
| 14 | relates or reflects his relationship with Ms. Wallace |
| 15 | during the timeframe the Judge specified, then I am |
| 16 | entitled to ask that. |
| 17 | Mr. Pulido, I'm going to ask you counsel, I |
| 18 | don't believe that's a valid objection, and I don't |
| 19 | believe you've stated a valid objection for instructing |
| 20 | the witness not to provide the information and to show |
| 21 | the information on his phone, which is a document, even |

if it's an electronic form.

Q So I'm going to ask the witness again, without
modifying any of the data on your phone, please tell

22

23

24

25

me how far back the text messages between you and

| 1 | Mia Bushala go on that phone. And the reason why I'm |
|----|--|
| 2 | entitled to ask that is because the witness earlier |
| 3 | today testified that he had a practice of deleting all |
| 4 | text messages the same day, didn't limit it to |
| 5 | Ms. Wallace until he modified his testimony. |
| 6 | And I am entitled to take testimony and obtain |
| 7 | testimony that evaluates the credibility and the |
| 8 | veracity of the testimony that the witness has |
| 9 | provided. |
| 10 | Accordingly, I'm asking you, Mr. Pulido, to |
| 11 | take your phone, and without deleting or modifying |
| 12 | the data, scroll back as far as it will go on the |
| 13 | Mia Bushala text messages, and tell me what the |
| 14 | earliest date of the text message is. |
| 15 | Do you understand what I've asked you to do? |
| 16 | MR. MCCLUNG: He's standing on my objection, |
| 17 | counsel. Can you ask |
| 18 | MR. GRANT: It's a different question. |
| 19 | MR. MCCLUNG: Feel free to ask questions. |
| 20 | He's not going to do any more demonstrative evidence |
| 21 | with his phone. |
| 22 | MR. GRANT: Okay. |
| 23 | MR. MCCLUNG: You need to do something else |
| 24 | and ask your questions. I'm sure you have plenty of |
| 25 | questions. |

| 1 | MR. GRANT: Yeah, I do. |
|----|---|
| 2 | MR. MCCLUNG: If you want to make a specific |
| 3 | request to examine his phone, feel free to subpoena his |
| 4 | phone. You haven't done that. |
| 5 | MR. GRANT: Actually, I have. |
| 6 | MR. MCCLUNG: Let's move on. |
| 7 | MR. GRANT: Okay. Counsel Mr. Pulido, are |
| 8 | you going to follow the instruction that your counsel |
| 9 | has given you? |
| 10 | THE WITNESS: Yes, I am. |
| 11 | MR. GRANT: Counsel, can we have is it |
| 12 | stipulation that if you give an instruction to |
| 13 | Mr. Pulido not to answer my question or not to do |
| 14 | something that's being requested that he's going to |
| 15 | follow that instruction, without the necessity of the |
| 16 | follow-up question to Mr. Pulido of whether he's going |
| 17 | to follow your advice? |
| 18 | MR. MCCLUNG: Of course, yes. |
| 19 | BY MR. GRANT: |
| 20 | Q Okay. Mr. Pulido, I'm not asking you let |
| 21 | me do this. Hold on. |
| 22 | Counsel, are you willing to stipulate that if |
| 23 | I ask him to do any further showing me of anything on |
| 24 | his phone today, that you are going to instruct him not |
| 25 | to answer, or not to do it? |

| 1 | MR. MCCLUNG: No. I'm not willing to |
|----|---|
| 2 | stipulate to that; because if he refers to his phone in |
| 3 | answering your question, I think you're entitled to see |
| 4 | what he's looking at. So |
| 5 | MR. GRANT: Okay. |
| 6 | MR. MCCLUNG: not quite that broad. |
| 7 | What I'm saying is I'm asking you not to ask |
| 8 | him to play with his phone for you. |
| 9 | MR. GRANT: Okay. Well |
| 10 | MR. MCCLUNG: If he refers to his phone, |
| 11 | you're entitled to ask him questions about what he's |
| 12 | referring to. |
| 13 | MR. GRANT: Okay. I disagree with you. And |
| 14 | so then I guess I have to ask the questions, and see if |
| 15 | you're going to instruct him not to comply with them. |
| 16 | Q Mr. Pulido, I would ask you to show me you |
| 17 | scrolling back on the text message for Mia Bushala. |
| 18 | And I take it, counsel, that you would |
| 19 | instruct him not to so. Correct? |
| 20 | MR. MCCLUNG: I'm not sure what you want him |
| 21 | to do. But if it involves him taking actions with his |
| 22 | phone right now, yes. |
| 23 | I'm instructing him not to take any actions |
| 24 | with his phone, at your request. |
| 25 | |

| 1 | BY MR. GRANT: |
|-----|---|
| 2 | Q Okay. So Mr. Pulido, without showing me, I |
| 3 | would like you to tell me what the earliest text |
| 4 | message you have on your phone from Mia Bushala, either |
| 5 | that you sent to her or that she sent to you. |
| 6 | You can answer? |
| 7 | MR. MCCLUNG: You can answer that question. |
| 8 | You don't have to use your phone to answer that |
| 9 | question. |
| 10 | THE WITNESS: I don't know. |
| 11 | BY MR. GRANT: |
| 12 | Q Okay. Would looking at your phone help |
| 13 | refresh your recollection as to when the earliest text |
| 14 | messages on the phone that you either sent to |
| 15 | Ms. Bushala or you received from Ms. Bushala? |
| 16 | A I think that would mean me playing with the |
| 17 | phone still. |
| 18 | Q Mr. Pulido, let me give you another rule of |
| 19 | the deposition. I'm entitled to you answering my |
| 20 | questions. |
| 21 | At the end of the deposition, if you have |
| 22 | something you want to add, your counsel can ask you all |
| 23 | the questions he wants. We can sit here all day long. |
| 24 | If he wants to clarify your answers, if you want him to |
|) E | oligit information from you about your eninions on |

| 1 | things or whatever commentary you want to provide, he |
|----|---|
| 2 | can do that. But I'm entitled to you answering the |
| 3 | question that I ask, without you answering the question |
| 4 | that I didn't ask in the process. |
| 5 | Do you understand that? Do you understand |
| 6 | that? |
| 7 | A Yes. |
| 8 | Q Great. Okay. Throughout the deposition if |
| 9 | your client strike that. Throughout the deposition, |
| 10 | if your counsel does not object and does not instruct |
| 11 | you not to answer, so if he doesn't object at all, or |
| 12 | if he just objects and does not instruct you not to |
| 13 | answer or perform the task I've requested, you |
| 14 | understand that I'm entitled to your answer. |
| 15 | Correct? |
| 16 | A Yes. |
| 17 | Q And you understand that throughout the |
| 18 | deposition we're going to talk about things that |
| 19 | happened a while ago, in terms of time. You may talk |
| 20 | about distances or things like that; and so I'm |
| 21 | entitled to your best estimate, if you do not know the |
| 22 | specific information. |
| 23 | Do you understand that? |
| 24 | A I understand that this deposition is limited |
| 25 | by a Court Order, in terms of subject matter and time. |

| 1 | Q Okay. Mr. Pulido, can you please listen to my |
|----|---|
| 2 | question? Do you understand that if I ask you a |
| 3 | question, and you have the specific information that I |
| 4 | am requesting, and you are not instructed by your |
| 5 | counsel not to answer, that I'm entitled to the answer |
| 6 | with the specific information? |
| 7 | A I believe the Court Order is in play here, and |
| 8 | that you have to follow that Court Order, and that I'm |
| 9 | obligated to answer any questions covered by the Court |
| 10 | Order. |
| 11 | Q Mr. Pulido, do you understand that if your |
| 12 | counsel does not instruct you not to answer a question, |
| 13 | that I'm entitled to the answer, if you know the |
| 14 | information I've requested? |
| 15 | A Again, I believe that's the case if that's |
| 16 | what the Judge ordered. |
| 17 | Q Mr. Pulido, do you believe that you are more |
| 18 | knowledgeable strike that. |
| 19 | Do you understand that your attorney is the |
| 20 | one who is supposed to make objections and make |
| 21 | instructions not to answer questions? Or do you |
| 22 | believe that you also have the right to decide, |
| 23 | independently of whether your counsel has made an |
| 24 | objection and given an instruction, that you're going |
| 25 | to refuse to answer a question? |

| 1 | A I believe I have that right, if I state the |
|----|--|
| 2 | reason why. And I believe there is a Court Order that |
| 3 | limits the scope of this deposition, and I want to |
| 4 | abide by the Court Order. |
| 5 | Q Okay. Great. |
| 6 | So you have read the Court order. Correct? |
| 7 | A That portion, yes. |
| 8 | Q Which portion? |
| 9 | A A portion that talks about the Judge allowing |
| 10 | this deposition and that of Ms. Wallace, under a |
| 11 | certain timeframe, and certain subject matter. |
| 12 | Q Okay. What's your understanding of the scope |
| 13 | of what the discovery the Judge has allowed for this |
| 14 | deposition, in terms of timeframe? |
| 15 | A If I could have Laura Rossini send me the |
| 16 | Court Order, I can read it to you. |
| 17 | Q No. I want to know your understanding, |
| 18 | Mr. Pulido. You just got through saying that you think |
| 19 | you have the right to decide |
| 20 | A To October 2019, and I think it has to do with |
| 21 | Ms. Wallace, and the car wash, and that's it. |
| 22 | Q So I'm going to ask you my question again. |
| 23 | And I'm going to tell you the rule is that, if your |
| 24 | attorney doesn't instruct you not to answer, I'm |
| 25 | entitled to your answer. |

| 1 | Do you understand what I just said? I don't |
|----|--|
| 2 | care if you agree with it. Do you understand what I |
| 3 | just said? |
| 4 | A I understand what you said. |
| 5 | Q Okay. Are you going to comply with that? Are |
| 6 | you going to give me the answer to my question if you |
| 7 | know the answer, and your attorney does not instruct |
| 8 | you not to answer? |
| 9 | A I will listen to my attorney. But I'll remind |
| 10 | you that we have a limited scope here, for purposes of |
| 11 | this deposition. That's what the Judge ordered. |
| 12 | Q Mr. Pulido, what's your understanding of what |
| 13 | the Judge ordered, then, without looking at it? I want |
| 14 | to know what you're referring to, when you said you |
| 15 | have this understanding. |
| 16 | A He limited it to a certain time period: 2015 |
| 17 | until some October something in 2019, I believe. |
| 18 | That it has to be things that are relevant |
| 19 | to the car wash. And relevant to, you know, to |
| 20 | Ms. Wallace. |
| 21 | Q Is it if it's related to the relationship |
| 22 | between you and Ms. Wallace during that time period? |
| 23 | Is it your understanding that's within the scope? |
| 24 | A Yes. But also any potential conflict related |
| 25 | from that. |

Q Okay.

A But that's the scope, that the Judge said that you get to do deposition, but here are the ground rules.

MR. GRANT: Okay. I'm requesting, counsel, that you instruct the witness to preserve his cell phone, in light of -- because I'm going to go in ex parte on either Friday or Monday, for an order from the court to seize the phone and preserve it until he can rule on a motion to whether to allow forensic imaging of that phone and of Mr. Pulido's other computers and electronic devices, laptops, whatever it is.

So I'm requesting -- you know that Mr. Pulido has a duty to preserve potentially relevant evidence.

There is clearly text messages that Mr. Pulido earlier said did not exist on his phone, including text messages with the Bushalas, that is intricately involved in the business that we contend Mr. Pulido and Ms. Wallace had an ownership interest in.

And so, as an officer of the court, and someone who I know understands the obligations of a witness with potentially relevant evidence, I request that you ensure that Mr. Pulido does not delete or alter the data on the phone, including any of those

| 1 | text messages, and that they are preserved and in a way |
|----|---|
| 2 | so that the Judge can decide whether or not he's going |
| 3 | to allow me to ask those questions, and whether or not |
| 4 | he's going to allow me to have forensic imaging. |
| 5 | Is that something that is agreeable? |
| 6 | MR. MCCLUNG: I will certainly stipulate with |
| 7 | you on the record that until you've completed your |
| 8 | deposition of the mayor, that he doesn't make any |
| 9 | further deletions of his texts from his phone. |
| 10 | MR. GRANT: And when you say completion |
| 11 | MR. MCCLUNG: And for a Court Order, you don't |
| 12 | need to go in ex parte to do that. |
| 13 | MR. GRANT: Okay. And in terms of completion |
| 14 | of his deposition, you agree that that doesn't mean |
| 15 | that at the end of the deposition today that he can |
| 16 | delete or alter the text messages; because I'm telling |
| 17 | you that I'm not going to be completed with my |
| 18 | examination. Because I'm going to ask the court for |
| 19 | that relief; because there is going to be things I want |
| 20 | to ask about. Right? |
| 21 | MR. MCCLUNG: Well, I understand that there |
| 22 | may be some other things having to do with documents |
| 23 | that haven't been produced, that you and I have talked |
| 24 | about and confirmed in writing, off the record of this |
| 25 | denogition that my client has not fully complied with |

| 1 | your request for documents, and that he has to continue |
|----|---|
| 2 | to search for those documents. |
| 3 | And that will include the stipulation I'm |
| 4 | making right now, that he not delete any further text |
| 5 | messages from his phone, pending completion of this |
| 6 | deposition. |
| 7 | MR. GRANT: All right. I appreciate that. |
| 8 | And I would like you to agree that it's not |
| 9 | just deletion, but any altering of the text messages or |
| 10 | any of the e-mails or contacts or the information data |
| 11 | that's on his phone. |
| 12 | Is that a fair request? |
| 13 | MR. MCCLUNG: Well, I can't that's a little |
| 14 | too broad. Certainly anything that's within the scope |
| 15 | of your subpoena, yes. Absolutely. |
| 16 | MR. GRANT: Okay. |
| 17 | MR. MCCLUNG: Anything that relates to the |
| 18 | document request that you've made, yes. |
| 19 | MR. GRANT: Okay. And here's the thing. I |
| 20 | contend that the text messages between Mr. Pulido and |
| 21 | the Bushalas are responsive and relevant. And I know |
| 22 | you can disagree, but I contend that they are. |
| 23 | So I request that those be not altered, not |
| 24 | deleted, and to be preserved until the Court can rule |
| 25 | on it. |

1 Is that agreeable?

MR. MCCLUNG: Well, again, I don't know if you need a court ruling on this.

But what I'll do is I'll have him produce whatever text messages are on the phone today with those named individuals.

MR. GRANT: Okay. But I also -- you're not allowing me to look at what other -- I would like to see if he has any other texts; because he has testified that he deletes them as a practice, and he has for years.

There were a number of text messages to different people, at least five or six, the full screen. I want to confirm whether or not Jill Wallace was one, and see how many. It is directly impeachment.

I am requesting that you agree that at least until -- I believe I'm going to seek relief from the court; because I'm going to want an order directing Mr. Pulido not to alter it, and to produce it, if we can't work out an agreement.

So I'm asking you, in the interim, so that I don't have to call Judge Wilson at 1:30, and see if I can come in ex parte this afternoon to get an order to preserve, that you agree that at least until the end of next week, Mr. Pulido is not going to delete or alter

| 1 | any of the text messages that are currently on his |
|----|---|
| 2 | phone. He's not going to delete or alter any of the |
| 3 | e-mails that are currently on his phone, and he's not |
| 4 | going to delete or alter any of the data, such as |
| 5 | contacts, names, and that type of information that's on |
| 6 | that phone. |
| 7 | Is that something you're willing to agree to? |
| 8 | MR. MCCLUNG: Well, I think I already agreed |
| 9 | and stipulated with respect to text messages. |
| 10 | MR. GRANT: Okay. So is that a "yes"? |
| 11 | MR. MCCLUNG: No, it's not a "yes"; because |
| 12 | you're making it too broad. I've already agreed to you |
| 13 | that he won't delete or alter anything that's within |
| 14 | the scope of your subpoena. |
| 15 | MR. GRANT: Okay. So all right. |
| 16 | MR. MCCLUNG: I can't say that he won't delete |
| 17 | or alter anything on his phone. That's way beyond the |
| 18 | scope of your subpoena. |
| 19 | MR. GRANT: So you're going to be the arbiter |
| 20 | of what's responsive to my subpoena, and then he's |
| 21 | going to be free to delete something that either he or |
| 22 | you doesn't believe is responsive, even if the court |
| 23 | were to later say it is, and it will be gone. Right? |
| 24 | MR. MCCLUNG: No. The purpose of a deposition |
| 25 | is for you to ask questions, not for you to have a |

| discu | ission | wit.h | me |
|-------|--------|------------|-----------------|
| | discu | discussion | discussion with |

2.2

So what you need to do is establish your foundation, ask him questions about the various parties and documents that you're looking for, so that you've got something to go on.

Right now, you still haven't gotten into the heart of any of the questions that are significant in this deposition, including all the documents.

MR. GRANT: I disagree.

MR. MCCLUNG: So you need to get busy and ask some questions.

MR. GRANT: Counsel, I disagree with you. I'm giving you ex parte notice that I'm going to contact the Court at 1:30 and see if he will hear it telephonically, to issue an order to Mr. Pulido not to alter any of the data, text messages, e-mails, contacts that are on that phone, until the Court can hear the matter.

Are you willing to agree to that, until we can have the matter heard by the Court, whether it's today, tomorrow, Friday or Monday? Or are you going to force me to contact the Court and seek relief on an emergency basis? Because I have no confidence that the data is going to be preserved.

MR. MCCLUNG: The stipulation that I made

| 1 | stands, that he will not delete or alter any |
|----|---|
| 2 | anything on his phone that is within the scope of your |
| 3 | subpoena, which is all that you're allowed to require |
| 4 | him to do. |
| 5 | MR. GRANT: That's incorrect. |
| 6 | MR. MCCLUNG: That's his private phone. You |
| 7 | can't make him if he wants to delete the text |
| 8 | messages he has with his wife, he should be able to do |
| 9 | that. |
| 10 | MR. GRANT: Not if until the Court can rule |
| 11 | on it. |
| 12 | Do you think that he should be allowed to |
| 13 | delete the text messages with the Bushalas, because |
| 14 | he's decided or you've decided that's not responsive to |
| 15 | the categories in the Deposition Notice? |
| 16 | MR. MCCLUNG: Well, you know that's a |
| 17 | rhetorical question that you know the answer to, |
| 18 | because I've already agreed to produce those to you. |
| 19 | So I'm not sure why you're asking that question. |
| 20 | MR. GRANT: I don't know why |
| 21 | MR. MCCLUNG: You need to ask another question |
| 22 | so that we can get to the bottom of what the documents |
| 23 | are. |
| 24 | MR. GRANT: I thought we were doing well, |
| 25 | before today, having a common understanding; but |

unfortunately, regarding this agreement, I feel like I'm not getting a straight answer from you. I don't understand what the problem is.

I'm not asking you to produce it to me. I'm asking you to ensure that the witness does not alter or delete the data on the phone until either we can come to an agreement or I have the opportunity to go to the Judge and ask him for relief in the form of an order to allow forensic imaging of the phone, and not to alter the data, so that it is preserved, in the event that the court is going to allow me to have any of it. I think that's a fair request.

All I'm doing is asking you not to make a fire drill today, and I will try to work it out with you.

But the thing that I need is a commitment that -- not whether it's relevant or responsive, but simply that the witness is going to not alter or delete the data, text messages, e-mails, contact information, until we either have an agreement or I can get into court, which will be in the next couple of days. And I think that's a fair request.

Was that something you're willing to agree to?

MR. MCCLUNG: I think I've stated my position clearly already.

MR. GRANT: So that's a no?

| 1 | MR. MCCLUNG: I don't think there is any |
|----|---|
| 2 | emergencies necessary. |
| 3 | I will stipulate you can draft an order that |
| 4 | my client not alter or delete any matters or materials |
| 5 | that are on his phone that are that could possibly |
| 6 | be deemed within the scope of your requests for |
| 7 | documents. |
| 8 | MR. GRANT: Or that is potentially relevant? |
| 9 | MR. MCCLUNG: Or potentially related to the |
| 10 | lawsuit. |
| 11 | MR. GRANT: Or potentially relevant, |
| 12 | including |
| 13 | MR. MCCLUNG: You can make it broad, if you |
| 14 | want. But you can't shut down somebody that his |
| 15 | business is his phone, and he has to be able to use his |
| 16 | phone. So it has to be limited to the stuff that |
| 17 | relates to this lawsuit. That's all. |
| 18 | MR. GRANT: Well, the other option is we could |
| 19 | go forensically image it right now, and then he can do |
| 20 | whatever he wants with his phone. And you can hold the |
| 21 | forensic image. |
| 22 | How about that? |
| 23 | MR. MCCLUNG: No. I'm not agreeing on the |
| 24 | record right now at the deposition to do a forensic. |
| 25 | It seems way beyond the scope of the subpoena. |

| 1 | MR. GRANT: Okay. |
|----|--|
| 2 | MR. MCCLUNG: So I think you need to establish |
| 3 | some foundation. You have a little bit, but I've |
| 4 | already agreed to produce those things. |
| 5 | So let's move on and get your questions |
| 6 | answered. |
| 7 | MR. GRANT: Got it. |
| 8 | Q Mr. Pulido, you're aware that we requested |
| 9 | that you produce certain documents at your deposition |
| 10 | today. Correct? |
| 11 | A Yes. I'm aware. |
| 12 | Q Okay. And when were you first aware that you |
| 13 | had been requested to produce or to search for or |
| 14 | produce any documents to us, in connection with this |
| 15 | litigation? |
| 16 | A I believe about two weeks ago. |
| 17 | Q That was the first time that you had any idea |
| 18 | that we were requesting any documents of any kind from |
| 19 | you, in connection with this litigation. |
| 20 | Is that fair? |
| 21 | A I believe so. |
| 22 | Q Okay. And at any prior time were you aware |
| 23 | that there had been requests that were made, even in |
| 24 | the form of Public Records Act requests to the City of |
| 25 | Santa Ana, requesting, for example, communications |

| 1 | between you and Ms. Wallace? |
|----|---|
| 2 | A Yes. I was told by the City Attorney that |
| 3 | such requests had been made, and I believe information |
| 4 | was provided. |
| 5 | Q Okay. And when was it that you first learned |
| 6 | of the request that had been made for, for example, |
| 7 | communications between you and Ms. Wallace? |
| 8 | A I don't know when the first time was, but the |
| 9 | City Attorney informed me of that for some time. |
| 10 | Q What's your best estimate as to when you first |
| 11 | heard that anyone had requested communications between |
| 12 | you and Ms. Wallace at all? |
| 13 | A I don't have a date. |
| 14 | Q Was it within the last year? |
| 15 | A Associated with this same lawsuit. |
| 16 | Q How about with the matters before the City |
| 17 | Council, Planning Commission, dealing with the car wash |
| 18 | and those matters? What's your best estimate as to the |
| 19 | first time you became aware that there was any request |
| 20 | for communications between you and Ms. Wallace? |
| 21 | A Only in conjunction with this lawsuit, and |
| 22 | that occurred in the last few months. I don't have a |
| 23 | date. |
| 24 | Q That's fine. "Last few months" is a date |
| 25 | range. |

| 1 | What, if anything, did you do, after first |
|----|---|
| 2 | learning that there had been a request for |
| 3 | communications between you and Ms. Wallace, to search |
| 4 | for responsive documents? |
| 5 | MS. ROSSINI: Counsel, I think I'm just going |
| 6 | to object, on the basis of relevance; and I think it's |
| 7 | vague, as to what time. |
| 8 | Are we talking about in response to the public |
| 9 | records requests, or are we talking about in response |
| 10 | to the Deposition Notice? |
| 11 | MR. GRANT: Counsel, I think it was real |
| 12 | clear. He said that he first was aware of the request |
| 13 | for the Deposition Notice in the last couple weeks, and |
| 14 | he was aware of another request possibly in connection |
| 15 | with the Public Records Act request in the last couple |
| 16 | of months. |
| 17 | Q My question is the first instance that you |
| 18 | were aware of a request for communications, which |
| 19 | presumably would be in connection with the information |
| 20 | that was told to you or came from the City Attorney's |
| 21 | office. |
| 22 | What, if anything, did you, Mr. Pulido do, to |
| 23 | search for and locate the documents that had been |
| 24 | requested? |
| 25 | MS. ROSSINI: And I'm going to object, because |

| 1 | I believe it's outside of the scope of the ruling on |
|----|---|
| 2 | the Motion to Quash, as to what discovery is allowed in |
| 3 | this matter. I don't believe that the Court authorized |
| 4 | discovery as it relates to the Public Records Act cause |
| 5 | of action. |
| 6 | MR. GRANT: He said well, okay. Great. |
| 7 | Is that your objection? |
| 8 | MS. ROSSINI: Yes. |
| 9 | MR. GRANT: Okay. Great. |
| 10 | Q Mr. Pulido, could you please answer the |
| 11 | question? |
| 12 | A I believe she's objecting. |
| 13 | Q Mr. Pulido, your counsel is the only one who |
| 14 | is allowed to instruct you not to answer. The city can |
| 15 | make all the objections it wants; and when they're |
| 16 | done, I'm entitled to your answer. That's how the |
| 17 | deposition works. |
| 18 | Please answer my question. |
| 19 | MR. GRANT: Madam Reporter, please read back |
| 20 | my question. |
| 21 | (Record read by the court |
| 22 | reporter: What, if anything, did |
| 23 | you do, after first learning that |
| 24 | there had been a request for |
| 25 | communications between you and |
| | |

| 1 | Ms. Wallace, to search for |
|----|---|
| 2 | responsive documents?") |
| 3 | THE WITNESS: And I believe Laura Rossini, |
| 4 | representing the City Attorney, objected to that, and I |
| 5 | have an alliance, you know, to the city. Even though |
| 6 | I'm no longer Mayor, I think she's here representing |
| 7 | myself and the city's interests. And if she objects to |
| 8 | something, I'm going to listen to her as well. |
| 9 | BY MR. GRANT: |
| 10 | Q That's not how it works, sir. If there is no |
| 11 | instruction not to answer from your counsel, you're |
| 12 | required to answer the question. |
| 13 | Do you see your counsel is not arguing with me |
| 14 | about that? You need to answer the question, sir. |
| 15 | What is your answer? |
| 16 | A Laura Rossini, you objected. Yes? |
| 17 | MS. ROSSINI: Yes. |
| 18 | MR. GRANT: Yes, she objected. But she did |
| 19 | not instruct you not to answer; and she knows she's not |
| 20 | allowed to, because you chose to have your own |
| 21 | independent counsel. |
| 22 | You no longer work for the city. There is no |
| 23 | basis for her to instruct you not to answer on what she |
| 24 | perceives to be outside the scope of the deposition. |
| 25 | Sir, I'm asking you once again to please |

| 1 | answer my question. |
|----|---|
| 2 | Court reporter, could you please re-read the |
| 3 | question again, so that the witness has it fresh in his |
| 4 | mind before he answers? |
| 5 | (Record read by the court reporter: What, if |
| 6 | anything, did you do, after first learning |
| 7 | that there had been a request for |
| 8 | communications between you and Ms. Wallace, to |
| 9 | search for responsive documents?") |
| 10 | THE WITNESS: Let me ask my own counsel, based |
| 11 | on the objection from the City Attorney |
| 12 | MR. MCCLUNG: Time out. All right, counsel. |
| 13 | Maybe I can help. Maybe I can help with this thing. |
| 14 | Why don't have Mr. Irwin send us back to the |
| 15 | breakout room, and I can try to help you get this |
| 16 | answered. |
| 17 | MR. GRANT: I'll go off the record; but |
| 18 | counsel, I request that you explain to Mr. Pulido that |
| 19 | this isn't a City Council meeting, that he gets to |
| 20 | decide how things go, and he needs to answer the |
| 21 | questions, unless you've instructed him not to answer. |
| 22 | And that if he doesn't, he is violating the |
| 23 | procedures and rules of the deposition, and that I will |
| 24 | have the right to seek relief from the Court, including |
| 25 | seeking sanctions from Mr. Pulido for the costs and |

| 1 | fees of having to file a motion to require him to |
|----|---|
| 2 | answer a question that his counsel hasn't instructed |
| 3 | him not to answer. |
| 4 | We can go off the record. |
| 5 | THE VIDEOGRAPHER: Off the record at 12:46. |
| 6 | (Break taken from 12:46 p.m. to 1:07 p.m.) |
| 7 | THE VIDEOGRAPHER: Here begins media number |
| 8 | two in the deposition of Mr. Miguel Pulido. |
| 9 | The time is 1:07. We are back on the record. |
| 10 | MR. GRANT: All right. So counsel, I'm going |
| 11 | to I just sent you, Mr. McClung, the authority from |
| 12 | the California Supreme Court regarding this issue, and |
| 13 | I request I don't know. It's not showing up. |
| 14 | Oh, here it is. Emerson Electric Company |
| 15 | versus Superior Court, 16 Cal Fourth, 1101. Pin site |
| 16 | 1111 to 1112, 1997, where the California Supreme Court |
| 17 | held that at a videotaped deposition, the interrogating |
| 18 | attorney may ask the witness to perform acts or |
| 19 | otherwise perform a demonstration, such as I was |
| 20 | requesting from the witness. |
| 21 | So I'm going to ask you to consider that |
| 22 | authority, and to reconsider your position; because I |
| 23 | believe that it's appropriate to find out some |
| 24 | foundational information, to ensure that the data on |
| 25 | the phone is preserved. So I would make that request |

| 1 | of you, to reconsider your position. |
|----|--|
| 2 | MR. MCCLUNG: So you're asking me whether I'm |
| 3 | going to allow the witness to have you do some more |
| 4 | demonstrative questions with his phone? Is that your |
| 5 | question? |
| 6 | MR. GRANT: For example |
| 7 | MR. MCCLUNG: The answer is no. |
| 8 | Let's move on. And we've already agreed to |
| 9 | preserve the data on the phone. So let's move on. |
| 10 | MR. GRANT: Great. Okay. |
| 11 | MR. MCCLUNG: I want you to ask the questions, |
| 12 | because I've got about another hour that I can go |
| 13 | today. I know we're going to have to continue this |
| 14 | depo; but I want to get you I want to make sure you |
| 15 | get all your foundational questions regarding the |
| 16 | documents, particularly, so we can get those things to |
| 17 | you. |
| 18 | MR. GRANT: I'm trying to. |
| 19 | MR. MCCLUNG: Anyway, go ahead. |
| 20 | MR. GRANT: All right. |
| 21 | MR. MCCLUNG: I think there was a question |
| 22 | pending that you wanted him to answer. |
| 23 | MR. GRANT: Sure. Yes. |
| 24 | Madam Reporter, can you read back the last |
| 25 | question? |

| 1 | (Record read by the court reporter: What, if |
|----|---|
| 2 | anything, did you do, after first learning |
| 3 | that there had been a request for |
| 4 | communications between you and Ms. Wallace, to |
| 5 | search for responsive documents?") |
| 6 | THE WITNESS: What I did was I went through my |
| 7 | phone, looked for e-mails; saw none. Looked for text |
| 8 | messages; saw none. |
| 9 | And I reported back to the city that I didn't |
| 10 | have anything. |
| 11 | BY MR. GRANT: |
| 12 | Q How long did your search did you spend on |
| 13 | your search? |
| 14 | MS. ROSSINI: Evan, I'm going to just continue |
| 15 | to object to any questions about the Public Records Act |
| 16 | requests, because they're outside of the scope of the |
| 17 | deposition; and they're not relevant to the scope, as |
| 18 | defined by the notice of ruling on the Motion to Quash. |
| 19 | Can we just stipulate that I have a running |
| 20 | objection to any question about the Public Records Act, |
| 21 | or do I need to restate? |
| 22 | MR. GRANT: I'll give you that. I'll give you |
| 23 | the standing objection. |
| 24 | MS. ROSSINI: Thank you. |
| 25 | |

| 1 | BY MR. GRANT: |
|----|---|
| 2 | Q Mr. Pulido, could you please answer the |
| 3 | question? |
| 4 | A I don't know how long the whole process took, |
| 5 | you know, from the city's standpoint. You know, for me |
| 6 | it was, you know, just a few minutes. Just go on the |
| 7 | phone; you search. It's there or it's not there. |
| 8 | Q Did you search any other source, other than |
| 9 | your cell phone, for those communications between you |
| 10 | and Ms. Wallace? |
| 11 | A No, because on my cell phone I had the e-mail; |
| 12 | or they were not there, but that's where they would |
| 13 | have been. So I searched there. |
| 14 | And on my phone I also had text messages, and |
| 15 | I know I didn't have those. So that was |
| 16 | Q Why do you know you didn't have those? |
| 17 | A Because I delete. I deleted her messages on a |
| 18 | regular basis. |
| 19 | Q Is it your testimony now that it was only the |
| 20 | text messages between you and Ms. Wallace that you |
| 21 | deleted on a regular basis; or are you sticking with |
| 22 | your testimony that you gave earlier today, that it was |
| 23 | your practice to delete all text messages on a regular |
| 24 | basis? |
| 25 | A It is not all, but it's many. I delete many. |

| 1 | I delete many e-mails every day and many text messages |
|----|--|
| 2 | every day, but not all. I have 6,000 contacts, and I |
| 3 | don't |
| 4 | Q Sorry. You said you had 6,000 contacts? |
| 5 | A Yes. I have 6,000 contacts. I get a lot of |
| 6 | texting. I get a lot of e-mails, and every day I'm |
| 7 | deleting. I don't delete everybody. I don't delete |
| 8 | all. |
| 9 | And I'll preserve, you know, whatever I'm |
| 10 | you want me to preserve, what my attorney has agreed |
| 11 | to. Don't be concerned about that. |
| 12 | But I do delete a lot. I delete every day. |
| 13 | My system would overflow. I don't have enough memory. |
| 14 | And then, you know, my phone stops working if I have |
| 15 | too many e-mails or text messages, and so I delete. |
| 16 | Q Okay. Well, Mr. Pulido, you understand that |
| 17 | that answer is completely different from the answer |
| 18 | that you originally gave today to that question. |
| 19 | Correct? |
| 20 | A I corrected it earlier, and this answer is |
| 21 | more accurate. When you say: Do you delete messages? |
| 22 | Yes, I do. |
| 23 | Do I delete everything single one? No. There |
| 24 | is many, many that come in. And there is many, many |
| 25 | that I delete. And that's true for e-mails as well. |

| 1 | Q Sir, do you have a practice to delete on a |
|----|--|
| 2 | daily basis your text messages with Ms. Wallace? |
| 3 | A Yes. |
| 4 | Q Do you have a practice to delete your e-mails |
| 5 | that you exchange with Ms. Wallace on a daily basis? |
| 6 | A No. |
| 7 | Q What's your practice regarding document |
| 8 | retention for communications via e-mail with |
| 9 | Ms. Wallace? |
| 10 | A Typically, I don't e-mail. I may have |
| 11 | e-mailed once or twice over the years. I don't e-mail. |
| 12 | And occasionally I do delete; but I don't delete every |
| 13 | day that I don't e-mail with her. |
| 14 | Q Okay. What's your best estimate as to the |
| 15 | total number of e-mails that you have sent to |
| 16 | Ms. Wallace on any subject in the last I don't |
| 17 | know since 2010? What's your best estimate as to |
| 18 | the number? Are we talking about less than ten? Are |
| 19 | we talking about around a hundred? 10,000? |
| 20 | What's your best estimate? |
| 21 | A Probably less than ten. |
| 22 | Q And that's from any e-mail account; Is that |
| 23 | correct? |
| 24 | A Yes. |
| 25 | Q I'm sorry? |

| 1 | A Yes. |
|----|---|
| 2 | Q Okay. |
| 3 | A Y-e-s. |
| 4 | Q And I just want to make sure we're on the |
| 5 | same page. And so when we're talking about sending |
| 6 | Ms. Wallace an e-mail from any e-mail account, you |
| 7 | understand that includes, for example, forwarding |
| 8 | e-mails to Ms. Wallace. Correct? |
| 9 | A Yes. |
| 10 | Q Okay. And so your best testimony, as you sit |
| 11 | here right now, is that in the last ten years you've |
| 12 | sent Ms. Wallace less than ten e-mails from any account |
| 13 | on any subject. Is that accurate? |
| 14 | A Yeah, that's my belief. Yes. |
| 15 | Q Is that your best estimate? |
| 16 | A Yes. |
| 17 | Q Do you know what the difference is between a |
| 18 | guess and an estimate? |
| 19 | A There is a gray area. I don't know. Maybe |
| 20 | you can tell me. |
| 21 | Q Well, what's your understanding of what an |
| 22 | estimate is? |
| 23 | A An educated guess. |
| 24 | Q And what's your understanding of what a guess |
| 25 | is? |

| A | Α | rough | approximation. |
|---|---|-------|----------------|
|---|---|-------|----------------|

2.2

| Q well, to me, that sounds like you think |
|---|
| they're the same thing. So let me tell you, for |
| purposes of the deposition, what I understand them to |
| be, and what I would request that you provide me |
| answers. Because I don't want you to speculate, which |
| is another way of talking about guessing. But I do |
| I am entitled to your best testimony and your best |
| estimate. |

The difference that attorneys like to use is that estimates are based on some sort of knowledge from which a deduction can be made, and some sort of answer can be come up with, based on some actual knowledge.

A guess is just like what it sounds like.

It's where you're stating a position or a fact, where
you have no knowledge or information to base it on.

So, for example, attorneys typically use the example of
if I asked you how long the table was that you're
sitting in front of right now, you might not have a
ruler or a tape measure; but because of your
familiarity with lengths, and because you are
perceiving that table, you'd be able to give me an
estimate of its length.

Do you understand that?

A Yes.

| 1 | Q Okay. But if I asked you how long the table |
|----|---|
| 2 | was that I'm standing in front of, since you've never |
| 3 | been to my house, and you can't see the table, any |
| 4 | answer you would give would be a guess. |
| 5 | Do you understand that? |
| 6 | A Yes. |
| 7 | Q Okay. So do you understand the difference now |
| 8 | between a guess and an estimate, for purposes of this |
| 9 | deposition? |
| 10 | A I understand your definition, yes. |
| 11 | Q Okay. And you understand that I'm entitled to |
| 12 | your best estimate. Correct? |
| 13 | A Correct. |
| 14 | Q Okay. So I just want to make sure we're on |
| 15 | the same page. It's your best estimate that, in the |
| 16 | last ten years, you have sent Ms. Wallace less than ten |
| 17 | e-mails from any e-mail account regarding any subject |
| 18 | matter. Is that correct? |
| 19 | A No, that is my guess. I really don't have an |
| 20 | estimate. |
| 21 | Q Well, did you send the e-mails, or did |
| 22 | somebody else send the e-mails? |
| 23 | A It would have been me, but I didn't do many. |
| 24 | And that's all I can tell you. |
| 25 | Q Okay. So what is your best estimate as to the |

| 1 | number or range of e-mails you sent to Ms. Wallace in |
|----|---|
| 2 | the last ten years? Is it less than a thousand? Is it |
| 3 | more than one? What's your best estimate? |
| 4 | A I really can't tell you. It's not often, and |
| 5 | it may have been around ten. |
| 6 | Earlier, earlier, meaning 20 years ago, it may |
| 7 | have been more. I don't recall what our practice or |
| 8 | what, you know, we were doing there, especially as it |
| 9 | related to city e-mails. So I don't have a firm |
| 10 | estimate for you. |
| 11 | Q I'm not talking about earlier. |
| 12 | Mr. Pulido, this is where we get into I'm |
| 13 | trying to get you to answer my questions, not the |
| 14 | questions that you wish I asked you or whatever it is |
| 15 | that you're answering. |
| 16 | I didn't ask you about before ten years ago. |
| 17 | I asked you about the last ten years. Let's do it this |
| 18 | way. |
| 19 | How about in the last three years? What's |
| 20 | your best estimate as to the total number of e-mails |
| 21 | that you've sent to Ms. Wallace from any e-mail account |
| 22 | regarding any subject matter? |
| 23 | A I'm just going to guess, and I'm going to give |
| 24 | you the answer I gave you before. |
| 25 | Q Which is? |

1 Α I don't know, but it's not many. Is it probably less than ten? 2 3 I don't want to guess, but maybe it's around It's not something I do often. Otherwise, 4 that range. I'd tell you a hundred, and it's not a hundred. 5 Is it more than 50? 6 0 7 I don't know, but I think it's -- I think ten 8 is not a bad number; but, frankly, it's not something 9 I've given thought to. And right off the bat, I can't 10 give you a better answer. Okay. What's your best estimate as to the 11 12 total number of e-mails that Ms. Wallace has sent to you from any e-mail address, to any e-mail address that 13 14 you use, in the last ten years? I can't think of any, but I may be wrong. 15 16 can't give you a definitive answer, but I can't think 17 of any. So if I understand your testimony correctly, 18 are you saying that you cannot recall receiving a 19 20 single e-mail from Ms. Wallace in the last ten years? Α I may have, but I can't recall. 21 Correct. 22 0 I'm sorry? 23 Α I may be wrong in that statement, but I can't recall. 24 25 But as you sit here, you can't recall even

| 1 | receiving a single e-mail that she sent to you at any | | | |
|----|---|--|--|--|
| 2 | point in time about any subject, in the last ten years. | | | |
| 3 | Is that an accurate statement? | | | |
| 4 | A Again, I can't recall. | | | |
| 5 | Q Mr. Pulido, listen to my question very | | | |
| 6 | carefully. Is it an accurate statement that, as you | | | |
| 7 | sit here right now, you cannot recall even a single | | | |
| 8 | e-mail that Ms. Wallace sent to you in the last ten | | | |
| 9 | years regarding any subject matter, from any account? | | | |
| 10 | A I can't recall. | | | |
| 11 | Q So that is a true statement, then, you can't | | | |
| 12 | recall even a single e-mail? | | | |
| 13 | A There may have been some. Obviously, nothing | | | |
| 14 | that comes to mind. | | | |
| 15 | Q Sir, can you please listen to my question? Do | | | |
| 16 | you understand what it means when I say: Is it true | | | |
| 17 | that you do not recall having received even a single | | | |
| 18 | e-mail from Ms. Wallace in the last ten years from any | | | |
| 19 | account regarding any subject matter? | | | |
| 20 | It's a "yes" or "no" question. As you sit | | | |
| 21 | here right now, is it true that you do not recall even | | | |
| 22 | one instance? | | | |
| 23 | A Right now, I can't recall anything. | | | |
| 24 | Some she may have sent me something. | | | |
| 25 | Q Move to strike as nonresponsive after right | | | |

| 1 | now he can't recall anything. |
|----|---|
| 2 | Mr. Pulido, we're going to be here for many |
| 3 | days, apparently, if you're unwilling to answer my |
| 4 | questions. Your counsel has the opportunity to ask you |
| 5 | a follow-up. So let me ask my question again, and I'm |
| 6 | entitled to an answer to my question. |
| 7 | Is it accurate that, as you sit here right |
| 8 | now, you cannot think of even a single instance when |
| 9 | you received an e-mail from Ms. Wallace in the last ten |
| 10 | years? "Yes" or "no", sir? |
| 11 | A I do not recall whether I received any or not, |
| 12 | at this time. I just can't recall. |
| 13 | Q You understand you're being evasive. Right? |
| 14 | A I may have |
| 15 | MR. MCCLUNG: Objection. Objection. That's |
| 16 | argumentative, counsel. |
| 17 | MR. GRANT: Well |
| 18 | MR. MCCLUNG: He's given you the best answer |
| 19 | he can give. He doesn't recall. |
| 20 | MR. GRANT: With all due respect, Mr. McClung, |
| 21 | you and I both know that the question is very clear. |
| 22 | And it's a "yes" or "no" answer, whether he recalls. |
| 23 | MR. MCCLUNG: I didn't object to your |
| 24 | question. I thought your question was fine. |
| 25 | But you just said "do you know you're being |

| 1 | evasive?" I'm objecting to that question. |
|----|--|
| 2 | MR. GRANT: Well, because he won't answer the |
| 3 | question. |
| 4 | MR. MCCLUNG: Well, but you don't get to |
| 5 | browbeat the witness. Just ask him. |
| 6 | MR. GRANT: I'm not trying to browbeat the |
| 7 | witness. I just would like an answer to my question. |
| 8 | Q Mr. Pulido, we'll try one more time, and I |
| 9 | guess the record will speak for itself whether you're |
| 10 | doing your best to answer my questions that I'm |
| 11 | actually asking. Okay? |
| 12 | Here's my question: As you're sitting here in |
| 13 | this deposition right now, is it a true statement that |
| 14 | you cannot recall receiving even a single e-mail from |
| 15 | Ms. Wallace in the last ten years, "yes" or "no?" |
| 16 | A Right now, I cannot recall receiving messages; |
| 17 | but I may have. And I'm not going to I'm not going |
| 18 | to give you an absolute no, because I may have. I just |
| 19 | can't recall. |
| 20 | Q Sir, move to strike as nonresponsive the last |
| 21 | half of that, where he started answering a different |
| 22 | question. |
| 23 | Mr. Pulido, do you understand that I'm not |
| 24 | asking you whether you actually received e-mails from |
| 25 | her, but whether you recall receiving even one. |

| 1 | You understand that; correct? | | | |
|----|---|--|--|--|
| 2 | A I do not recall. | | | |
| 3 | Q I'm sorry? | | | |
| 4 | A Right now, I cannot recall. | | | |
| 5 | Q Even a single e-mail; correct? | | | |
| 6 | A Right now, I can't recall. | | | |
| 7 | Q Even a single e-mail; correct? | | | |
| 8 | A Correct. Right now, I cannot recall. | | | |
| 9 | Q Thank you. Thank you. Move to strike as | | | |
| 10 | nonresponsive after the word "Correct". | | | |
| 11 | Sir, what's your best estimate for the number | | | |
| 12 | of text messages you sent to Ms. Wallace from any | | | |
| 13 | account in the last year? | | | |
| 14 | A I don't have one. More than a hundred. Maybe | | | |
| 15 | more than even much more than that. | | | |
| 16 | But I know that they've all been deleted, | | | |
| 17 | and | | | |
| 18 | Q Can you please listen, Mr. Pulido? Can you | | | |
| 19 | just answer my questions? I only asked you for the | | | |
| 20 | number, your best estimate as to the number that you | | | |
| 21 | sent, not about deleting, not about if you have them, | | | |
| 22 | not about if you remember what they're about. | | | |
| 23 | It's what's your best estimate as to the | | | |
| 24 | number you sent to her, text messages, in the last | | | |
| 25 | year. Can you please answer that question, and that | | | |

| 1 | question only? |
|----|--|
| 2 | A I don't have a number, but many. |
| 3 | Q Okay. And you say that you think it was |
| 4 | probably in excess of a hundred. Correct? |
| 5 | A I think much more than a hundred. It could |
| 6 | have been several hundred. |
| 7 | Q Do you think it could be over a thousand? |
| 8 | A I don't know. |
| 9 | Q Do you text with Ms strike that. |
| 10 | Would you say it's a fair statement that you |
| 11 | text Ms. Wallace on a daily basis? |
| 12 | A Usually one. Sometimes more. Some days none. |
| 13 | Q Okay. |
| 14 | A Today, for example, it's been none. |
| 15 | Q Sir, do you understand what an average is? |
| 16 | A And I don't have that number for you. |
| 17 | Q Would you say, if you had to say what your |
| 18 | practice was, in general, that you tend to send |
| 19 | Ms. Wallace a text at least once a day, although there |
| 20 | might be a couple days where you didn't send her a |
| 21 | text? If you look at the last year, do you think that |
| 22 | it's accurate that you probably sent her a text at |
| 23 | least once a day, on average? |
| 24 | A Maybe more than that. I haven't done a I |
| 25 | haven't analyzed it. I don't have a record. I don't, |

1 you know, keep anything. But I would say, on the 2 average, maybe more than that. 3 What would you say then the number is, if it's more than one? What would you say, on average, it 4 Ten? Fifty? Three? What's your best 5 would be? estimate? 6 7 I don't have a best estimate, and I don't want 8 to just make numbers up. 9 Well, you're the one who sent the text Q messages. Right? 10 And I don't keep a record. I don't, you know, 11 12 think about this. I don't, you know, try to say "Gee, 13 how many have I sent?" 14 I've never done this. Okay. How many text messages did you send to 15 0 16 Ms. Wallace yesterday? I think one. 17 Α 18 How many the day before? I don't know. 19 Α 20 Okay. How many text messages did Ms. Wallace O send to you today? 21 22 Α None. 23 How many text messages did Ms. Wallace send to 0 you yesterday? 24 25 I think two. Α

| 1 | Q And what were they about? | | |
|----|---|--|--|
| 2 | A Just responding to about the what I told | | |
| 3 | you earlier, about the Northgate Market hearing. | | |
| 4 | Q Is that a project that she is a consultant on? | | |
| 5 | A I don't know. | | |
| 6 | Q Well, do you have a belief or an | | |
| 7 | understanding? Have you heard any information, one way | | |
| 8 | or the other, from any source, about whether or not she | | |
| 9 | is or is not involved in a capacity where she's | | |
| 10 | receiving compensation in connection with that project? | | |
| 11 | A I believe yes, but I don't have any document. | | |
| 12 | I have no direct knowledge. I don't know. | | |
| 13 | Q Who did you hear some rumor that she's | | |
| 14 | involved as a consultant for that project from? | | |
| 15 | A I don't want to give you a wrong answer. | | |
| 16 | Q So you can't recall anybody specifically. | | |
| 17 | Correct? | | |
| 18 | A It may have been Ruben Smith. | | |
| 19 | Q Who is Ruben Smith? | | |
| 20 | A He's an attorney in town, who works with | | |
| 21 | Northgate, and I also well, mainly Ruben, I think, | | |
| 22 | would know more about that. | | |
| 23 | Q Why do you think Ruben would know about | | |
| 24 | whether Ms. Wallace was a consultant on that project? | | |
| 25 | A Because he works actively with Northgate, and | | |

| 1 | he handles their affairs. | | | | |
|----|---|--|--|--|--|
| 2 | Q Now, Mr. Pulido, is it true that earlier | | | | |
| 3 | today, when you looked at your phone, you deleted | | | | |
| 4 | Ms. Wallace's name from the contact, and replaced it | | | | |
| 5 | with Ruben Smith's name. Correct? | | | | |
| 6 | A No, no. | | | | |
| 7 | Q And so you had nothing to do with | | | | |
| 8 | Ms. Wallace's name being deleted from your contact. | | | | |
| 9 | Correct? | | | | |
| 10 | A It's not been on my phone for years, her name. | | | | |
| 11 | Q So you have 6,000 contacts on your phone, but | | | | |
| 12 | Ms. Wallace is not one of them. True? | | | | |
| 13 | A Correct. I typically input her name directly. | | | | |
| 14 | Right now she's under Ruben Smith, because my phone is | | | | |
| 15 | malfunctioning badly. | | | | |
| 16 | The city recently disconnected me from the | | | | |
| 17 | city's server. They have all my data within that | | | | |
| 18 | context; and when they deleted me, it wiped everything | | | | |
| 19 | out. And right now my phone has a lot of missing | | | | |
| 20 | names, has got phone numbers that appear under other | | | | |
| 21 | people's names. And right now, that is the case. | | | | |
| 22 | Q Sir, unfortunately the deposition is going to | | | | |
| 23 | keep getting longer, the more times that you don't just | | | | |
| 24 | answer the question that I asked you. | | | | |
| 25 | So I'm going to again request, and I'm going | | | | |

| 1 | to make a note for the record that we've now spent a | | | | |
|----|---|--|--|--|--|
| 2 | tremendous time asking you to answer the question I | | | | |
| 3 | asked. And so when we run out of time, I'm going to be | | | | |
| 4 | asking the Court to order you to show back up for | | | | |
| 5 | additional time, because you would not, despite my | | | | |
| 6 | pleading with you, just answer my questions. Okay? | | | | |
| 7 | So I'm going to continue to try to get you to | | | | |
| 8 | answer them; but you are going to prolong this | | | | |
| 9 | deposition process, unfortunately, for you and for | | | | |
| 10 | everybody else. | | | | |
| 11 | So, sir, is it a true statement that you had | | | | |
| 12 | nothing to do with Jill Wallace's name being | | | | |
| 13 | whatever name you use for Jill Wallace, being deleted | | | | |
| 14 | from your phone earlier today? | | | | |
| 15 | A That is correct. | | | | |
| 16 | Q And is it a fair statement that you had | | | | |
| 17 | nothing to do with Ruben Smith's name somehow being | | | | |
| 18 | assigned to Ms. Wallace's telephone number today? | | | | |
| 19 | A That is correct. It was this way, you know, | | | | |
| 20 | yesterday. | | | | |
| 21 | Q "That is correct" is enough. That's the | | | | |
| 22 | question. | | | | |
| 23 | Sir, is it a true statement that if you were | | | | |
| 24 | to look at your phone right now, there are text | | | | |
| 25 | messages that say they are from Ruben Smith or that you | | | | |

| 1 | sent to Ruben Smith? |
|----|---|
| 2 | A No. |
| 3 | Q Do you know how many different when we |
| 4 | looked at your phone, there was Mia Bushala, Al |
| 5 | Bushala, and a whole list of other people that you |
| 6 | have strings of text messages with. |
| 7 | Do you have any estimate as to the number of |
| 8 | different strings of text messages you currently have |
| 9 | on your phone? |
| 10 | A No. |
| 11 | Q Sir, what were the e-mail accounts to which |
| 12 | you sent Ms. Wallace an e-mail in the last ten years? |
| 13 | A I think it would have been from either the |
| 14 | city's server. |
| 15 | Q I'm sorry? |
| 16 | A It would have been the city e-mail, which I |
| 17 | don't have any more, the city server. |
| 18 | Q What's the e-mail account? |
| 19 | A I don't know. They set it up for me. It |
| 20 | said, you know, "Miguel Pulido, Santa Ana," but I don't |
| 21 | know the actual account. |
| 22 | Q Does "MAPulido@Santa-Ana whatever "net", |
| 23 | does that ring a bell? |
| 24 | A It would have been whatever the city, yes. It |
| 25 | would have been whatever the city e-mail was. |

1 Q Did you have more than one distinct e-mail address at the city over the last, I don't know, 2 3 ten years? 4 Α At the city, no. 5 Aside from the single e-mail account that you O had at the city domain, were there any other e-mail 6 7 addresses or accounts from which you sent Ms. Wallace 8 an e-mail over, at any point in time in the last ten 9 years? It could have been my only other e-mail, which 10 Α is MiguelPulido2727@gmail.com. That's my private 11 12 e-mail. 13 0 When did you establish that e-mail account? 14 I don't know. A few years ago. I don't have Α 15 a date. 16 And is that an account that you use regularly? Q 17 Α Yes. 18 And have you used it regularly for the last 19 five, ten years? 20 Α Last five years. Not ten. And so there were only two e-mail accounts 21 0 22 from which you've sent e-mails in the last ten years. Is that an accurate statement? 23 24 I believe so. Α 25 And that's, one, the city e-mail account; and

| 1 | one, that Gmail account that you identified. Correct? |
|----|--|
| 2 | A Yes. |
| 3 | Q And how about e-mails that you received from |
| 4 | Ms. Wallace? Do you recall any e-mail account from |
| 5 | which you received an e-mail from Ms. Wallace at any |
| 6 | point in time in the last ten years? |
| 7 | A I answered earlier that I'm not sure, and I |
| 8 | don't even know if I received any. |
| 9 | Q You don't have a recollection of receiving |
| 10 | even one. Right? |
| 11 | A Right. I don't have a recollection right now. |
| 12 | I may have. I can't testify for sure that I know. |
| 13 | Q I didn't ask you if you did for sure, sir. |
| 14 | Sir, I'm getting really frustrated with you, |
| 15 | because I know that you're a really smart guy; and I |
| 16 | know that you know what it means, because I see you do |
| 17 | it at the council meeting if someone doesn't answer |
| 18 | your question. |
| 19 | You know when someone's asked you when |
| 20 | you've asked a question, and they don't answer the |
| 21 | question you're asking. You know when you're answering |
| 22 | my question and when you're not. |
| 23 | And I'm going to again ask you: Please just |
| 24 | answer my questions, and keep the commentary to |
| 25 | yourself. If it's not what I've asked you, you're not |

| 1 | supposed to be telling it to me. Your counsel can | | | |
|----|---|--|--|--|
| 2 | follow up and elicit any other information he wants. | | | |
| 3 | Okay? | | | |
| 4 | Do you understand that, that you're supposed | | | |
| 5 | to answer my question, and not volunteer other | | | |
| 6 | information that hasn't been requested? | | | |
| 7 | A Look, I'm doing the best I can. | | | |
| 8 | Q Do you understand that? | | | |
| 9 | A Yes. | | | |
| 10 | Q Okay. Do you normally have difficulty | | | |
| 11 | understanding questions that are asked of you? | | | |
| 12 | MR. MCCLUNG: Counsel, that's argumentative. | | | |
| 13 | Can we just move on and ask him some real | | | |
| 14 | questions? You're giving a lot of speeches. It's also | | | |
| 15 | taking a lot of time in the deposition. Just ask him | | | |
| 16 | questions. | | | |
| 17 | MR. GRANT: And I would request that he answer | | | |
| 18 | them. | | | |
| 19 | MR. MCCLUNG: You're good at this. You know | | | |
| 20 | how to do it. | | | |
| 21 | MR. GRANT: I would request that he just | | | |
| 22 | answer them, counsel. | | | |
| 23 | MR. MCCLUNG: He's trying. He just said he's | | | |
| 24 | doing the best he can. Let's move on. | | | |
| 25 | | | | |

| 1 | BY MR. GRANT: | |
|----|------------------|--|
| 2 | Q | Sir, what other ways have you communicated |
| 3 | with Ms. | Wallace in the last ten years, other than text |
| 4 | or e-mai | 1? |
| 5 | A | Phone calls. |
| 6 | Q | Okay. Any other method? |
| 7 | A | Occasional meetings. |
| 8 | Q | In-person meetings? |
| 9 | A | Yes. |
| 10 | Q | Have you ever done any sort of Zoom or other |
| 11 | remote me | eeting with Ms. Wallace? |
| 12 | A | No. |
| 13 | Q | So we have phone calls, in-person meetings, |
| 14 | text mes | sages, and e-mails. |
| 15 | | Is that accurate? |
| 16 | A | Yes. |
| 17 | Q | How often in the last ten years would you |
| 18 | say strike that. | |
| 19 | | Did you regularly make phone calls to |
| 20 | Ms. Walla | ace over the last ten years? |
| 21 | A | Yes. |
| 22 | Q | And did you regularly make phone calls to |
| 23 | Ms. Walla | ace since she left the employment of the city? |
| 24 | A | Yes. |
| 25 | Q | And what would you say, how often you have |

| 1 | made phone calls to Ms. Wallace over the last ten years |
|----|---|
| 2 | or the period of time after she left the employment of |
| 3 | the city? Is it daily, what would you say? |
| 4 | A Irregular. Again, some days nothing. But |
| 5 | other days it might be several times a day. I don't |
| 6 | have a number for you. |
| 7 | Q Would you say it's at least weekly that you |
| 8 | have made a phone call to Ms. Wallace, since she's left |
| 9 | the employment of the city? |
| 10 | A Yes, I would say that. |
| 11 | Q Would you say it's more days per week than |
| 12 | not? |
| 13 | A Probably, but it's not always consistent. |
| 14 | Q I understand. |
| 15 | A There might be some gaps. I can't give you a |
| 16 | number, and say every week is the same. |
| 17 | Q What e-mail addresses, if any, are you aware |
| 18 | of that Ms. Wallace has used between 2015 and the end |
| 19 | of 2019? |
| 20 | A I believe she has an e-mail called |
| 21 | "jillwallace13@gmail.com". |
| 22 | Q Any others? |
| 23 | A No. |
| 24 | Q And how often would you say that Ms. Wallace |
| 25 | would call you on the telephone, over the period of |

| 1 | time since she left the employment of the city, up |
|----|--|
| 2 | until today? Was it on average daily, weekly? What |
| 3 | would you say? |
| 4 | A Similar to my calling, I believe. |
| 5 | Q It sounds to me like you guys talk on the |
| 6 | phone pretty regularly; and sometimes multiple times a |
| 7 | day, usually daily, but not necessarily every day. |
| 8 | Is that a fair statement? |
| 9 | A Probably. |
| 10 | Q Okay. When you say "probably", is that your |
| 11 | best estimate? |
| 12 | A Yes. |
| 13 | Q Okay. And how long are your conversations |
| 14 | with Ms. Wallace, typically, when you talk on the |
| 15 | phone? Are they generally like a minute or two, or do |
| 16 | you tend to have long conversations, or is it a mixed |
| 17 | bag: Some long, some short? |
| 18 | A Probably a mixed bag, but more of them are |
| 19 | short. |
| 20 | Q And what's the nature of these calls that |
| 21 | you're having with Ms. Wallace over the last I don't |
| 22 | know five, six years, since she's left the |
| 23 | employment of the city, on almost a daily basis? |
| 24 | A It can be a variety of issues. Often it's, |
| 25 | vou know, politics. You know, City Council. You know, |

| Τ | candidates that are running, you know, for office. |
|----|--|
| 2 | And that's an ongoing thing. Raising money, |
| 3 | you know, people that she knows that I might approach |
| 4 | for campaign contributions. Those are really dominant |
| 5 | discussions. |
| 6 | Q And has Ms. Wallace ever provided any services |
| 7 | or assistance to you, since you left the employment of |
| 8 | the cite, for which she's received any compensation, |
| 9 | gifts or other things of value from any person, as far |
| 10 | as you're aware? |
| 11 | A No. |
| 12 | Q And have you ever been to Ms. Wallace's house? |
| 13 | A Yes. |
| 14 | Q Okay. When was the last time you were at |
| 15 | Ms. Wallace's house? |
| 16 | A I don't recall. |
| 17 | Q Are there any other consultants who are hired |
| 18 | by developers at the City of Santa Ana that you speak |
| 19 | with or strike that. |
| 20 | Are there any other consultants that are hired |
| 21 | by people seeking approvals or permits at the City of |
| 22 | Santa Ana that you speak with or have spoken with as |
| 23 | regular as you spoke with Ms. Wallace, over the last |
| 24 | five other six years? |
| 25 | A Not as regular, but some I speak a lot. |

| Τ | Q How many would you characterize that you would |
|----|---|
| 2 | speak to a lot? |
| 3 | A There is probably about six people, and it |
| 4 | changes. Sometimes it's very intense, in the middle of |
| 5 | a campaign; and I'll speak to them a lot, a lot, a lot, |
| 6 | and then it might drop off. |
| 7 | But there is about six people that are you |
| 8 | know, that I dial very frequently. |
| 9 | Q Does that include strike that. |
| 10 | Does that include Ms. Wallace, in the six; or |
| 11 | is she in addition to the six? |
| 12 | A I was thinking of her as being part of the |
| 13 | six. |
| 14 | Q Okay. That's a fair answer. |
| 15 | So but you would agree that, over the last |
| 16 | five or six years you communicate more frequently with |
| 17 | Ms. Wallace than any other person who acts as a |
| 18 | consultant to developers and other people seeking |
| 19 | approvals from the City of Santa Ana. |
| 20 | Is that a fair statement? |
| 21 | A Yes. |
| 22 | Q And would you agree that you communicate |
| 23 | strike that. |
| 24 | Would you agree that it's a fair statement |
| 25 | that you've communicated more with Ms. Wallace in all |

| 1 | different forms than any other person who acts as a |
|----|--|
| 2 | consultant to developers or other people seeking |
| 3 | approvals from the City of Santa Ana, over the last |
| 4 | five or six years? |
| 5 | A No. |
| 6 | Q Okay. Who would you say that you've |
| 7 | communicated more with, who is a consultant in that |
| 8 | respect, over the last five or six years, other than |
| 9 | Ms. Wallace? |
| 10 | A George Urch. |
| 11 | Q How do you spell that last name? |
| 12 | A U-r-c-h. |
| 13 | Q Anybody else? |
| 14 | A No. I think that would be it. |
| 15 | Q Okay. Who is Mr. Urch? |
| 16 | A He is a he e-mails a lot. He is a |
| 17 | political consultant. He's an advocate. He has many |
| 18 | clients here in the city. |
| 19 | He's assisted me in campaigns; and, you know, |
| 20 | sometimes there can be several e-mails in a day from |
| 21 | George. |
| 22 | Q Aside from Mr. Urch, is it a fair statement |
| 23 | that you've communicated more with Jill Wallace over |
| 24 | the last five or six years than any other consultant |
| 25 | that represents people seeking permits or approvals |

| 1 | from the City of Santa Ana? |
|----|---|
| 2 | A Yes. |
| 3 | Q And is it a fair statement that you |
| 4 | communicated with Ms. Wallace substantially more than |
| 5 | any of these other consultants in the last five or six |
| 6 | years, other than Mr. Urch? |
| 7 | A Yes. |
| 8 | Q Okay. Did I ask you when was the last time |
| 9 | you were at Ms. Wallace's house? |
| 10 | A And I don't recall. |
| 11 | Q Okay. What's your best estimate as to the |
| 12 | total number of times that you were present at |
| 13 | Ms. Wallace's house, between the time she left the city |
| 14 | employment and today? |
| 15 | A I don't have an estimate. |
| 16 | Q Is it more than one? |
| 17 | A Yes. |
| 18 | Q Is it more than a hundred? |
| 19 | A I don't know. Probably not. |
| 20 | Q It could be more than a hundred, though? |
| 21 | A I don't know. Correct. |
| 22 | Q Okay. How about in the last year? What's |
| 23 | your best estimate as to the number of times that you |
| 24 | were physically present at Ms. Wallace's home? |
| 25 | A Five. |

1 And what about in the year before this last So we'll call it in 2019, what's your best 2 3 estimate as to the total number of times you were at Ms. Wallace's house? 4 5 Α Probably more, but I don't have a number. Okay. Is it more than a hundred? 6 7 Α I don't know. 8 0 It could be more than a hundred? 9 I don't know. I don't think so, but I don't Α know. 10 Could it be around a hundred? 11 O I don't know. 12 Α 13 0 Is there any documents that would allow you to 14 determine when you were at Ms. Wallace's house over the last four or five years? 15 16 Α I don't know. 17 Have you ever spent the night at Ms. Wallace's Q 18 house? 19 Α No. 20 Not one time since you've known her have you 0 ever spent the night at the place that she considers to 21 be her residence or her home. 22 Is that an accurate 23 statement? Yes, that is. 24 Α 25 Have you ever been at Ms. Wallace's

| 1 | house until past midnight at any point in time since |
|----|--|
| 2 | you've known her? |
| 3 | A I may have, when she left the city, about |
| 4 | seven years ago. |
| 5 | Q Are you saying there was one instance that |
| 6 | you're recalling? Or are you saying that there have |
| 7 | been occasions? |
| 8 | A There has been a period of time where I may |
| 9 | have been there more, but I don't think so. I don't |
| 10 | think after midnight, no. |
| 11 | Q But there was a period of time when you were |
| 12 | at Ms. Wallace's house more frequently than other |
| 13 | times? |
| 14 | A Yes. |
| 15 | Q And that was when she left the employment of |
| 16 | the city? |
| 17 | A Yes. |
| 18 | Q And for how long of a period? |
| 19 | A Maybe three months or so. |
| 20 | Q And what was the reason why your frequency of |
| 21 | visiting Ms. Wallace's home increased during that |
| 22 | period of time? |
| 23 | A You know, she needed a friend; and I went to |
| 24 | try to talk to her, and help her through that process. |
| 25 | Q All right. Have you and Ms. Wallace at any |

1 time before let's say, you know, October 15th of 2019, 2 have you guys ever kissed in any way? 3 Α No. 4 0 Have you ever hugged her? 5 Α Yes. What's your best estimate as to the 6 0 Okay. 7 number of times you hugged her? Is that something that 8 would be a rare occurrence or a regular occurrence? 9 Α Rare. 10 I'm sorry? O 11 Α Rare occurrence. 12 Is that something that happened like a handful 13 of times; one time? What's your best estimate? 14 A handful of times on -- probably a handful of times. 15 16 Have you ever been involved in a romantic Q relationship of any kind with Ms. Wallace? 17 18 Α No. Have you ever gone on a date with Ms. Wallace? 19 0 20 Α No. Have you ever -- have you ever spent -- strike 21 0 22 that. 23 Have you ever stayed in the same hotel room as Ms. Wallace? 24 25 Α No.

| 1 | Q So is it a fair statement that at no time |
|----|---|
| 2 | have you ever engaged in any intimate contact with |
| 3 | Ms. Wallace? |
| 4 | A That is correct. |
| 5 | Q And I don't need to go into it's not Bill |
| 6 | Clinton's deposition. I don't need to go into the |
| 7 | specifics of that. |
| 8 | It includes all of the things that everyone |
| 9 | understands that to mean; right? |
| 10 | A Correct, yes. |
| 11 | Q Has Ms. Wallace ever been to your house? |
| 12 | A Yes. |
| 13 | Q How often or strike that. |
| 14 | When was the last time she was at your house? |
| 15 | A I don't recall. |
| 16 | Q Was it in the last year? |
| 17 | A I think more than that. |
| 18 | Q Okay. What's your best estimate as to the |
| 19 | number of times Ms. Wallace was at your house, in |
| 20 | between 2015 and now? |
| 21 | A Maybe a hundred. I don't have a solid answer, |
| 22 | but maybe a hundred. |
| 23 | Q So it sounds like it was a pretty if there |
| 24 | is 365 days in a year, it sounds like it was a pretty |
| 25 | regular occurrence, if you're saying that it was in |

| 1 | that type of number. |
|----|--|
| 2 | Is that a fair statement, or no? |
| 3 | A Yeah. She used to come over on a regular |
| 4 | basis. My wife has a yoga class, and once a week she |
| 5 | would come over and participate in yoga; and that went |
| 6 | on for a period of time. |
| 7 | She hasn't been in the yoga group in the last |
| 8 | five years. Maybe more. |
| 9 | Q Is it a fair statement to say that you've been |
| 10 | to Ms. Wallace's house more than any city consultant's |
| 11 | house, in the last five or six years? |
| 12 | A Yes. |
| 13 | Q Is it a fair statement that Ms. Wallace has |
| 14 | been to your house more times in the last five or six |
| 15 | years than any other city consultant? |
| 16 | A Yes. |
| 17 | Q Are you aware of any other cities at which |
| 18 | strike that. |
| 19 | Do you have any understanding as to what |
| 20 | Ms. Wallace's business has been, over the last five or |
| 21 | six years, or I guess since she left? How about let's |
| 22 | go with since she's left the employment of the city. |
| 23 | At any point in time strike that. Bad question. |
| 24 | At any point in time since Ms. Wallace left |
| 25 | the employment of the city, which was in approximately |

| 1 | when? | |
|----|----------|--|
| 2 | A | Eight years. |
| 3 | Q | So like what? 2013 or so? |
| 4 | A | I believe so. |
| 5 | Q | Okay. Since Ms. Wallace left the city's |
| 6 | employme | ent, in or about 2013, do you have any |
| 7 | understa | anding as to what her business was during any |
| 8 | period c | of time? |
| 9 | A | Not totally, no. |
| 10 | | You said any understanding? |
| 11 | Q | Any understanding. You said "not totally." |
| 12 | | So what did you have an understanding of? |
| 13 | A | I believe she's consulted and worked for |
| 14 | differen | nt folks; but I don't know all her clients, and |
| 15 | I don't | follow that in detail. That's her affair. |
| 16 | Q | Have you ever had any conversations with her |
| 17 | about wh | nat she does for a living? |
| 18 | A | Yes. She gets a retirement from the city, and |
| 19 | I believ | re that covers much of her needs. And then |
| 20 | Q | Sir, I'm talking about income, not retirement. |
| 21 | Income s | she's receiving from a business that she is |
| 22 | operatin | ng, a consultant or some other type of business, |
| 23 | consulta | ancy or some other type of business that she's |
| 24 | operatin | ng, whether it's a sole proprietorship or a |
| 25 | formal c | corporation or whatever. |

| 1 | Do you have any understanding of what business |
|----|---|
| 2 | that Ms. Wallace has been engaged in, if any, since she |
| 3 | left the employment of the city, in about 2013? |
| 4 | A I'm aware that she has a group called The |
| 5 | Casala Group. It's a consulting company. And I don't |
| 6 | know all her clients, but I know that she has clients. |
| 7 | I know some are not profits. She has told me |
| 8 | that. Others are for profit businesses; but I don't |
| 9 | I've never seen a contract. I don't know what she |
| 10 | makes. I don't get involved in that. |
| 11 | Q I understand that. But again, that wasn't my |
| 12 | question. But what strike that. |
| 13 | Do you have any understanding as to whether or |
| 14 | not Ms. Wallace consults for anybody, to try to obtain |
| 15 | permits or approvals at any city or any government |
| 16 | body, other than the City of Santa Ana? |
| 17 | A I believe she does. I believe in other cities |
| 18 | she's active. I've not, you know, discussed or worked |
| 19 | with her on any of those; but I think that she does |
| 20 | things outside of the City of Santa Ana. |
| 21 | I know that she's active in the City of |
| 22 | Newport. I know she's on, you know, several boards |
| 23 | that pay her money, outside of Santa Ana. |
| 24 | Q Mr. Pulido, I'm focusing on her consultant |
| 25 | work. |

| 1 | You are familiar with the fact that she holds |
|----|---|
| 2 | herself out as a consultant to developers and other |
| 3 | people seeking approvals or permits from the City of |
| 4 | Santa Ana, to assist with obtaining those permits or |
| 5 | approvals. Are you or not? |
| 6 | A Yes. |
| 7 | Q And that that's been a business that she's |
| 8 | been engaged in since some point in time after she left |
| 9 | the city's employment. Correct? |
| 10 | A Yes. |
| 11 | Q Okay. What's your best estimate as to when |
| 12 | she started acting as a consultant in connection with |
| 13 | the City of Santa Ana for entities or individuals |
| 14 | seeking permits or approvals from the City of |
| 15 | Santa Ana? Was it immediately after leaving, within a |
| 16 | couple months, a couple years later? |
| 17 | A A year or two after she left. |
| 18 | Q Did you say a year or two after she left? |
| 19 | A Yes. |
| 20 | Q Okay. And would you strike that. |
| 21 | Would you agree that it's a fair statement |
| 22 | that, based on what your understanding is, that she |
| 23 | has Ms. Wallace has done the vast majority of her |
| 24 | consulting work for people seeking permits or approvals |
| 25 | from a government body, from the City of Santa Ana? |

| 1 | A Yes. |
|----|---|
| 2 | Q And that the other projects that may exist |
| 3 | would be a far exception, rather than the rule? |
| 4 | A I don't know about that. I can't state that |
| 5 | as a fact. I don't know. |
| 6 | Q Okay. Do you know of any specific projects |
| 7 | that Ms. Wallace was hired on, in connection with |
| 8 | obtaining a permit or approval from the City of |
| 9 | Santa Ana, since she left her employment up until |
| 10 | October of 2019? Do you know of specific projects? |
| 11 | A Can you ask state that again, please? |
| 12 | Q Sure. Of course. |
| 13 | Do you know of any specific projects for which |
| 14 | Ms. Wallace was hired as a consultant, where the |
| 15 | individual or entity was hiring her to assist with |
| 16 | obtaining a permit or approval from the City of |
| 17 | Santa Ana, since she's left the City of Santa Ana's |
| 18 | employ? |
| 19 | A Yes. |
| 20 | Q And can you tell me what your best estimate as |
| 21 | to the number of different projects that you can |
| 22 | that come to mind? |
| 23 | A Maybe I'm going to guess a little bit here. |
| 24 | Maybe six or so. |
| 25 | Q And what are the different projects that you |

| 1 | can specifically identify? |
|----|--|
| 2 | A One is the Russell Fischer, you know, Car |
| 3 | Wash. |
| 4 | Q Right. |
| 5 | A Another is a project on First Street, called |
| 6 | Wermers. |
| 7 | Q Can you spell that, or tell me that again? |
| 8 | A W-e-r-m-e-r-s. |
| 9 | Another one is over on First Street, 1901 East |
| 10 | First Street. |
| 11 | Q Any others? |
| 12 | A And another one is Northgate Markets. |
| 13 | Q Any others? |
| 14 | A Another one is with Steve Jones. He's the |
| 15 | Mayor of Garden Grove. And he's had some apartments |
| 16 | here in Santa Ana that he has processed. And, you |
| 17 | know, I believe she's worked on that as well. |
| 18 | Q Any others that you can think of right now? |
| 19 | A No. |
| 20 | Q Can you think of even a single project that |
| 21 | Ms. Wallace has consulted on, since leaving the employ |
| 22 | of the city, for a different city other than Santa Ana |
| 23 | or a different government body other than the City of |
| 24 | Santa Ana? |
| 25 | A Yeah, yeah. I think she did a project in |

| 1 | Cathedral City, I want to say. In Adelanto. I think |
|----|---|
| 2 | something out in the desert, out in Needles. And I |
| 3 | think a project in Garden Grove. |
| 4 | Q For all these projects that you're describing, |
| 5 | how did you learn about these projects? Was it from |
| 6 | conversations with |
| 7 | A She said she was working on them. |
| 8 | Q I'm sorry? |
| 9 | A She told me on the phone. |
| 10 | Q All right. So it was based on your |
| 11 | conversations with Ms. Wallace? |
| 12 | A Yes. |
| 13 | Q All right. And when did you first know |
| 14 | that Ms. Wallace had been hired as a consultant by |
| 15 | Russell Fischer? |
| 16 | A When the project was appealed, you know, by |
| 17 | saying, you know, against Mr. Fischer. That's when I |
| 18 | became aware. |
| 19 | Q So prior to the appeal coming before the City |
| 20 | Council? |
| 21 | A Prior to it coming before the City Council, I |
| 22 | was not aware. I was not tracking that project. I was |
| 23 | not aware. |
| 24 | Q How did you first become aware that |
| 25 | Ms. Wallace had been hired as a consultant by |

| 1 | Russell Fischer in connection with the what you call |
|----|--|
| 2 | "the car wash project"? |
| 3 | A She told me that she was hired by |
| 4 | Russell Fischer to help process that application, and |
| 5 | that her contract had terminated. I don't know the |
| 6 | date; but it was well before the appeal occurred, that |
| 7 | came before the City Council. |
| 8 | So when the project came to the city council, |
| 9 | I'm aware that she was no longer a consultant for |
| 10 | Russell Fischer. |
| 11 | Q Were you aware that Ms. Wallace was involved |
| 12 | in trying to get the hearing on the appeal scheduled |
| 13 | for a particular day? |
| 14 | A No. |
| 15 | Q Would that surprise you? |
| 16 | A No. I mean, she may have, you know, been |
| 17 | trying to help; but she was no longer under contract. |
| 18 | I know that. |
| 19 | Q Have you seen the contract between her and |
| 20 | Russell Fischer? |
| 21 | A No, no. |
| 22 | Q So how do you know that she wasn't under |
| 23 | contract any longer? |
| 24 | A She told me that. |
| 25 | Q Okay. So how many conversations did you have |

| 1 | with Ms. Wallace about the Russell Fischer Car Wash |
|----|---|
| 2 | Project, prior to having the matter come before you on |
| 3 | October 15, 2019, where you voted on the matter? |
| 4 | A During the Planning Commission process, I |
| 5 | didn't I had no knowledge. I didn't talk about it. |
| 6 | Q Sir, sir, listen. Listen. Please just answer |
| 7 | my questions. |
| 8 | How many times did you speak with it's a |
| 9 | number or a range, or you have no idea, but more than |
| 10 | one. |
| 11 | How many times did you speak with Ms. Wallace |
| 12 | about anything to do with the car wash project or |
| 13 | Russell Fischer, before the appeal came before you on |
| 14 | October 15, 2019? |
| 15 | A I don't recall talking about it prior to that. |
| 16 | Q Well, you just indicated, unless I'm mistaken, |
| 17 | that you recall at least one specific conversation with |
| 18 | Ms. Wallace before you voted on the appeal regarding |
| 19 | the project, where you learned she was the consultant, |
| 20 | or had been. Right? |
| 21 | A That may have been on that date. It's right |
| 22 | before it came to the City Council. |
| 23 | Q So your best estimate is that the conversation |
| 24 | you had with Ms. Wallace about the Russell Fischer |
| 25 | project and her being a consultant was most likely on |

1 the day that the matter was coming to the City Council to vote, so October 15, 2019. Correct? 2 3 Yes, I believe so. And at that time, she told me she was no 4 5 longer a consultant. Sir, move to strike as nonresponsive, after 6 7 you said "I believe so". 8 Again, I asked you -- I'm trying to figure out 9 the date, not what she told you. Just your best recollection as to the date. 10 That's my best recollection. 11 That it would have been the same day, 12 October 15, 2019? 13 14 Right when it was coming up. It could have been the day before, but right when it was coming up. 15 16 Right. But not the day after, or after. Q 17 Correct? 18 I don't believe the day after, no. Okay. And not any -- this conversation, your 19 0 best recollection is that it occurred before the vote. 20 21 Right? 22 Α Yes. 23 Okay. And was that in person or on the O telephone or text or what? 24 25 I think it was on the phone.

| 1 | Q And how long was that conversation in total, |
|----|---|
| 2 | not just the part, if there was other parts where you |
| 3 | discussed other matters besides the Russell Fischer |
| 4 | project? |
| 5 | A I don't recall, other than I think it was a |
| 6 | short conversation. |
| 7 | Q Would you say a couple minutes? Would you say |
| 8 | 30 minutes? I mean, do you have any idea, or you have |
| 9 | no idea at all? |
| 10 | A No idea. Ten minutes, but I'm guessing. |
| 11 | Q Well, is that your best estimate, based on the |
| 12 | fact that you participated in the conversation? |
| 13 | A Right. |
| 14 | Q Okay. Do you recall discussing anything else, |
| 15 | other than the Russell Fischer project, during that |
| 16 | conversation with Ms. Wallace? |
| 17 | A I believe we talked about just other, you |
| 18 | know, things. You know, personal things, things going |
| 19 | on with her family, that kind of stuff. |
| 20 | Q And would you regularly talk to Ms. Wallace |
| 21 | about personal things going on in her life? |
| 22 | A No. No, not often. |
| 23 | Q What do you mean by "not often"? |
| 24 | A I wouldn't talk about those things often. In |
| 25 | this case, she had a beach house, and she was working |

| 1 | on a beach house. And I think she brought something |
|----|---|
| 2 | out about that. But look, maybe I should strike it, |
| 3 | because I'm not clear as to whether that occurred then. |
| 4 | I might be misremembering. |
| 5 | Q No, it's not about striking it. You're |
| 6 | supposed to tell me what you think is your best |
| 7 | evidence. And if you do not have high confidence, you |
| 8 | can certainly say |
| 9 | A I don't have high confidence. I mainly |
| 10 | remember the Russell Fischer discussion. |
| 11 | Q And do you like Ms. Wallace? |
| 12 | A Yes. |
| 13 | Q Okay. And does it make you happy if she is |
| 14 | successful? |
| 15 | A Yeah. I mean, I want to help, when I can. I |
| 16 | don't always agree with her. I don't always help her. |
| 17 | Sometimes I tell her, "I think you're wrong on |
| 18 | this; and, you know, I'm not going to support it." |
| 19 | But yeah. I mean, I consider her a friend. |
| 20 | And if I can help, I will. |
| 21 | Q All right. |
| 22 | MR. MCCLUNG: Counsel, can we take like a |
| 23 | five-minute break here? |
| 24 | MR. GRANT: Well, real quick; because I want |
| 25 | to finish this line of questioning, and then we can |

| 1 | take a break. |
|----|--|
| 2 | Mr. Pulido |
| 3 | MR. MCCLUNG: Okay. Well, you're going to run |
| 4 | up against my timeline deadline. |
| 5 | MR. GRANT: Give me two minutes. Can I have |
| 6 | two minutes? |
| 7 | MR. MCCLUNG: Absolutely. |
| 8 | BY MR. GRANT: |
| 9 | Q Mr. Pulido, so is it a fair statement that |
| 10 | Ms. Wallace would come to you, to seek your help |
| 11 | regarding projects that she was hired as a consultant |
| 12 | on at the City of Santa Ana, as a general proposition? |
| 13 | A No. |
| 14 | Q Well, then I don't understand your answer, |
| 15 | when you said that you would try to help her when you |
| 16 | could. |
| 17 | A Yeah. But it was not a general proposition, |
| 18 | that she'll approach me on every project that she's |
| 19 | working on. |
| 20 | Q Well, she would approach you on some of the |
| 21 | projects. Right? |
| 22 | A Yes. |
| 23 | Q Yes, okay. And was Russell Fischer project |
| 24 | something that you could support, and something that |
| 25 | you could help her with? |

| 1 | A No. Because it was already approved by the |
|----|---|
| 2 | Planning Commission. |
| 3 | And it wasn't even going to come to the City |
| 4 | Council. I had no I would have had no role. |
| 5 | Q Sir, when you knew when you had the |
| 6 | conversation with Ms. Wallace, you knew that it was now |
| 7 | coming to the City Council. True? |
| 8 | A Yes. |
| 9 | Q And did Ms. Wallace ask you to support the |
| 10 | her client or former client in the appeal? |
| 11 | A Former client, and she just explained to me |
| 12 | what the case was about. |
| 13 | She didn't say, "Can you support it? I want |
| 14 | you to support it." She just gave me information. |
| 15 | Q Well, she she told you the reasons why she |
| 16 | thought that the appeal had no merit, and why it was |
| 17 | legitimate and was properly approved. Right? |
| 18 | A She told me it had been approved by the |
| 19 | Planning Commission on a 7-0 vote, that they had met |
| 20 | all the conditions of approval, that it was a squeaky |
| 21 | clean project, and that was it. |
| 22 | Q And she told you that the arguments that these |
| 23 | appellants were making were nonsense. Right? |
| 24 | A No. I mean, I drew that conclusion on my own. |
| 25 | Q And it had nothing to do with the information |

| 1 | that Ms. Wallace provided you. Right? |
|----|--|
| 2 | A Correct. |
| 3 | Q Now, when you said at the October 1st, 2019 |
| 4 | hearing that you had heard that what was going on was |
| 5 | that they were appealing for a business reason which |
| 6 | was not permissible, where did you hear that |
| 7 | information from? |
| 8 | A I don't recall. |
| 9 | Q It was from Ms. Wallace; right? |
| 10 | A I don't recall that. |
| 11 | Q Can you say can you say with any confidence |
| 12 | that it was from someone other than Ms. Wallace? |
| 13 | A It may have been from the city manager, and it |
| 14 | may have been from some of the staff. It may have been |
| 15 | from Minh Thai. |
| 16 | Q And it may have been from Ms. Wallace; right? |
| 17 | A It may have been from Ms. Wallace. |
| 18 | Q So you don't recall, one way or the other. |
| 19 | Correct? |
| 20 | A Correct. |
| 21 | Q And can you recall any specific conversations |
| 22 | that you had with anybody other than Ms. Wallace about |
| 23 | the Russell Fischer project, before you voted on it? |
| 24 | A There was first a meeting when the appellant |
| 25 | or Kara Grant, I believe, showed up; and they were |

| 1 | asking for a continuance. I don't know what that date |
|----|---|
| 2 | was, but that may have been before. |
| 3 | Q October 1st. It was October 1st, I'll |
| 4 | represent to you. |
| 5 | It was the Planning Commission. |
| 6 | A But then there was a request for us not |
| 7 | there was a request for us not to I mean to first |
| 8 | there was a question for us to continue the item, |
| 9 | because the guy was going to go to Europe. |
| 10 | Q Right. |
| 11 | A And at that meeting, that's when I became |
| 12 | aware of much of this information; because I saw an |
| 13 | owner of a car wash coming before the City Council, |
| 14 | stating "I want to oppose this application, and I want |
| 15 | you to continue the hearing, because I'm going to go to |
| 16 | Europe, and I want you to continue it until I get |
| 17 | back." |
| 18 | And I believe that was I can go back and |
| 19 | look at the records; but I believe that was when I |
| 20 | first became aware of everything, based on the |
| 21 | testimony that was given. |
| 22 | But we didn't vote that day. That day, we |
| 23 | didn't vote. |
| 24 | Q Sir, the only conversation that you had, |
| 25 | that you can recall with any person about the |

| 1 | Russell Fischer project, prior to the meeting you're |
|----|---|
| 2 | describing, where Mr. Conklin came and requested that |
| 3 | the appeal hearing be moved to the next council hearing |
| 4 | after it had been scheduled for? |
| 5 | A I don't remember what date that was. |
| 6 | Q I'm telling you. I'm making you a |
| 7 | representation. You voted on the appeal on |
| 8 | October 15th, and I'm representing to you that it was |
| 9 | at the prior council hearing on October 1st. So assume |
| 10 | that's the correct date. Okay? October 1st, the prior |
| 11 | council hearing to the one where you voted on the |
| 12 | appeal. |
| 13 | Is it a true statement or not a true statement |
| 14 | that the only conversation you can recall having |
| 15 | specifically about the Russell Fischer project, prior |
| 16 | to the council hearing, where the request was made |
| 17 | to continue the matter by Mr. Conklin was with |
| 18 | Ms. Wallace? |
| 19 | A No. Because now you're talking about |
| 20 | you're talking about prior to October 15th. |
| 21 | Q No. October 1st. |
| 22 | A October 1st, and then October 15th. |
| 23 | October 15th is when we voted, I believe. |
| 24 | Q Correct. |
| 25 | A And October 1st is when Mr the car wash |

| Τ | owner showed up to speak to us. |
|----|---|
| 2 | Q Correct. And I'm asking you: Can you |
| 3 | identify any other conversation you had with any other |
| 4 | person, other than Ms. Wallace, about the car wash |
| 5 | project, prior to that time when Mr. Conklin came in to |
| 6 | request the continuance? |
| 7 | A I think the city manager, Kristen Ridge, was |
| 8 | aware of it. And I asked her, "What is this? What's |
| 9 | going on?" |
| 10 | And she told me. |
| 11 | Q When did that conversation take place? |
| 12 | A I believe right during that, on that date. |
| 13 | Q They came unannounced. The Conklins came |
| 14 | unannounced to the October 1st meeting. |
| 15 | A Then I went to her; and I said, "What is this |
| 16 | about?" |
| 17 | Q Sir, you said on the record that you had |
| 18 | heard. They came unannounced. They just put in a |
| 19 | request to talk about a non-agendized item. |
| 20 | And you came out of the gate, saying, "I've |
| 21 | heard that this is what's going on." |
| 22 | And I can play you the clip, if you want to |
| 23 | see it. But I'm making a representation to you, as an |
| 24 | officer of the court, that you said, "I've heard that |
| 25 | what is going on is that you are challenging this for a |

1 business decision, and that that's not a valid basis 2 for an appeal." 3 Does that sound about accurate to you? Yes, that does; but --4 Α 5 O Okay. I believe I had spoken -- I --6 7 Wait. So you believe that's accurate. O 8 let me ask my question. 9 You believe that's accurate. Right? Yes? 10 Α Yes. Now, is it a true statement that you do not 11 12 have a distinct recollection of having a conversation 13 with any person regarding the Russell Fischer project, 14 other than Ms. Wallace, prior to that meeting? I may have spoken to the city. 15 Α 16 I know you may have. Q 17 Do you have a recollection of actually doing 18 it? 19 Α Yes. 20 Okay. When did that conversation happen? O 21 I'm just trying to recollect when it occurred. Α 22 Could it have happened after that meeting, and O 23 before the vote? I think it happened before the vote. I think 24 Α 25 it happened earlier.

1 O Right. Before the vote. So it could have 2 happened --3 Α October 1st. I'm sorry? 4 O 5 Α Before October 1st. And what led you to have that conversation 6 0 7 with the city manager? 8 We talk about a lot of things, all the time. 9 So and you have a distinct recollection of O talking with her before October 1st regarding the car 10 wash project? 11 12 I believe so, yes. Α 13 Okay. What was discussed? 14 A lot of different things that were going on 15 in the city. 16 Regarding the car wash project, what was Q that conversation that you have a distinct recollection 17 18 of having with Ms. Ridge? Just that I believe that there was some --19 Α 20 something out there, something out in the community, 21 saying that there might be some opposition. And I don't know if it involved Danny Fiero or 2.2 23 Jose Solario or other council members, but I recall 24 something was going on. And so I tried to find out 25 more about it.

1 And one of the conversations you had was with Ms. Wallace; true? To find out more about it? 2 3 Α Yes. And that was before the October 1st hearing. 4 5 Correct? As well as the others. Correct. 6 7 Yes. Okay. All right. Mr. -- let's take a O 8 break. 9 Mr. McClung, how much time can you afford me 10 today still? 11 MR. MCCLUNG: I can give you another 20 minutes. 12 13 MR. GRANT: Okay. Let's -- can we take a 14 five-minute break, and then do the 20 minutes? MR. MCCLUNG: Yes. 15 16 MR. GRANT: Okay. Let's do it. 17 MR. MCCLUNG: That would be great. 18 MR. GRANT: Off the record. THE VIDEOGRAPHER: It is 2:17. We are off the 19 20 record. (Break taken from 2:17 p.m. to 2:29 p.m.) 21 THE VIDEOGRAPHER: The time is 2:29. We are 22 23 back on the record. BY MR. GRANT: 24 25 All right. So what I want to do right now is

| 1 | I'm going to come back to some of the things that we |
|----|---|
| 2 | were talking about. |
| 3 | But first I'm marking as Exhibit 1 the |
| 4 | original Notice of Deposition of Miguel Pulido. |
| 5 | I'm going to mark as Exhibit 2 the First |
| 6 | Amended Notice of Deposition of Miguel Pulido, which |
| 7 | was for the December 9th, 2020 date, via remote Zoom |
| 8 | deposition. |
| 9 | And I'm going to mark as Exhibit 3 the Notice |
| 10 | of Continuance of the Deposition of Miguel Pulido to |
| 11 | today, pursuant to the notice from and the Request |
| 12 | For Production that had been served for December 9th. |
| 13 | And I'm going to mark as Exhibit 4 the e-mail |
| 14 | exchange between Mr. McClung and myself over the last |
| 15 | couple days regarding the deposition and the |
| 16 | documents. |
| 17 | (Documents introduced into evidence and marked |
| 18 | as Exhibits 1, 2, 3 and 4.) |
| 19 | BY MR. GRANT: |
| 20 | Q So Mr. Pulido, what I'm going to do now is I'm |
| 21 | going to show you, if you look at your iPad, this |
| 22 | Exhibit 2, which is the first Amended Notice of |
| 23 | Deposition? |
| 24 | And I'm going to turn you to the |
| 25 | MR. MCCLUNG: Excuse me. The network |

| 1 | connection has gone down. It says "Your deposition |
|----|---|
| 2 | will resume once connection is reestablished." |
| 3 | BY MR. GRANT: |
| 4 | Q All right. Well, let's do it this way. Let |
| 5 | me see if I can do it this way. |
| 6 | Mr. Pulido, did you see a list of requests |
| 7 | that we had made for documents for you to search for |
| 8 | and produce at the deposition originally, when it was |
| 9 | noticed, and then as it's been continued to today? |
| 10 | Do you understand what I'm asking you? Have |
| 11 | you seen a list of like nine requests for production, |
| 12 | that we were asking? |
| 13 | A Yeah, but I don't believe I saw it until very |
| 14 | recently. |
| 15 | Q Okay. And what's your best estimate as to |
| 16 | when you first saw the specific requests for documents |
| 17 | that we had made of you to produce at any of the |
| 18 | sessions of deposition that we had noticed? |
| 19 | A Last week. |
| 20 | Q When did you first make any efforts, if any, |
| 21 | to attempt to search for and locate documents that were |
| 22 | responsive to any of the requests in the Deposition |
| 23 | Notice? |
| 24 | A Last week, I began searching. |
| 25 | Q When you first began searching, were you still |

| 1 | working at the City of Santa Ana? |
|----|---|
| 2 | A No. I believe it was right after, right after |
| 3 | the 8th, I want to say. |
| 4 | Q Okay. And is that the last day you were at |
| 5 | the city? |
| 6 | A Yes. |
| 7 | Q At any point in time, have you reached out to |
| 8 | anyone at the city, and requested that they provide you |
| 9 | with access or any responsive documents from, for |
| 10 | example, your city e-mail account? |
| 11 | A No. |
| 12 | Q Is there any reason why not? |
| 13 | A I believe they already had provided |
| 14 | everything. |
| 15 | Q Based on what? |
| 16 | A Based on the City Attorney telling me so. |
| 17 | Q Okay. And |
| 18 | MR. MCCLUNG: I'm going to there is an |
| 19 | objection. I don't know if I have the standing to make |
| 20 | it; but I don't want you to ask him questions about his |
| 21 | conversations with the city, the city attorney, or me. |
| 22 | MR. GRANT: I understand. And I was just |
| 23 | trying to understand what his that understanding was |
| 24 | based on. I didn't try to elicit that testimony, so |
| 25 | THE WITNESS: Could I just not answer the |

| 1 | question, or what should I do? |
|----|---|
| 2 | BY MR. GRANT: |
| 3 | Q It's fine. You're supposed to answer the |
| 4 | question. It's just one of those things. Sometimes it |
| 5 | falls through the cracks, because I didn't ask for a |
| 6 | communication. |
| 7 | Aside from a communication with the City |
| 8 | Attorney, do you have any basis for your belief that |
| 9 | the city had searched for and produced to the |
| 10 | petitioners all responsive documents that were |
| 11 | available to the city that would have been responsive |
| 12 | to these requests that we made of you, aside from your |
| 13 | conversation with the City Attorney? |
| 14 | A I believe the city clerk, Daisy Gomez. I |
| 15 | believe she told me also that she had complied with all |
| 16 | requests, and I believe that included this one. |
| 17 | Q Okay. And when did that conversation with the |
| 18 | clerk occur? |
| 19 | A I don't know. It was just a very short, in |
| 20 | passing, conversation. |
| 21 | Q Within the last couple weeks? |
| 22 | A Yes. |
| 23 | Q Okay. Was it before or after you left the |
| 24 | city? |
| 25 | A I think it was right before. |

| 1 | Q All right. |
|----|--|
| 2 | A Maybe around there. |
| 3 | Q All right. When you started conducting your |
| 4 | search for documents to produce at this deposition, |
| 5 | until today, what if anything did you do to conduct |
| 6 | your search for documents? |
| 7 | A I'm just going, looking around the house, |
| 8 | trying to find out, see if I have any documents, if |
| 9 | there is any boxes or anything. I'm trying to go |
| 10 | through e-mails. |
| 11 | I'm trying to contact my accountant, because |
| 12 | she would have certain documents on some of the things |
| 13 | you've requested. And also, potentially, the law firm |
| 14 | Smith Alvarado, or Alvarado Smith. |
| 15 | Q Is Ruben Smith the "Smith" in Alvarado Smith? |
| 16 | A Yes. |
| 17 | Q And did you have any strike that. |
| 18 | Did you locate any documents in your search, |
| 19 | that you thought might be responsive? |
| 20 | A Not yet. |
| 21 | Q Okay. Have you completed your search? |
| 22 | A No. |
| 23 | Q Okay. You didn't it's a fair statement |
| 24 | that you didn't produce any documents today or |
| 25 | previously, in response to the requests? |

| 1 | A Other than documents that the city may have |
|----|---|
| 2 | produced. |
| 3 | Q Other than what the city might have produced, |
| 4 | you haven't produced, and you haven't you don't know |
| 5 | specifically what has or has not been produced by the |
| 6 | city. Correct? |
| 7 | A Correct. |
| 8 | Q Now, can you tell me what your estimate is for |
| 9 | the total amount of hours or minutes that you've spent |
| 10 | in total in the search for responsive documents, prior |
| 11 | to today's deposition? An hour? Less than with hour? |
| 12 | What would you say? |
| 13 | A Three hours, maybe. |
| 14 | Q Do you have any computers that you utilize at |
| 15 | home or anywhere else, a computer other than your smart |
| 16 | phone? |
| 17 | A I have an iPad, but it's the same identical |
| 18 | system. It's an iPhone and an iPad. They're |
| 19 | connected, so it's the same system. |
| 20 | Q Okay. So aside from your phone, your iPhone |
| 21 | and your iPad, do you have any other electronic |
| 22 | devices, such as a computer, a hard drive, cloud |
| 23 | account, anything where you might have any responsive |
| 24 | documents? |
| 25 | A No. |

| 1 | Q Do you have a home computer? |
|----|---|
| 2 | A Not one that I use. I haven't used it in |
| 3 | eight years. |
| 4 | Q So all of your e-mails and text and phone |
| 5 | calls are mainly on your cell phone; and your text and |
| 6 | e-mails through maybe sometimes your iPad? |
| 7 | A My iPhone or my iPad. They're integrated. |
| 8 | Q All right. How long have they been |
| 9 | integrated? |
| 10 | A Years. I don't know how many. |
| 11 | MR. GRANT: All right. Counsel, I'm going to |
| 12 | just make a brief request that the data on the iPad, |
| 13 | since it's apparently linked, to be preserved in the |
| 14 | same manner as we're requesting for the phone. We can |
| 15 | talk about it later. I'm making that request. Okay? |
| 16 | MR. MCCLUNG: So stipulated. |
| 17 | MR. GRANT: Thank you. |
| 18 | Q Now, Mr. Pulido, is your wife fully aware |
| 19 | of whatever the nature of your relationship is with |
| 20 | Ms. Wallace, and what it's been over the last six, |
| 21 | seven years, since she left the employment of the city? |
| 22 | MR. MCCLUNG: Objection; privacy. |
| 23 | BY MR. GRANT: |
| 24 | Q Okay. Your counsel has objected. He hasn't |
| 25 | instructed you not to answer. |

| 1 | MR. MCCLUNG: I'm going to instruct him not to |
|----|---|
| 2 | answer regarding communications between husband and |
| 3 | wife. |
| 4 | BY MR. GRANT: |
| 5 | Q All right. I have been advised that your |
| 6 | wife is unhappy about the relationship between you and |
| 7 | Ms. Wallace, for whatever reason. Is that a fair |
| 8 | statement, that at some point in time your wife has |
| 9 | expressed unhappiness with the relationship between you |
| 10 | and Ms. Wallace? |
| 11 | A I believe that question is similar to the |
| 12 | previous one, where I was instructed not to answer. |
| 13 | MR. MCCLUNG: I'm not objecting to that |
| 14 | question. That question just calls for a "yes" or "no" |
| 15 | answer. |
| 16 | THE WITNESS: Yes. |
| 17 | BY MR. GRANT: |
| 18 | Q That she was and I just want to make sure |
| 19 | I'm not trying to I just want to make sure I |
| 20 | understand your "yes". |
| 21 | That she was unhappy with the relationship, |
| 22 | whatever the nature of it is, between you and |
| 23 | Ms. Wallace, at some point in time. Correct? |
| 24 | A Yes. |
| 25 | Q And is it I've also been advised that that |

| 1 | displeasure of your wife regarding your relationship |
|----|---|
| 2 | with Ms. Wallace has gone on for a significant period |
| 3 | of time, and it was continued up until recently. |
| 4 | So, in other words, that for the last couple |
| 5 | of years, at least, and up until the last few months, |
| 6 | there has been this displeasure. Is that a fair |
| 7 | statement? |
| 8 | MR. MCCLUNG: Objection; invasion of privacy. |
| 9 | Instruct the witness not to answer. |
| 10 | BY MR. GRANT: |
| 11 | Q Okay. Is it a fair statement that, throughout |
| 12 | the period of time that the Judge allowed you know, |
| 13 | that period of time from 2015 until 2019, October 15th, |
| 14 | that there was this general unhappiness about the |
| 15 | relationship between you and Ms. Wallace? |
| 16 | A Is that a similar question? |
| 17 | MR. MCCLUNG: He just asked a general |
| 18 | question, for the whole time period, if there was a |
| 19 | displeasure. Again, it's a "yes" or "no" question. |
| 20 | THE WITNESS: Yes. |
| 21 | BY MR. GRANT: |
| 22 | Q Did you say "yes"? |
| 23 | A Yes. |
| 24 | Q Okay. Now all right. I'm going to jump |
| 25 | around, because I only have five minutes. So I'll come |

| 1 | back to some of this stuff next time. |
|----|--|
| 2 | But what I want to ask you you said |
| 3 | something early in the deposition, actually. You said |
| 4 | that there were you told me about these two what |
| 5 | did you say two marijuana projects that you had been |
| 6 | a consultant on. Right? |
| 7 | A Yes. |
| 8 | Q Okay. And I'm trying to find my notes. One |
| 9 | of them, you remember the guy's name, but you couldn't |
| 10 | remember for sure the name of the project. |
| 11 | And then the other one was Touchstone. Right? |
| 12 | A Yes. |
| 13 | Q Okay. And you received a consultant fee for |
| 14 | the work you did for what was the other one, other |
| 15 | than Touchstone called? |
| 16 | MR. MCCLUNG: Tested. |
| 17 | THE WITNESS: Tested, Tim Wright. |
| 18 | BY MR. GRANT: |
| 19 | Q Tested. Okay. |
| 20 | And did you receive a monthly fee, or what |
| 21 | type of compensation do you receive, as a consultant |
| 22 | fee? |
| 23 | A It depends on my progress and my performance |
| 24 | on the project. |
| 25 | Q Okay. And so are there like milestones and |

| 1 | measurements? And if you are successful, you get more; |
|----|--|
| 2 | and if you're unsuccessful, you get less or nothing? |
| 3 | A Yes. |
| 4 | Q And was that true for both Touchstone and the |
| 5 | other marijuana business; or just |
| 6 | A Yes. |
| 7 | Q one or the other? |
| 8 | A Yes. |
| 9 | Q For both? |
| 10 | A Both. |
| 11 | Q Okay. What period of time have you been a |
| 12 | consultant for Touchstone? |
| 13 | A I only did one project for them; and I'm no |
| 14 | longer a consultant for them, but I may be in the |
| 15 | future. And that period of time would have been about |
| 16 | a year ago. |
| 17 | Q What was the period of time where you were a |
| 18 | consultant for Touchstone? So when did it start and |
| 19 | when did it end, to the best of your recollection? |
| 20 | A I'd have to go back and look. I don't want to |
| 21 | give you bad information. |
| 22 | Q Can you give me your best estimate? Was it |
| 23 | less than a year, more than a year? |
| 24 | A More than a year. More than a year, but I |
| 25 | can't tell you more specific than that. |

| 1 | Q Okay. And how many different payments, in |
|----|---|
| 2 | connection with your work as a consultant, did you |
| 3 | receive from Touchstone? |
| 4 | A One. |
| 5 | Q And what was the amount of that payment? |
| 6 | A \$10,000. |
| 7 | Q And was that after you had accomplished |
| 8 | whatever the objective of your assignment was, or was |
| 9 | that at the beginning or the middle or what? |
| 10 | A It was once we had made enough progress. |
| 11 | Q Progress of what? |
| 12 | A Introducing this gentleman to other people |
| 13 | that he could make you know, conduct business with. |
| 14 | Q Who is the gentleman you're referring to? |
| 15 | A Aaron Thomas. |
| 16 | Q And is he the what's his role at |
| 17 | Touchstone? |
| 18 | A I believe he's a CEO. |
| 19 | Q And what was your assignment in connection |
| 20 | with Touchstone, when they hired you as a consultant? |
| 21 | What were they trying to accomplish, if anything? |
| 22 | A They were getting into the cannabis business. |
| 23 | And I knew some manufacturers that I introduced them |
| 24 | to, so he could order equipment and expedite his |
| 25 | processes. And it ended up working out. |

| 1 | Q How did you meet Mr. Thomas? |
|----|---|
| 2 | A There was a friend of mine, named |
| 3 | Frank Barbaro, who has since passed away, and he wanted |
| 4 | me to meet Mr. Thomas. So he arranged for us to meet |
| 5 | in San Diego I don't know eight years ago, or |
| 6 | something like that. |
| 7 | Q All right. Have you been a friend of |
| 8 | Mr. Thomas's since you met him eight years ago, or did |
| 9 | you ever |
| 10 | A Yeah. No, we've grown very close. We're |
| 11 | buddies. I may work with him in the future. We're |
| 12 | having those discussions now. |
| 13 | Q All right. You mentioned you have a brother |
| 14 | named Luis Pulido? |
| 15 | A Yes, I do. |
| 16 | Q And did you say that you assisted in getting |
| 17 | him a position on some sort of board, at some point in |
| 18 | time? |
| 19 | A Yes. |
| 20 | Q And what board? |
| 21 | A The Orange County Fair Board. |
| 22 | Q Okay. And did your brother also work for the |
| 23 | ad Adelanto business, the Bushala affiliated marijuana |
| 24 | business, at some point in time, in some capacity? |
| 25 | A Yes, he did. |

1 0 And did he also work for Mr. Thomas or Touchstone, at some point in time? 2 3 Α Yes, he did. And your brother currently works for 4 5 Mr. Thomas, or Touchstone. Correct? No, he does not. 6 Α 7 Okay. When did he stop working there? O 8 Α Like a year ago, maybe. 9 All right. And your brother received Q compensation from the Adelanto business, correct, as 10 11 far as you're aware? 12 Not the Bushalas, not Adelanto. Α It was strictly through Touchstone. Strictly 13 14 through the operator. 15 How long did your brother work for Touchstone, 16 as far as you're aware? About four months. 17 Α 18 Has Ms. Wallace had any involvement whatsoever, as far as you're aware, with Touchstone? 19 20 Α No. 21 None whatsoever? 0 22 Α None whatsoever. 23 Has Ms. Wallace had any involvement with the O Adelanto marijuana enterprise, as far as you're aware? 24 25 Α Yes.

| 1 | Q And what was her involvement? |
|----|---|
| 2 | A It was in the earlier days, when they were |
| 3 | seeking entitlements and licenses. |
| 4 | Q Was Ms. Wallace as far as you're aware, did |
| 5 | Ms. Wallace have an ownership interest of any kind in |
| 6 | the Adelanto enterprise or business? |
| 7 | A Yes. But it was not I think it was |
| 8 | Naranja. I don't recall the entity, but there was an |
| 9 | entity. |
| 10 | Q But it was through an entity, but she had some |
| 11 | sort of beneficial ownership interest? |
| 12 | A Right. |
| 13 | MR. MCCLUNG: Counsel, we're out of time. |
| 14 | MR. GRANT: Can I ask one more question? |
| 15 | MR. MCCLUNG: Yeah, absolutely. |
| 16 | BY MR. GRANT: |
| 17 | Q Okay. What, if any, consideration did your |
| 18 | father give for this option that you had described of |
| 19 | his interest in the Adelanto business? |
| 20 | A There was no consideration, either way. |
| 21 | Q Then why was he given the option? |
| 22 | A Because the Bushalas wanted if this all |
| 23 | worked out, they wanted him to have that opportunity. |
| 24 | Q Was it sort of like a favor to you? |
| 25 | A I don't think it was a favor to me. I think |

| 1 | it was just the way the whole thing was structured. |
|----|--|
| 2 | Q Well, do you think they would have given your |
| 3 | father do you think they would have given that |
| 4 | individual this option, if it wasn't for the fact that |
| 5 | he was your father? |
| 6 | A No. We worked on it together, as a team. |
| 7 | MR. MCCLUNG: All right, counsel. I have to |
| 8 | cut you off there. Sorry. |
| 9 | MR. GRANT: Sure. Hey, that's okay. Thank |
| 10 | you, counsel. |
| 11 | I propose the stipulation that we'll treat |
| 12 | this as Volume I of the deposition, that the court |
| 13 | reporter I know that they don't like stips, but I do |
| 14 | them anyway that the court reporter will be relieved |
| 15 | of her obligation to maintain the transcript, but none |
| 16 | of the other obligations. And instead she will send |
| 17 | the transcript to Mr. McClung, who will make it |
| 18 | available to Mr. Pulido to review and make any changes |
| 19 | on an errata sheet, to sign under penalty of perjury, |
| 20 | and to notify us. |
| 21 | We'll give Mr. Pulido 30 days from |
| 22 | Mr. McClung's receipt of the Volume I to review and |
| 23 | make changes. And Mr. McClung will notify us within |
| 24 | seven days of any changes and provide us a copy of the |
| 25 | errata sheet and the signature page. |

| 1 | If the we will ultimately maintain the |
|----|---|
| 2 | original and make it available at trial or any other |
| 3 | proceeding, upon reasonable request. |
| 4 | And if, for any reason, the original is |
| 5 | unavailable, loss, stolen or otherwise unavailable, a |
| 6 | certified copy can be used, and will be deemed a signed |
| 7 | corrected original for all purposes. |
| 8 | MR. MCCLUNG: Well, I agree to that counsel. |
| 9 | MR. GRANT: Thank you. |
| 10 | MS. ROSSINI: So stipulated. |
| 11 | MR. LEE: We're also okay, Real Parties. |
| 12 | MR. GRANT: All right. Thank you, |
| 13 | Mr. McClung. Thank you, Mr. Pulido. |
| 14 | We'll reschedule. This deposition is being |
| 15 | suspended. We'll reschedule it at a date, hopefully in |
| 16 | the not too distant future. |
| 17 | Mr. McClung, I know you're busy, but if you |
| 18 | don't mind, if you could give me a call, so we could |
| 19 | try to work out some of these things. |
| 20 | THE COURT REPORTER: Can we go off the record? |
| 21 | MR. MCCLUNG: Yes. Let's go off the record. |
| 22 | MR. GRANT: Yes, thank you. Off the record. |
| 23 | THE VIDEOGRAPHER: Off the record. |
| 24 | THE COURT REPORTER: Mr. Lee, did you need a |
| 25 | copy of the transcript? |

| 1 | MR. LEE: Yes, please. |
|----|---|
| 2 | MS. ROSSINI: I'd like a copy as well, please. |
| 3 | (Whereupon Exhibits 1 through 4 were marked |
| 4 | for identification by the Court Reporter, copies of |
| 5 | which are attached hereto.) |
| 6 | (The proceedings concluded at 2:49 p.m. |
| 7 | Declaration under penalty of perjury on the following |
| 8 | page hereof.) |
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| 1 | DECLARATION UNDER PENALTY OF PERJURY |
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| 2 | |
| 3 | I, MIGUEL PULIDO, do hereby certify under |
| 4 | penalty of perjury that I have read the foregoing |
| 5 | transcript of my deposition, or the same has been read |
| 6 | to me; that I have made such changes and/or |
| 7 | corrections, if any, on the Deposition Errata Sheet, |
| 8 | attached hereto, signed by me; that my testimony as |
| 9 | contained herein, as corrected, is true and correct. |
| 10 | Signed on theday of, |
| 11 | 20, at, |
| 12 | California. |
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| 14 | MIGUEL PULIDO |
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| 1 | CERTIFICATION |
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| 2 | OF |
| 3 | CERTIFIED SHORTHAND REPORTER |
| 4 | |
| 5 | I, the undersigned, a Certified Shorthand |
| 6 | Reporter of the State of California, do hereby certify: |
| 7 | That the foregoing proceedings were taken |
| 8 | before me at the time and place herein set forth; that |
| 9 | any witnesses in the foregoing proceedings, prior to |
| 10 | testifying, were placed under oath; that a verbatim |
| 11 | record of the proceedings was made by me using machine |
| 12 | shorthand which was thereafter transcribed under my |
| 13 | direction; further, that the foregoing is an accurate |
| 14 | transcription thereof. |
| 15 | I further certify that I am neither counsel |
| 16 | for nor related to any party to said action, nor in any |
| 17 | way interested in the outcome thereof. |
| 18 | IN WITNESS WHEREOF, I have this date |
| 19 | subscribed my |
| 20 | Name: |
| 21 | Marlene Apodaca, CSR No. 6579 |
| 22 | |
| 23 | Dated: January 5, 2021. |
| 24 | |
| 25 | |
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