

DRAFT - EDWARD MAGEDSON - 6/8/10

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The time is 10:20 a.m.

Q. BY MS. BORODKIN: Mr. Magedson, I'm asking you, as you sit here right now, personally, what else do you remember right now about Tina Norris?

MR. GINGRAS: Same objection to the extent it calls for attorney-client privilege.

THE WITNESS: I don't remember anything other than I know that she applied for the CAP program, filled out the application, and -- oh, I feel that she misrepresented herself, if I remember correctly. She said she only had one complaint. And she had 11 complaints.

And that's what I remember. And I sent -- she's got everything. I think even I sent her an agreement for the CAP program. And I believe all that is in -- I think it is, in everything that you sent to my attorneys that you are using as evidence or I'm not sure what.

Q. BY MS. BORODKIN: How do you know she applied for the CAP program?

A. Because that refreshed my memory this morning when I had seen the e-mails and whatever, but I'm not too sure if everything was in there. I know there was the application was there and I'm almost positive I had sent her the agreement. We went that far, but I could be

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mistaken, because I don't remember seeing that in what you sent last night. If you show me that, which I'm sure you are going to show me, I will be able to let you know, because there is no way I can remember exactly.

Q. These documents that you are talking about that you say refreshed your memory, did they appear to be genuine?

MR. GINGRAS: Objection.

THE WITNESS: I didn't look at them that closely.

Q. BY MS. BORODKIN: In your best opinion, do you think that they are typical of the way an applicant would apply for the CAP?

A. Whatever I did with Tina. Everyone is treated the same. They don't get anything different. And so on. So nobody gets anything different. It's the same for everybody.

Q. Mr. Magedson, I'd like to ask you to walk me through the steps one more time so we understand how a typical CAP application is done. And my question is, having looked at the documents regarding Tina Norris, how did her application begin?

A. Well, I don't remember if she sent an e-mail

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prior asking questions. She might have done that. So I can't remember. But I do know if she got the rate sheet and we made up an agreement, she filled out the application. After you fill out the application, there's a standard e-mail that goes to them, again, like I told you the other day, or last week, there's an e-mail that explains trying to get them to file a rebuttal and understand that they can file a rebuttal, but if they want our services, which I've explained to you what the services are, but that's not what you are asking, they get that e-mail, and then if they are really interested, they send back another e-mail, you know, asking you know, yes, I'm still interested. I know I can file a rebuttal. And then they get the rates. And then after they get the rates, they make a request for the agreement and you know, they are telling me they are ready to go. And I forget whether or not Tina Norris had done that or not. I think that she did, but I can't remember offhand. So.

Q. That's okay?

A. But if they did, she gets the same thing that everybody else gets.

Q. Correct me if I'm wrong, I think you testified as Excentric last week that in between the e-mail

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following your e-mail advising prospective applicants of the opportunity to file a rebuttal, that applicants have to fill out a second questionnaire. Is that correct?

A. No. The other questionnaire comes before the agreement. So if they say yes, I understand what the rates are, and I want to go ahead, they are sent a questionnaire, and even subject box of the e-mail should have, not to say I wouldn't forget, but it should say questions. And there's a list of questions they have to answer about that -- it's in that e-mail. So that comes before we are actually going to approve them and send them the agreement.

Q. Mr. Magedson, is this second questionnaire that you just described contained in the body of an e-mail that would be sent by you?

A. Yes.

Q. And Mr. Magedson, would that be as opposed to a questionnaire contained on a website, for example, where the --

A. No it's not on the website.

Q. Where the applicant would have to click reforms?

A. Sorry for answering before. Sorry don't mean

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to trip you up.

It's an e-mail that I send when they say, yes, okay, it's not on a website any. Where it's only an e-mail. When they say, oh, I want to join or whatever words that they use, I under what the costs are, then there's a questionnaire, you know, so we can deal with the agreement.

Q. So in other words --

A. Which it's an e-mail that's copied and pasted into the e-mail.

Q. Okay. Thank you. I think I understand.

The rate sheet that you just described --

A. I didn't describe a rate sheet, did I?

Q. For give me. You mentioned a rate sheet, Mr. Magedson?

A. Okay.

Q. The rate sheet that you mentioned a moment ago, does the rate sheet go out to all applicants who reach the stage in the process you just described?

A. After they've received the -- after they fill out the application, then I send them that first e-mail that tries to tell them to file a rebuttal, and it talks a little bit about the CAP, but you know, it strongly

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suggests for free can you file a rebuttal. When they respond back, at that point, after they've responded back, yes, I understand I can file a rebuttal, that e-mail contains the rates.

Q. Is the rate sheet attached as a word document to the e-mail?

A. It's not a word dock. I would say it's a PDF.

Q. In other words, is it attached as a document?

A. Yeah, it's attached.

Q. And is there also attached to the same e-mail where the rate sheet is attached, an example letter that would go to people who authored reports?

A. Right, or anyone that might e-mail us or author reports.

Q. And would you say this e-mail that has these two attachments, one, the rate sheet, and two, the letter that goes to other people, is typical of the step in the CAP application process where Excentric quotes fees for CAP?

A. Well, you are leaving one thing out. There is two things that they get -- three things they get that are attached, the rates, a sample letter that we are going to e-mail out, which is part of our investigation that we