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1 you received \$100 on May 1st it might not be
 2 reported until August 1st based on the
 3 accounting method; is that correct?
 4 A. Correct.
 5 Q. So as far as the actual date of
 6 receipt for each source of revenue since
 7 2002, what documents have the Hornets
 8 provided that would tell us the actual date
 9 of receipt of those sources of revenue?
 10 A. The cash report.
 11 Q. The cash report?
 12 A. Yeah. The daily cash report,
 13 that spreadsheet that I referred to earlier.
 14 Q. And I know that counsel was
 15 looking for the Bates numbers of the
 16 documents identifying the cash report
 17 because I don't remember seeing those.
 18 MR. BURAS:
 19 Counsel, have you been able to
 20 identify which documents are the cash
 21 reports?
 22 MS. ANDERSON:
 23 I don't know if I can from this
 24 index that we prepared, but I'm going to ask
 25 him real quickly to look at some numbers and



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1 tell me if this is right.
 2 This is off the record.
 3 (Discussion off the record.)
 4 MS. ANDERSON:
 5 I don't know. I know it when I
 6 see it. I know from the actual documents we
 7 produced. I can't tell from the description
 8 on this. So I can't tell without looking at
 9 it.
 10 MR. BURAS:
 11 Let's go back on the record.
 12 At this time, Mr. Crumb, we're
 13 unable to confirm the Bates numbers of the
 14 documents identifying the cash reports that
 15 you've indicated were produced to counsel.
 16 At this time I'm going to ask counsel if you
 17 could just please identify which documents
 18 are those cash reports after this deposition
 19 so that we can verify we have received those
 20 documents.
 21 EXAMINATION BY MR. BURAS:
 22 Q. Letter D indicates that
 23 plaintiffs (sic) produce copies of the
 24 amount, date of receipt, and source of
 25 revenue from each home game played at the

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1 arena since 2002. Would you be able to
 2 determine the amount, date of receipt, and
 3 source of revenue from the cash reports that
 4 we just discussed?
 5 A. The -- It's going to give an
 6 aggregate amount of cash received from
 7 tickets. In order to get from each home
 8 game you'd have to get the settlement
 9 statement from SMG to get the exact
 10 breakdown of here's concessions and here's
 11 parking and here's ticket sales.
 12 Q. All right. So --
 13 A. Because you have walk-up ticket
 14 sales the night of the game.
 15 Q. And you've indicated we don't
 16 have those SMG breakouts yet, correct?
 17 A. Right.
 18 Q. So prior to this deposition
 19 there's no way that plaintiffs would have
 20 been able to determine the amount, date of
 21 receipt, source of revenue derived from home
 22 games played at the arena for each month
 23 since 2002; is that correct?
 24 A. Well, no. With those reports,
 25 we can. And plus we know our ticket sales.

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1 You know, we know that. But we get those
 2 settlement reports from SMG.
 3 Q. My question wasn't clear. Since
 4 I don't have copies of those reports from
 5 SMG, there's no way I could have determined
 6 this information based on the information
 7 the Hornets have produced to date; is that
 8 correct?
 9 A. Well, you can -- you would not
 10 have been able to tell from each home game
 11 the exact breakdown of each type of revenue
 12 source.
 13 Q. Same question on letter E
 14 related to road games played by the Hornets.
 15 Do the Hornets receive revenue from the home
 16 teams when the Hornets play away games?
 17 A. Not that I'm aware of.
 18 Q. Are you sure of this or have you
 19 not looked into this information?
 20 A. No, I just -- I'm not aware of
 21 it. But based on what I've done, you know,
 22 what we've looked at and, you know, talked,
 23 you know, to various people, I'm not aware
 24 of any revenue received when we play on the
 25 road, you know, from the home team on the

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1 road. I'm not aware of any kind of sharing
 2 or anything, any monies that they give us.
 3 Q. I don't remember what your
 4 answer was, but on Request for Production
 5 No. 21, have you ever seen this Request for
 6 Production No. 21 in any form such as
 7 correspondence, e-mails, or other breakouts
 8 from this document that may have been
 9 submitted to you by your counsel?
 10 And just to clarify, by
 11 breakout, I mean maybe counsel submitted you
 12 an e-mail specifically requesting this
 13 information although maybe not identifying
 14 it as Request for Production No. 21.
 15 A. Counsel has requested --
 16 Q. Each category of information?
 17 A. No, not each category.
 18 Q. Well, maybe we can expedite
 19 things. Which categories of information has
 20 counsel specifically requested?
 21 A. A and B.
 22 MS. ANDERSON:
 23 Did you say B or D?
 24 THE WITNESS:
 25 B, as in boy. A and B are the

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1 ones that I'm aware of.
 2 EXAMINATION BY MR. BURAS:
 3 Q. C through I, have you ever been
 4 specifically asked for that information
 5 before?
 6 A. I haven't been specifically
 7 asked in this form.
 8 Q. Do the Hornets receive any money
 9 for radio broadcasts?
 10 A. We receive television revenue,
 11 local television revenue. I'm not aware of
 12 whether it's -- radio is lumped into that or
 13 not.
 14 Q. Have you ever investigated to
 15 find this information out?
 16 A. No.
 17 Q. I think we've already discussed
 18 as it relates to letter F. There are
 19 sponsorship reports that have not yet been
 20 provided to plaintiffs in this case as well;
 21 is that correct?
 22 A. That I'm aware of.
 23 Q. Request No. 22 requests copies
 24 of documents identifying the amount of
 25 revenue from the State of Louisiana or City

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1 of New Orleans received by the Hornets for
 2 each year since 2002, including date of
 3 receipt for each payment. Have the Hornets
 4 produced this information to plaintiffs?
 5 A. I'm not aware if we've produced
 6 it to the plaintiffs.
 7 Q. Have you ever been asked to look
 8 for that information?
 9 A. Yes.
 10 Q. When was the first time you were
 11 asked to look for this?
 12 A. I really don't remember whether
 13 it was July or August, September. All I was
 14 asked was what type of revenue did we
 15 receive from the state.
 16 Q. Do you remember what your
 17 response was?
 18 A. Yeah. We -- What I said was we
 19 had the naming rights' revenue. We get 1.9
 20 million a year. As long as we don't get a
 21 naming rights' sponsor we get 1.9 million a
 22 year.
 23 Q. Is that information set forth in
 24 any type of a document, the names rights'
 25 revenue that the Hornets receives?

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1 A. I'm not aware. I don't know.
 2 Q. Have you ever looked for that
 3 information?
 4 A. No.
 5 Q. Do the Hornets have a contract
 6 with SMG?
 7 A. Yes.
 8 Q. Has a copy of that contract ever
 9 been produced in this litigation?
 10 A. I don't know.
 11 Q. Have you ever been asked to
 12 produce a copy of it?
 13 A. No, I haven't.
 14 Q. Do you have a copy of it?
 15 A. I don't.
 16 Q. Do you know who within the
 17 Hornets organization might have a copy of
 18 it?
 19 A. Yes.
 20 Q. Who?
 21 A. Sam Russo.
 22 Q. Do you know if Mr. Russo was
 23 ever asked to produce a copy of it?
 24 A. No, I don't know.
 25 Q. Asked about Quality Jobs Program

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1 documents. I know we just discussed this.
 2 Is there someone specific at the Hornets who
 3 is designated to be their point of contact
 4 with the State of Louisiana related to
 5 Quality Jobs Program issues?
 6 A. I handle that now.
 7 Q. Prior to you who would that
 8 point person have been?
 9 A. I don't know. The only person
 10 I've seen on the original form was Barbara
 11 Booth, I believe.
 12 Q. Previously I believe we
 13 discussed that there were affidavits with
 14 attachments like Excel tables attached, but
 15 you indicated you'd never seen that before;
 16 is that correct?
 17 A. That's correct.
 18 Q. Do you know who, if anyone,
 19 within the Hornets organization might also
 20 be submitting information to the State of
 21 Louisiana besides yourself to the Quality
 22 Jobs Program?
 23 A. No.
 24 Q. Is there anyone else at the
 25 Hornets organization who should be producing

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1 this information?
 2 MS. ANDERSON:
 3 Objection. Form. Calls for
 4 speculation.
 5 A. I don't -- I don't know. I
 6 can't answer that question.
 7 EXAMINATION BY MR. BURAS:
 8 Q. Have you ever authorized anyone
 9 else to produce information to the state of
 10 Louisiana?
 11 A. No, not since I've been there.
 12 I'm sorry. As far as the Quality Jobs
 13 Credit Program?
 14 Q. Yes, sir.
 15 A. No. The only thing that I'm
 16 aware of that we have provided was that
 17 renewal form and the affidavit that I signed
 18 along with it.
 19 Q. Have you ever been asked to
 20 produce a copy of any reports related to the
 21 retail sales produced by the Hornets?
 22 A. By whom? Retail, what do you
 23 mean by "retail sales"?
 24 Q. I don't know, sir. That's a
 25 defense the Hornets have asserted in this

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1 litigation. The Hornets have alleged a
 2 retail sales exemption to their requirement
 3 to pay overtime in this litigation. What
 4 documents reflect the amount of retail sales
 5 that the Hornets have?
 6 MS. ANDERSON:
 7 Objection. Form.
 8 A. Okay. Basically, I think I can
 9 answer this question. Monthly financial
 10 statement provides that because generally
 11 everything we do is retail. Ticket sales,
 12 they can't be resold. I mean, it's a final
 13 sale to the consumer. You know, you can't
 14 reproduce the broadcast, the television, the
 15 local television. Everything that we do is
 16 retail. We have some minor retail
 17 merchandise sales and all the things that we
 18 derive revenue from are retail are included
 19 in this, in this statement.
 20 EXAMINATION BY MR. BURAS:
 21 Q. Are you aware of what percentage
 22 of Hornets' tickets have been sold in the
 23 retail market -- have been resold on the
 24 retail market --
 25 A. Have been resold?

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1 Q. -- since 2002? Yes.
 2 MS. ANDERSON:
 3 Objection. Form.
 4 A. No.
 5 EXAMINATION BY MR. BURAS:
 6 Q. Are you aware of any reports
 7 that have been conducted or prepared by the
 8 Hornets related to the percentage of tickets
 9 resold on the open market?
 10 A. No, I'm not.
 11 Q. Are you aware of the activities
 12 of any of the sales managers or sales
 13 directors wherein they authorized the resale
 14 of tickets previously purchased by customers
 15 in the Hornets' sales department?
 16 MS. ANDERSON:
 17 Objection. Form.
 18 A. No, I'm not aware of any.
 19 EXAMINATION BY MR. BURAS:
 20 Q. Have you ever investigated any
 21 of these issues?
 22 MS. ANDERSON:
 23 Objection. Form. And asked and
 24 answered.
 25 A. No, I have not.

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1 EXAMINATION BY MR. BURAS:
 2 Q. Sir, are you a member of the
 3 Commission Compensation Committee?
 4 A. No.
 5 Q. Are you aware of whether or not
 6 any of your predecessors were members of the
 7 Commission Compensation Committee?
 8 A. No, I'm not aware of that.
 9 Q. Have you ever investigated
 10 whether or not any of your predecessors
 11 might have documents responsive to any
 12 actions they took as members of the
 13 Commission Compensation Committee?
 14 A. No.
 15 Q. Do you know what the Commission
 16 Compensation Committee is?
 17 A. No.
 18 Q. Have you ever heard the term
 19 before this deposition?
 20 A. I have not heard and I don't
 21 remember hearing of it. I don't know the --
 22 I'm not involved in it, if we have one right
 23 now.
 24 Q. Do you possess any documents
 25 wherein you've made any determinations

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1 regarding the amount of commissions that
 2 might be owed to any sales employees of the
 3 New Orleans Hornets?
 4 MS. ANDERSON:
 5 Objection. Form.
 6 A. Could you repeat the question?
 7 EXAMINATION BY MR. BURAS:
 8 Q. Sure. Do you have any documents
 9 either prepared by you or any of your
 10 predecessors related to the amount of
 11 commissions that any plaintiff in this case
 12 might have been entitled to receive?
 13 MS. ANDERSON:
 14 Objection. Form.
 15 A. I'm not aware of any.
 16 EXAMINATION BY MR. BURAS:
 17 Q. Do you have any documents,
 18 notes, memos, e-mails, or any other type of
 19 documents reflecting any job
 20 responsibilities or duties that any of your
 21 predecessors had in playing a role or any
 22 part in determining the amount of
 23 commissions owed by any of the plaintiffs in
 24 this litigation?
 25 MS. ANDERSON:

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1 Objection. Form.
 2 A. No, I'm not aware.
 3 EXAMINATION BY MR. BURAS:
 4 Q. Do you have any information in
 5 your possession related to the offers of
 6 employment that were made to Eugene Liger,
 7 Tony Martin, or Adam Nash by the New Orleans
 8 Hornets?
 9 A. No.
 10 Q. Have you ever looked for any
 11 information related to the offers made by
 12 the Hornets?
 13 A. No, I have not.
 14 Q. Have you ever asked that the IT
 15 department conduct any searches for any
 16 e-mails, memos, or other documents that
 17 might be located on Hornets' computers or
 18 servers that any of your predecessors might
 19 have related to the offers of employment
 20 made to Adam Nash, Tony Martin, or Eugene
 21 Liger?
 22 A. No, I have not.
 23 Q. Have you ever heard those three
 24 names before today?
 25 A. I've heard Eugene Liger.

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1 Q. Have you personally conducted
 2 any searches to determine whether or not you
 3 or any of your predecessors have received
 4 any e-mails, memoranda, correspondence,
 5 notes, or other documents related to
 6 overtime compensation?
 7 A. No.
 8 Q. Do you know whether or not
 9 Barbara Booth had any e-mails,
 10 correspondence, or memos in her computer
 11 systems or servers that might have addressed
 12 overtime compensation?
 13 A. No, I'm not aware of any.
 14 Q. Do you know whether that
 15 information has ever been looked for in this
 16 litigation by the Hornets?
 17 A. I don't know.
 18 Q. I want you to take a look at
 19 Page 21, Request for Production No. 40.
 20 There are persons identified A through Q. I
 21 don't know which of these persons might be
 22 financial and which are not.
 23 Would you please take a look and
 24 tell me whether or not you have ever been
 25 asked and whether or not you have ever

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1 looked for any information related to
 2 e-mails, memoranda, correspondence, notes,
 3 or other documents that might be located in
 4 the Hornets' servers and/or computers
 5 regarding overtime compensation for any of
 6 these persons.
 7 A. No, I have not.
 8 Q. Take a look at No. 42. Have you
 9 ever looked at the information available to
 10 you in any of your predecessors' files, be
 11 they electronic or physical, related to
 12 determinations on who was owed commissions
 13 for any of the customers identified in
 14 letters A through BB on Pages 23 and 24?
 15 A. Could you repeat the question
 16 just one more time?
 17 MR. BURAS:
 18 Would you read it back.
 19 (Whereupon, the preceding
 20 question was read back by the reporter.)
 21 A. No, I have not.
 22 EXAMINATION BY MR. BURAS:
 23 Q. Have you ever been asked to look
 24 for this information?
 25 A. No.

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1 Q. Do you know whether or not the
 2 Hornets have looked for this information?
 3 A. No, I don't know.
 4 Q. No. 46 requests copies of all
 5 communications or documents between the
 6 Hornets and any representative, executive,
 7 or employee of the NBA regarding overtime
 8 paid for employees. Without revealing any
 9 attorney-client privileged information, have
 10 you ever been directed to look for any of
 11 this information in any of your files or any
 12 of your predecessors' files?
 13 A. No, I have not.
 14 Q. Have you ever personally
 15 conducted a search for this information?
 16 A. No, I have not.
 17 Q. Have you ever directed anyone to
 18 conduct a search for this information?
 19 A. No, I have not.
 20 Q. Do you know whether or not this
 21 information has ever been looked for?
 22 A. No, I don't know.
 23 Q. Do you know anything about NBA
 24 policies and procedures for payment of
 25 premium seat commissions?

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1 A. No.
 2 MS. ANDERSON:
 3 I'm just going to kind of note
 4 an objection. It's fine if you want to ask
 5 him these questions, but his knowledge is
 6 really limited to financial information, not
 7 the ticket sales type information. It's
 8 fine if you want to go through it. I'm just
 9 trying to tell you that that's probably
 10 going to make this longer than it needs to
 11 be.
 12 EXAMINATION BY MR. BURAS:
 13 Q. Do you know who a person named
 14 Chris Zaber is?
 15 A. I don't know him. I've heard
 16 his name, and I don't know who he is.
 17 Q. Do you know how the Hornets
 18 track sales of their commissioned employees?
 19 A. Yes.
 20 Q. All right. Is this information
 21 contained in any policies or procedures or
 22 manuals?
 23 A. Not that I know of. I don't
 24 know. It might be.
 25 Q. Have you ever looked for any

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1 such policies, procedures, or manuals?
 2 A. No, I have not.
 3 Q. You indicate that you do know
 4 how the Hornets track sales of commission
 5 salesmen. How is this done?
 6 A. It's done through Archtics.
 7 Q. Do you know specifically what
 8 documents might exist that show how these
 9 commissions are tracked?
 10 A. Other than Archtics and that
 11 report is sent to payroll department for
 12 inclusion on their paycheck.
 13 Q. Are you aware that we've had
 14 testimony that in years prior the accounting
 15 department actually tracked this information
 16 and provided it to the individual
 17 salespersons?
 18 A. I'm not -- I'm not aware of
 19 that.
 20 Q. Have you ever looked for
 21 information related to any changes in the
 22 way commission sales were tracked by the New
 23 Orleans Hornets from 2002 through the end of
 24 2005?
 25 A. No.

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1 Q. Have you ever been asked to look
 2 for that information?
 3 A. I don't recall being asked for
 4 it.
 5 Q. Who is the best person who might
 6 have that information?
 7 A. In the organization as far as
 8 how commissions are tracked?
 9 Q. Yes.
 10 A. At what time period?
 11 Q. 2002 until 2005.
 12 MS. ANDERSON:
 13 If you know.
 14 A. I really don't know.
 15 EXAMINATION BY MR. BURAS:
 16 Q. Do you know if you or any of
 17 your predecessors maintained any documents
 18 related to how commissions were tracked by
 19 the Hornets from 2002 to 2005?
 20 A. I don't know.
 21 Q. Are you aware of any involvement
 22 that Barbara Booth might have had in
 23 determining the amount of commissions owed
 24 to sales employees during any point of her
 25 tenure?

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1 A. No.
 2 Q. Do you have any documents in
 3 your possession that Barbara Booth may have
 4 maintained regarding how she might have
 5 tracked the information related to
 6 commissions of sales employees?
 7 MS. ANDERSON:
 8 Objection. Asked and answered
 9 already.
 10 A. I'm not aware of any documents.
 11 EXAMINATION BY MR. BURAS:
 12 Q. Take a look at Document No. 11,
 13 which are responses to interrogatories that
 14 have been prepared by the Hornets. The date
 15 of this document is December 14th, 2005.
 16 Have you ever seen this document
 17 before, sir?
 18 A. No, I haven't seen this
 19 document.
 20 Q. I'll show you a copy of
 21 Documents 12 and 16, which are the 30(b)(6)
 22 notice and the 1442 notice in this case.
 23 That's the corporate representative
 24 deposition notices.
 25 MS. ANDERSON:

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1 Do you want me to get my copies?
 2 MR. BURAS:
 3 I can show him mine, if you'd
 4 like. It will make things quicker.
 5 EXAMINATION BY MR. BURAS:
 6 Q. Have you ever seen either of
 7 those two documents, sir?
 8 MS. ANDERSON:
 9 Do you remember the question?
 10 THE WITNESS:
 11 Yeah. Have I seen these
 12 documents.
 13 A. I've either seen this document
 14 or something very similar to it. I can't
 15 remember.
 16 EXAMINATION BY MR. BURAS:
 17 Q. I'll represent to you that that
 18 is the corporate deposition notice that
 19 we've submitted to the Hornets in this case,
 20 plaintiffs have submitted to the Hornets, I
 21 should say. I don't know if we've already
 22 shown you a copy of this, but this is
 23 Exhibit 1, which is a copy of the Hornets'
 24 designation of you as a witness to testify
 25 on chain of evidence questions and

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1 designating you to testify on certain topics
 2 in the 30(b)(6) and 1442 deposition notices.
 3 You are aware that you have been
 4 designated by the Hornets?
 5 A. Oh, yes. Yeah. Like I said,
 6 I've either seen these documents or
 7 something very similar.
 8 Q. My question to you is are you
 9 aware of which areas you've been designated
 10 to testify?
 11 A. Yes.
 12 Q. Have you been asked by counsel
 13 in response to the specific areas that
 14 you've been designated to testify whether or
 15 not you have any additional documents that
 16 might be responsive to the topics upon which
 17 you were going to testify other than those
 18 which have been already produced in this
 19 litigation?
 20 A. Okay. Can you repeat that?
 21 It's a lot for one question.
 22 MR. BURAS:
 23 Would you read that one back. I
 24 actually liked that question.
 25 (Whereupon, the preceding

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1 question was read back by the reporter.)
 2 A. I don't remember if I was asked
 3 that or not.
 4 EXAMINATION BY MR. BURAS:
 5 Q. Other than documents that you
 6 have already produced in this case or that
 7 you have been made aware that the Hornets
 8 previously produced, are there any other
 9 documents that you will rely upon to testify
 10 as to any other areas upon which you have
 11 been designated as a 30(b)(6) witness?
 12 A. I don't know. I believe we've
 13 supplied everything that we requested, I
 14 mean, at least that I know of.
 15 Q. Everything that counsel has
 16 asked you to provide, is that what you mean?
 17 A. Correct.
 18 MS. ANDERSON:
 19 Objection. Form.
 20 EXAMINATION BY MR. BURAS:
 21 Q. I believe you've previously
 22 indicated you've not actually seen the
 23 actual request for production that
 24 plaintiffs have submitted in this case; is
 25 that correct?

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1 MS. ANDERSON:
 2 Objection. Asked and answered
 3 and to the extent it misstates previous
 4 testimony.
 5 A. Which document -- Now, what are
 6 you --
 7 EXAMINATION BY MR. BURAS:
 8 Q. I was talking about Exhibit 10.
 9 You indicated you've never seen Exhibit 10
 10 before and you also indicated you've never
 11 seen Exhibit 20 before; is that correct?
 12 A. Can I see those exhibits again?
 13 Q. Sure. I'll be more than happy to
 14 do that.
 15 MS. ANDERSON:
 16 It would be quicker if you could
 17 just allow him to rely on his prior
 18 testimony as to Exhibits 20 and 10 instead
 19 of trying to ask it again.
 20 Which one do you have?
 21 THE WITNESS:
 22 This is 20. Yeah. I haven't
 23 seen this one.
 24 EXAMINATION BY MR. BURAS:
 25 Q. So when I ask you if you've

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1 provided all documents that might have been
 2 responsive, my question was you've not
 3 actually seen the requests that were made.
 4 You've responded to all requests for
 5 information that were made to you by your
 6 counsel; is that correct?
 7 MS. ANDERSON:
 8 Objection. Form.
 9 A. Yes.
 10 EXAMINATION BY MR. BURAS:
 11 Q. Let me show you copies of two
 12 documents, Exhibits 13 and 14. These are
 13 documents called Request for Admissions that
 14 were submitted by plaintiffs to the Hornets
 15 in this case. These documents were executed
 16 prior to your employment with the Hornets.
 17 Have you ever seen copies of
 18 these documents before?
 19 A. I have not seen Exhibit 13.
 20 Q. Okay. Take a look at Exhibit
 21 14.
 22 A. I haven't seen this Exhibit 14
 23 either.
 24 Q. Okay. Exhibit 15 are requests
 25 for production that were -- Let me just ask

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1 you a question. Are you aware of the
 2 different lawsuits that have been filed by
 3 plaintiffs in this case?
 4 A. Yes.
 5 Q. How many lawsuits are you aware
 6 that have been filed?
 7 A. I'm aware of the Liger
 8 litigation, that suit. There's another,
 9 Patrick Spear (phonetic).
 10 Was that involved with this?
 11 Q. Don't know who Patrick Spear is.
 12 A. Okay. Well, then I'm aware of
 13 this Liger case.
 14 Q. The Liger case being the
 15 overtime suit?
 16 A. Yes.
 17 Q. Are you aware that there's also
 18 been a suit for unpaid commissions filed in
 19 the state court?
 20 A. Yes.
 21 Q. Are you also aware that there's
 22 been a third lawsuit filed by three inside
 23 sale employees for failure to pay the proper
 24 wages?
 25 A. Who's involved in that?

<p style="text-align: right;">Page 129</p> <p>1 Q. That's the Eugene Liger, Tony 2 Martin, and Adam Nash suit. 3 A. Okay. I believe I've heard it. 4 Q. I'm going to show you a copy of 5 the request for production in this case, if 6 you can briefly take a look at this and tell 7 me whether or not you've ever seen a copy of 8 that. That's Document 15. 9 A. I haven't seen this document. 10 Q. All right, sir. Have you ever 11 seen copies of any correspondence that was 12 submitted by any plaintiffs' counsel to the 13 Hornets identifying any areas where 14 plaintiffs believe the Hornets had not 15 properly responded to the discovery 16 submitted to the Hornets by plaintiffs? 17 A. Okay. What are you asking 18 again? Am I -- 19 Q. I'm asking have you ever seen 20 copies of letters sent by me to Ms. 21 Anderson? 22 A. No. 23 Q. Letters sent Mr. Knight's firm, 24 the Niles law firm? 25 A. No.</p>	<p style="text-align: right;">Page 131</p> <p>1 never seen copies of any of those documents. 2 A. I have not seen these. 3 Q. Sir, I'm going to show you a 4 document we previously marked as Exhibit 19. 5 It's a spreadsheet of various types of 6 reports. Do the ticket sales managers 7 report to you, sir? 8 A. No. 9 Q. Who do they report to? 10 A. The ticket sales managers would 11 report to the vice-president of ticket 12 operations. 13 Q. Who is that? 14 A. Currently? 15 Q. Yes, sir. 16 A. Kevin Terry. 17 Q. Who does Mr. Terry report to? 18 A. He reports to Hugh Weber. 19 Q. I want to show you a copy of 20 Pages D6059 in Exhibit No. 19. In this it 21 indicates -- This is ticket sales reporting. 22 There's a current and a proposed section 23 here I'm going to let you see. It's hard to 24 read because apparently it was a color 25 document and we got a black-and-white</p>
<p style="text-align: right;">Page 130</p> <p>1 Q. Any documents sent by the Daigle 2 Fisse law firm to Ms. Anderson? 3 A. No. 4 Q. Any e-mails that might have been 5 sent by Ms. Elvige Cassard to Ms. Anderson 6 related to alleged deficiencies in the 7 Hornets' discovery responses? 8 A. No. 9 Q. Have you ever been made aware 10 that plaintiffs have alleged that there were 11 deficiencies made in the Hornets' discovery 12 responses? 13 A. Yes. 14 Q. Have you ever specifically asked 15 counsel what those alleged deficiencies are? 16 A. No. 17 Q. Has counsel told you what those 18 alleged deficiencies are? 19 A. I don't remember what -- I don't 20 remember. 21 Q. For clarification of the record, 22 I just want to show you Document 17, which I 23 believe these are the correspondence and 24 e-mails and letters that we previously 25 discussed, if you could just confirm you've</p>	<p style="text-align: right;">Page 132</p> <p>1 version of it. 2 First one discussed is sales 3 productivity reports. To the extent that 4 you can actually read the information in 5 those boxes, can you tell me which of those 6 reports you might have access to and which 7 of those reports you do not have access to? 8 I only want you to take a look at the 9 section that's marked current because I 10 don't know unless you can confirm that the 11 proposed changes have been implemented by 12 the Hornets. 13 MS. ANDERSON: 14 Objection. Form. 15 A. Okay. So you want to know what 16 we -- what the finance department would have 17 access to? 18 EXAMINATION BY MR. BURAS: 19 Q. Yes, sir. 20 A. Okay. Well, the gate receipt 21 reports. 22 Q. We previously discussed that in 23 detail. 24 A. Uh-huh (Indicating 25 affirmatively). The game settlement</p>

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1 reports.
2 Q. We discussed the SMG report; is
3 that correct?
4 A. Correct. Accounts receivable
5 reports, we could -- we can get those.
6 Q. What are accounts receivable
7 reports? Is that a cash basis or an accrual
8 basis report?
9 A. That's an accrual basis.
10 Basically, what happens is if something is
11 sold on account and we haven't received the
12 cash yet, it would show what the unpaid
13 balance is so that we can expect to receive
14 from the customer or, you know, from the
15 entity.
16 Q. With this report could you
17 identify specific customers when they made
18 payments to the Hornets through these
19 accounts receivable reports?
20 A. Yes.
21 Q. How far back do those documents
22 go, the accounts receivable reports?
23 A. I don't know.
24 Q. Have you ever looked for that --
25 A. No.

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1 Q. -- information?
2 A. No, not that.
3 Q. Have you ever been asked to
4 provide specific information on -- I think
5 we already talked about this -- those 28
6 identified names of customers whose
7 commissions are at issue? Did we go over
8 that? I don't remember if we did or we
9 didn't.
10 MS. ANDERSON:
11 I thought we did and he said
12 that that came from Archtics.
13 MR. BURAS:
14 That's what I thought he said
15 too.
16 EXAMINATION BY MR. BURAS:
17 Q. Just to make sure I understand,
18 if, for example, Bryan Knight purchased a
19 ticket January 1st and made -- \$1200 worth
20 of tickets and he made \$100 of payments a
21 month throughout the entire year, would the
22 accounts receivable report indicate each
23 month Bryan Knight, first month paid 100,
24 1,100 remaining; second month paid 100,
25 1,000 remaining; third month paid 100, 900

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1 remaining?
2 A. Yes, it would.
3 Q. And those reports have not been
4 provided as to any of the specific customers
5 whose commissions are at issue in this case;
6 is that correct?
7 A. I don't -- I don't -- I don't
8 know if they've been produced or not.
9 Q. You never --
10 A. I haven't produced them.
11 Q. Do you know if any accounts
12 receivable reports have been produced in
13 this case?
14 A. I have not.
15 Q. You have not produced them. Do
16 you know whether the Hornets have produced
17 them?
18 A. I don't know.
19 Q. Have you ever been asked to
20 produce these reports?
21 A. No.
22 Q. What is a batch report?
23 A. What type of batch report? A
24 batch report is just basically, say, a daily
25 -- all the transactions of a day would be

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1 put into a batch and then that would be
2 posted.
3 Q. So if a customer made a payment
4 on Day 1, if you compared that to the
5 accounts receivable report, you'd be able to
6 tell how much they owed total from the
7 accounts receivable report and compare that
8 to the batch report as to how much they
9 actually paid on what day; is that correct?
10 A. Right. You should be able to
11 see when they paid.
12 Q. And would the accounts
13 receivable report reflect if, for example,
14 there was a change in the ticket? Let's say
15 you bought upper-level tickets for \$1,000
16 and you changed that to lower-level tickets
17 for \$2,000. Would the accounts receivable
18 report indicate there was now more money
19 owed on the account at a certain period of
20 time?
21 A. Yes.
22 Q. And if the amount of \$1,000
23 stayed the same throughout, would that
24 pretty much indicate that the amount of the
25 original ticket sale had not changed?

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1 A. Correct. If the -- If let's say
 2 in your example you bought \$1200 worth of
 3 tickets and 1200 stayed on the books and you
 4 received payment each month of \$100, then
 5 that would indicate that that person did not
 6 change plans or do anything different; that
 7 the transaction was in its original form.
 8 Q. Okay. And the batch reports
 9 would actually show the day a payment was
 10 made and the accounts receivable report
 11 would show the monthly summary of when the
 12 payment was made; is that correct? So if
 13 you made one payment on the 10th of \$100 and
 14 one payment on the 20th of \$100, would the
 15 accounts receivable report show two \$100
 16 payments or would it show one \$200 payment?
 17 A. Okay. Go back. Let's --
 18 Q. Yes. I'm just trying to
 19 understand conceptually, and I apologize. I
 20 have no accounting still whatsoever.
 21 A. That's all right.
 22 Q. If someone made two payments in
 23 one month, the batch reports would reflect
 24 each payment; is that correct?
 25 A. Correct. You would see the

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1 payment, each payment, in the batch report.
 2 Q. The accounts receivable report,
 3 is that a report prepared on a monthly basis
 4 or a weekly basis, a daily basis? I don't
 5 know how it's --
 6 A. Well, through Archtics you can
 7 see on a daily basis what the balance is.
 8 You can pull up a customer's balance on a
 9 daily basis and see.
 10 Q. Okay. Who updated the Archtics
 11 information related to accounts receivable
 12 information?
 13 A. Who updates --
 14 Q. Is that a finance department
 15 function?
 16 A. No. That's ticket operations
 17 handles all the Archtics.
 18 Q. Who receives the money first?
 19 Would it be the accounting department or the
 20 ticket operations department that would
 21 actually receive payment?
 22 A. As far as on ticket sales?
 23 Q. Yes, sir.
 24 A. The ticket operations department
 25 normally gets the checks in.

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1 Q. Okay.
 2 A. Because they have to -- you
 3 know, they have to post the checks into the
 4 system.
 5 Q. Okay. Do you know whether or
 6 not the ticket operation system had a period
 7 where they didn't have anybody available to
 8 do that?
 9 A. I'm not aware of it.
 10 MR. BURAS:
 11 I'm going to reserve all
 12 specific questions until your actual
 13 30(b)(6) deposition.
 14 Bryan, do you have any follow-up
 15 questions?
 16 MR. KNIGHT:
 17 No, not on chain of evidence.
 18 We'll pass on to your substantive
 19 deposition.
 20 MS. ANDERSON:
 21 I have a couple. Not too many,
 22 though.
 23 EXAMINATION BY MS. ANDERSON:
 24 Q. Mr. Crumb, you were asked
 25 questions about six different bank accounts

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1 that the Hornets have. And you identified
 2 four accounts, one of which you said you
 3 weren't sure exactly what it is, but you
 4 identified 401(k), aviation, cafeteria plan
 5 accounts, and then a fourth one that you
 6 couldn't remember what it was.
 7 Are any of those considered
 8 income or revenue accounts?
 9 A. No.
 10 Q. You were asked some questions
 11 about local revenue numbers reported at the
 12 end of the season when the team was located
 13 in Oklahoma. Would the local revenue
 14 numbers be reflected in the revenue data
 15 that shows up in the KPMG audited financial
 16 statements?
 17 A. Yes.
 18 Q. If the Hornets provided revenue
 19 or ticket sales data to the State of
 20 Louisiana would that be the same data that's
 21 reflected in either the KPMG audited
 22 financial statements or the BRI reports?
 23 MR. BURAS:
 24 Object to form. Leading.
 25 MR. KNIGHT:

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1 Same objection.
 2 A. Okay. Could you repeat the
 3 question?
 4 EXAMINATION BY MS. ANDERSON:
 5 Q. Sure. If the Hornets provided
 6 revenue or ticket sales data to the State of
 7 Louisiana would that data be reflected in
 8 the KPMG audited financial statements or the
 9 BRI reports?
 10 MR. BURAS:
 11 Object to form. Leading. Calls
 12 for speculation based on earlier testimony.
 13 MR. KNIGHT:
 14 Join in the objection.
 15 MS. ANDERSON:
 16 You can answer the question if
 17 you understand it. And if don't, tell me
 18 and I'll rephrase it.
 19 A. Yeah. It would be.
 20 EXAMINATION BY MS. ANDERSON:
 21 Q. I believe you testified that you
 22 produced or provided to counsel for this
 23 case some bank statements, Capital One bank
 24 statements, correct?
 25 A. Yes.

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1 Q. Do the bank statements show the
 2 actual date of receipt of revenues?
 3 A. It shows the actual date of
 4 receipt of cash.
 5 Q. Of cash.
 6 MR. BURAS:
 7 Object.
 8 EXAMINATION BY MS. ANDERSON:
 9 Q. Does the daily cash report also
 10 show the actual receipt of cash -- I'm sorry
 11 -- the actual date of receipt of cash?
 12 A. Yes.
 13 Q. You were asked about gate
 14 receipt reports.
 15 MR. BURAS:
 16 Object to form.
 17 EXAMINATION BY MS. ANDERSON:
 18 Q. Were you asked about gate
 19 receipt reports in this deposition?
 20 A. Yes.
 21 Q. You know what a gate receipt
 22 report is?
 23 A. Yes.
 24 Q. Does a gate receipt report
 25 reflect game revenues?

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1 A. It shows the ticket revenue.
 2 Q. Okay. And is the ticket revenue
 3 that's reflected in a game (sic) receipt
 4 report reflected in any other monthly or
 5 annual report prepared by the organization?
 6 MR. BURAS:
 7 Objection. Form.
 8 MR. KNIGHT:
 9 Objection. Form.
 10 A. Well, that information would be
 11 included in the monthly financial
 12 statements, the detail monthly income
 13 statements.
 14 EXAMINATION BY MS. ANDERSON:
 15 Q. Is the revenue information
 16 that's reflected in gate receipt reports
 17 contained in any other type of report that's
 18 been produced in this case?
 19 A. It would be in the BRI reports,
 20 the combined financial statements as well.
 21 Q. Do you remember being asked
 22 questions about game settlement reports?
 23 A. Yes.
 24 Q. Do game settlement reports
 25 reflect revenues?

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1 A. Yes.
 2 Q. Are those revenues reflected in
 3 any other documents that have been produced
 4 in this litigation so far?
 5 MR. KNIGHT:
 6 Objection. Form.
 7 A. Revenues are going to be on the
 8 monthly financial statements, income
 9 statements.
 10 EXAMINATION BY MS. ANDERSON:
 11 Q. You may have made this clear,
 12 but I want to make sure that it is for the
 13 record. You were asked some questions about
 14 accounts receivable reports. Do you
 15 remember that?
 16 A. Yes.
 17 Q. Okay. And specifically you were
 18 asked questions about payments made by
 19 customers for ticket sales and where those
 20 payments would be reflected. Do you
 21 remember that?
 22 A. Yes.
 23 Q. Does Archtics reflect that
 24 information?
 25 A. Yes.

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1 Q. So if someone printed out a
 2 report of a customer's activity, ticket
 3 sales activity from Archtics, would that
 4 reflect payment information?
 5 MR. KNIGHT:
 6 Object to form. Foundation.
 7 MR. BURAS:
 8 Object to form. Calls for
 9 speculation.
 10 A. Yes.
 11 EXAMINATION BY MS. ANDERSON:
 12 Q. If you know.
 13 A. Yes.
 14 Q. Don't speculate. Tell me if you
 15 know.
 16 A. No. It would.
 17 Q. Are you certain?
 18 A. Yes.
 19 Q. Would an accounts receivable
 20 report identify a sales representative
 21 responsible for any particular sale?
 22 A. There are Archtics reports that
 23 do link the sales representative to the
 24 customer.
 25 Q. Okay. But I'm asking about an

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1 accounts receivable report.
 2 A. I would have to look and see.
 3 Q. Okay. But as you sit here, you
 4 don't know that that --
 5 A. I don't know for certain.
 6 Q. Have you ever seen a printout of
 7 an Archtics report reflecting a customer's
 8 sales activity data?
 9 A. I've seen Archtics reports on
 10 the computer. I've seen them on the screen.
 11 Q. Is it possible to print out an
 12 Archtics report from the screen?
 13 A. Yes.
 14 Q. And the screens that you've seen
 15 on Archtics reports does it reflect -- Let
 16 me back up. That was about to be really
 17 convoluted.
 18 Have you seen Archtics screens
 19 that reflect sales activity for particular
 20 customers?
 21 A. Yes.
 22 Q. And the screens that you've
 23 seen, does it identify payments made by
 24 those customers?
 25 A. Yes.

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1 Q. And that's information that can
 2 be printed out in an Archtics report?
 3 A. Yes.
 4 Q. And that's the same sort of --
 5 Am I correct in understanding that's the
 6 same sort of information that would be shown
 7 in an accounts receivable report?
 8 MR. KNIGHT:
 9 Objection to form.
 10 A. Yes.
 11 EXAMINATION BY MS. ANDERSON:
 12 Q. Okay. Except that you don't
 13 know that an accounts receivable report
 14 would reflect the sales representative; is
 15 that correct?
 16 A. Correct.
 17 Q. You were asked some questions
 18 about specific types of revenues for the
 19 Hornets. Do you remember that?
 20 A. Yes.
 21 Q. Do any of the financial reports
 22 produced by the Hornets in this litigation
 23 break down the Hornets revenues by type?
 24 A. Yes.
 25 Q. Which reports?

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1 A. Monthly financial statements,
 2 income statement, BRI reports, CFS, combined
 3 financial statements.
 4 Q. Okay. And would the revenue
 5 information broken down by type in those
 6 reports be duplicative of specific revenue
 7 reports, for example, like sponsorship
 8 revenue reports?
 9 MR. KNIGHT:
 10 Objection. Form.
 11 A. Yes. It would -- The
 12 sponsorship revenue report would contain the
 13 same information that's in the financial --
 14 those statements.
 15 MS. ANDERSON:
 16 I don't have anything else.
 17 EXAMINATION BY MR. BURAS:
 18 Q. Sir, you previously indicated
 19 that the consolidated statements are
 20 accrual-based statements, correct?
 21 A. Correct.
 22 Q. So would the SMG statements
 23 regarding the actual game day reports
 24 reflect the actual money received during
 25 that particular game?

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1 A. That is correct.
2 Q. So the information on the
3 consolidated income statements could be
4 different from the information actually
5 contained on the SMG reports as far as when
6 that money is allocated as received by the
7 Hornets?
8 A. Well, no, because what happens
9 is on the settlement statement it would be
10 booked at the time of the event, of that
11 game, and it would be booked -- If a game
12 was November 1st, it would be booked in the
13 month of November from that settlement
14 statement.
15 Q. So if ticket sales had been
16 made, \$50,000 worth of tickets were sold in
17 July and \$50,000 worth of tickets were sold
18 in August and the game was played November
19 1st, the consolidated income statements
20 would show that the Hornets received no
21 money for those tickets until November 1st;
22 is that correct?
23 A. Well, what would happen is
24 whatever -- whatever ticket -- yeah, the
25 ticket revenue would be recognized during

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1 the season. And, now, the settlement
2 statement is only going to reflect ticket
3 revenue that's generated from walk-up, you
4 know, people that go to the arena and they
5 buy it right there.
6 Q. So that report would indicate
7 the money that was actually received on game
8 day; it would not reflect the amount of
9 money received for, perhaps, season ticket
10 sales that were made during the month of
11 July?
12 A. Correct.
13 Q. So we would be able to
14 distinguish -- the consolidated report would
15 add all the numbers; whether or not the
16 money was actually received in June, July,
17 or August, the consolidated monthly income
18 statement, am I correct in understanding,
19 would add those numbers together and then
20 would add that with the SMG report to come
21 up with one number as to when the Hornets
22 recognized that they received that income?
23 A. Correct. Right. The settlement
24 statement is going to have only what
25 occurred that night.

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1 Q. Okay. So if we were trying to
2 determine when the Hornets actually received
3 money, on the week or the date or whatever
4 that depended, we cannot determine when the
5 Hornets actually received the money based on
6 the consolidated income statements, correct?
7 A. Correct.
8 Q. And before when you testified
9 that the bank statements showed the actual
10 date of receipt of cash, it's actually
11 showing the actual date that the cash was
12 deposited by the Hornets, correct?
13 A. Correct.
14 Q. So if the money was not
15 deposited -- money received July 31st may
16 not have been deposited until August 2nd,
17 the bank statements wouldn't show the money
18 received until August 2nd, correct?
19 A. Correct. It's when it's
20 deposited.
21 Q. The ticket reports show the
22 actual dates revenue was received as well,
23 correct?
24 A. What ticket reports?
25 Q. The ticket reports that we

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1 discussed previously. That would show the
2 date that the Hornets actually received
3 payment on tickets, correct?
4 A. Correct.
5 Q. Which would be different from
6 the consolidated income statements which
7 show the date the Hornets recognize that
8 they received that money, correct?
9 A. Correct.
10 Q. Before you indicated that you
11 didn't know what information may have been
12 provided to the State of Louisiana other
13 than one set of information you provided to
14 Hugh Weber. Do you remember saying that?
15 A. Yes.
16 Q. You just testified that you now
17 definitively know that the same information
18 contained in the BRI and consolidated income
19 statements would have been provided to the
20 State of Louisiana and other governmental
21 agencies. How do you know that it was
22 definitely the same as the information
23 contained in the BRI or the other financial
24 statements provided to plaintiffs in this
25 case since you've never seen it?

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1 MS. ANDERSON:
 2 Objection to form. But go
 3 ahead.
 4 A. No, I don't understand your
 5 question.
 6 EXAMINATION BY MR. BURAS:
 7 Q. Sure. You just testified to
 8 counsel that information, financial revenue
 9 and ticket data provided to the State of
 10 Louisiana, City of New Orleans, or other
 11 governmental agencies would have definitely
 12 been the same as the information provided to
 13 plaintiffs in this case and in the BRI
 14 reports.
 15 Since you've admitted in
 16 previous testimony that you've only been
 17 aware of one set of data that was provided
 18 to Mr. Hugh Weber, how can you now
 19 definitively state that the information
 20 provided to the State of Louisiana and the
 21 City of New Orleans was the same as the
 22 information contained in the financials and
 23 in the consolidated income statement that
 24 you previously produced?
 25 MS. ANDERSON:

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1 Objection. Form. Misleading
 2 and argumentative.
 3 A. I don't understand what
 4 information you're talking about that was
 5 submitted to the city and the state.
 6 MR. BURAS:
 7 Ma'am, I'd like for you to go
 8 back and read Ms. Anderson's question so
 9 that I make sure that we get this crystal
 10 clear on the record.
 11 MS. ANDERSON:
 12 While she goes back, do you mind
 13 if I take a quick restroom break?
 14 MR. BURAS:
 15 Sure.
 16 (Following a brief recess, the
 17 following proceedings were had.)
 18 MR. BURAS:
 19 I had asked the court reporter
 20 to read back the question that was posed by
 21 Ms. Anderson related to Mr. Crumb's
 22 knowledge of other documents that may have
 23 been submitted to the State of Louisiana or
 24 the City of New Orleans other than the
 25 document he gave to Mr. Weber.

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1 Can you please read back that
 2 question, ma'am?
 3 (Whereupon, the requested
 4 question and answer were read back by the
 5 reporter.)
 6 EXAMINATION BY MR. BURAS:
 7 Q. All right, sir. My question to
 8 you is, it's my understanding from your
 9 previous testimony that the only document
 10 you're aware of that was provided to the
 11 State of Louisiana was the information you
 12 specifically gave to Hugh Weber; is that
 13 correct?
 14 A. That's correct.
 15 Q. Other than that document, you
 16 don't know what other information, if any,
 17 was given to the State of Louisiana by the
 18 New Orleans Hornets; is that correct?
 19 A. That's correct.
 20 Q. So when Ms. Anderson asked you
 21 if the information provided to the State of
 22 Louisiana was the same as the information
 23 contained in the KPMG or the BRI report,
 24 other than that information provided to Mr.
 25 Weber, you don't actually know that

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1 information, correct?
 2 MS. ANDERSON:
 3 Objection. Form.
 4 Argumentative. Asked and answered.
 5 A. Well, I believe the question
 6 that she asked was would it have been. And
 7 if we would have -- hypothetically, if that
 8 would have been produced, it would have been
 9 contained in those monthly -- it would have
 10 been the same information.
 11 EXAMINATION BY MR. BURAS:
 12 Q. Well, I can ask the court
 13 reporter to read it back, but I believe Ms.
 14 Anderson's question was "was the information
 15 ..." It was not a possibility question. It
 16 was an actuality question.
 17 A. Okay. Could you read it back?
 18 MR. BURAS:
 19 Please, ma'am.
 20 (Whereupon, the requested
 21 question was read back by the reporter.)
 22 EXAMINATION BY MR. BURAS:
 23 Q. Again, sir, my original question
 24 stands. You actually don't know if it would
 25 be or wouldn't be; you're assuming this

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1 right now, aren't you, sir?

2 MS. ANDERSON:

3 Objection. Argumentative and

4 asked and answered.

5 A. If we were requested to provide

6 that information it would be the same

7 information just like I answered before.

8 EXAMINATION BY MR. BURAS:

9 Q. I agree with that, sir. But

10 since you actually don't have any -- I don't

11 mean to argue with you, sir, but --

12 MS. ANDERSON:

13 But you are.

14 EXAMINATION BY MR. BURAS:

15 Q. -- your previous testimony to me

16 was you don't know what actual information

17 was provided to the state, is that correct,

18 other than the information you gave to Mr.

19 Weber?

20 A. Yes.

21 MS. ANDERSON:

22 Objection. Asked and answered.

23 Argumentative.

24 EXAMINATION BY MR. BURAS:

25 Q. You answered yes just now; is

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1 that correct, sir?

2 A. Yes.

3 Q. My question is very simple. You

4 don't have any actual knowledge of any

5 information other than that information you

6 provided to Mr. Weber that the Hornets

7 provided to the State of Louisiana; is that

8 correct?

9 A. Yes.

10 Q. So when Ms. Anderson asked you

11 if it would have been the same and you

12 answered yes, it would have been, you're

13 speculating that it would have been; is that

14 correct, sir? Because you don't actually

15 know; is that correct?

16 MS. ANDERSON:

17 Objection. Argumentative.

18 Asked and answered. You can answer that

19 question.

20 A. Well, I've already answered it.

21 And her question was would it be the same,

22 would it be this information contained in

23 the financials. And the information that's

24 contained in the financial statements would

25 have been the same information if there was

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1 a request for information.

2 EXAMINATION BY MR. BURAS:

3 Q. As you sit here today, do you

4 know whether or not your predecessors would

5 have interpreted a request the same way as

6 you apparently do?

7 A. No, I don't know.

8 Q. So do you know, as you sit here

9 today, whether or not your predecessors in

10 response to a request for information

11 related to ticket or revenue data would have

12 provided the information set forth in the

13 KPMG or BRI data?

14 A. I don't know. I don't know what

15 they would have done.

16 Q. Okay. That was my question to

17 you, sir. All right, sir. You previously

18 indicated that you do not know -- During

19 questioning from me you indicated that you

20 do not have a password in Archtics and only

21 had a vague working knowledge of how

22 Archtics worked; is that correct?

23 A. I don't have a password. I

24 don't have access, and I don't have a very

25 detailed knowledge of how the system works.

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1 Q. All right. You just previously

2 indicated during questioning from Ms.

3 Anderson that the information contained in

4 the accounts receivable reports was all set

5 forth in the Archtics report.

6 MS. ANDERSON:

7 Objection. Form. And I'm not

8 sure that's precisely what his testimony

9 was.

10 A. Can I have the question again?

11 EXAMINATION BY MR. BURAS:

12 Q. I'll ask you a new question

13 entirely. Do you know, as you sit here

14 today, whether or not the information set

15 forth in the accounts receivable reports is

16 identical to the reports regarding account

17 information that can be printed up in the

18 Archtics?

19 A. Well, that information comes

20 from Archtics.

21 Q. I thought you told me before,

22 and correct me if I'm wrong, that the

23 accounting department entered information

24 and the ticket operations department entered

25 information. It was my understanding that

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1 the information was entered in two different
 2 sources; is that correct or not correct?
 3 A. No. I don't -- I don't -- I
 4 don't understand exactly what you're getting
 5 at.
 6 Q. I don't understand either.
 7 Maybe I'm just confused here.
 8 A. Yeah.
 9 Q. And that's fine.
 10 A. I don't understand.
 11 Q. The accounts receivable
 12 information, where does that data come from?
 13 A. It comes from -- the ticket
 14 sales comes from Archtics.
 15 Q. All ticket sales information
 16 related to customer accounts is entered into
 17 the accounts receivable information from
 18 Archtics?
 19 A. (Nods head affirmatively).
 20 Archtics.
 21 Q. Okay. And you indicated you're
 22 not aware of whether or not there was a
 23 period of time where there was no one
 24 available to enter this information in the
 25 Archtics system; you don't have any personal

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1 information, right?
 2 A. No, I don't know.
 3 Q. In the event -- and assuming
 4 facts that obviously no one here is going to
 5 agree to -- Assuming there was a period of
 6 time where the ticket operations department
 7 was not entering information regarding
 8 ticket information received, how would that
 9 information have been entered into the
 10 accounts receivable system?
 11 MS. ANDERSON:
 12 Objection. Form.
 13 A. I don't know. I don't know.
 14 EXAMINATION BY MR. BURAS:
 15 Q. All right. The BRI report, is
 16 it an annual report of income?
 17 A. Yes.
 18 Q. It's not a monthly report, is
 19 it?
 20 A. No. It's annual.
 21 Q. So based on the BRI report, you
 22 have no way of knowing how much money the
 23 Hornets actually receive during any one
 24 month of the year?
 25 A. No.

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1 Q. It's a summary report of the
 2 entire year's activities, correct?
 3 A. Yes.
 4 Q. And that's also based on the
 5 accrual-based accounting method?
 6 A. Yes.
 7 Q. Suite sales information, is
 8 there any information in the accounts
 9 receivable that would determine when a
 10 customer purchased a suite for an individual
 11 game basis?
 12 A. Are you asking when -- how would
 13 we tell when a person -- Could you rephrase
 14 the question?
 15 Q. Yes. Let me rephrase that. It
 16 kind of goes back to the Archtics question,
 17 so let me just jump to that.
 18 If information was entered into
 19 Archtics on Day 1, how long would it take
 20 for that information to get to the accounts
 21 receivable report?
 22 A. I don't know how long it would
 23 take to get to the accounts receivable
 24 report.
 25 Q. Is the accounts receivable

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1 report run monthly, daily, or do you know
 2 how frequently it's run?
 3 A. I don't know how frequently it's
 4 run. I know we get a monthly report that we
 5 put into the financials.
 6 Q. Okay. If information -- And I
 7 guess your question is this, and I apologize
 8 for asking it, but I just need you to tell
 9 me you don't know if you don't know.
 10 If information is entered into
 11 Archtics on Day 1 and assuming that at some
 12 period of time that information entered into
 13 Archtics is somehow pulled into the accounts
 14 receivable system and then the information
 15 in Archtics is modified somehow, would a
 16 subsequent change or modification be
 17 reflected in the accounts receivable section
 18 as well?
 19 MS. ANDERSON:
 20 Objection. Form.
 21 A. Yes. I -- It should be.
 22 EXAMINATION BY MR. BURAS:
 23 Q. So if a customer deposited
 24 \$2,500 for a suite --
 25 A. Yes.

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1 Q. -- on Day 1 and the next month
 2 that suite is deemed to be a comped suite by
 3 the Hornets and it is now shown to be a zero
 4 balance suite or a zero amount paid for that
 5 suite, would the information in the accounts
 6 receivable show \$2,500 received on Day 1 and
 7 then, let's say, Day 32 how would that
 8 information in accounts receivable show that
 9 that suite had now been comped?
 10 A. I don't know. I can't answer
 11 that.
 12 Q. But if the information showed
 13 that the amount of the suite was changed to
 14 zero, is that a way of showing that the
 15 suite had been comped?
 16 A. I can't answer that. We haven't
 17 had any instances like that since I've been
 18 there.
 19 Q. Do you monitor any changes or
 20 modifications made to the accounts
 21 receivable section of Archtics?
 22 A. No, I don't.
 23 Q. Do you have someone on your
 24 staff who modifies any changes to the
 25 accounts receivable -- excuse me -- any

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1 changes to the amounts or accounts received
 2 in Archtics?
 3 MS. ANDERSON:
 4 Objection. Form.
 5 A. Okay. Could you rephrase the
 6 question?
 7 EXAMINATION BY MR. BURAS:
 8 Q. Sure. Do you have anyone
 9 designated to oversee or is there anyone in
 10 the Hornets organization who oversees
 11 modifications made to customer account
 12 payments in the Archtics system?
 13 A. Well, the ticket supervisors or
 14 ticket managers would be in charge of that.
 15 Q. Does the finance department have
 16 at this time any oversight duties to ensure
 17 that the information entered by the ticket
 18 supervisors would be accurate?
 19 A. Yes.
 20 Q. What oversights does the
 21 financial department have now and are there
 22 any written policies evidencing those
 23 oversight responsibilities?
 24 MS. ANDERSON:
 25 Objection. Form. And, in part,

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1 asked and answered. Two questions.
 2 A. I don't -- I'm -- I don't -- I'm
 3 not aware of any written policies, and I
 4 would have to get with, you know, my
 5 controller.
 6 EXAMINATION BY MR. BURAS:
 7 Q. Who is the controller?
 8 A. Amy Arceneaux.
 9 Q. Are you aware of what the word
 10 "super-user rights" -- excuse me -- the
 11 phrase "super-user rights" means in relation
 12 to Archtics?
 13 A. No.
 14 Q. Are you aware that if a person
 15 has super-user rights in Archtics they can
 16 modify the financial information related to
 17 customer accounts?
 18 A. No, I'm not aware of that.
 19 Q. Do you know whether or not the
 20 Hornets had any policies or procedures in
 21 place to ensure that modifications were not
 22 improperly made to customer accounts or
 23 customer accounts prior to your arrival at
 24 the Hornets?
 25 A. I don't know.

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1 Q. Have you ever looked for any
 2 such policies or procedures?
 3 A. No, I have not.
 4 Q. Do the Hornets have any written
 5 controls in place that would prevent a
 6 ticket supervisor from changing a sale from
 7 a suite to a block sale of tickets?
 8 A. I don't know.
 9 Q. You don't know if those policies
 10 exist?
 11 A. I don't know if they exist.
 12 Q. Are you aware that that is one
 13 of the allegations made by plaintiffs in
 14 this case?
 15 A. No.
 16 MS. ANDERSON:
 17 And I'm just going to object.
 18 I'm not sure if we're still on chain of
 19 evidence issues. It sounds like we're going
 20 into substantive issues.
 21 MR. BURAS:
 22 It's not. I'm asking what
 23 policies and procedures exist.
 24 EXAMINATION BY MR. BURAS:
 25 Q. Have you ever conducted any

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1 searches or instructed anyone else to
 2 conduct any searches to determine what
 3 suites were comped during the years 2004 and
 4 2005?
 5 MS. ANDERSON:
 6 Objection. Form.
 7 A. No.
 8 EXAMINATION BY MR. BURAS:
 9 Q. Are you aware, as you sit here
 10 today, that plaintiffs have alleged that the
 11 Hornets modified suite sales to reflect
 12 increased ticket sales that resulted in
 13 lower commissions paid to plaintiffs in this
 14 case?
 15 A. No, I'm not aware of that.
 16 Q. Have you ever been asked at any
 17 time to investigate any issues related to
 18 the comping of suites or tickets by the New
 19 Orleans Hornets at any time between 2002 and
 20 the present?
 21 MS. ANDERSON:
 22 Objection. Asked and answered.
 23 This is going beyond his designated area of
 24 testimony on the chain of evidence issues.
 25 MR. BURAS:

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1 To the extent of the objection,
 2 he just testified that the finance
 3 department has some oversight controls over
 4 the Archtics system. And I'm simply trying
 5 to find out what control --
 6 MS. ANDERSON:
 7 I'm not going to stop him from
 8 answering it, and I'm not going to argue
 9 with you about it. I don't want to waste
 10 time. I'm just lodging the objection.
 11 A. No.
 12 EXAMINATION BY MR. BURAS:
 13 Q. Do you know who Adrianna Johnson
 14 is?
 15 A. No.
 16 Q. Do you know who Penny Middleton
 17 is?
 18 A. I've heard the name.
 19 Q. Who do you understand her to be?
 20 A. She was in Human Resources
 21 previously.
 22 Q. Have you ever reviewed any of
 23 the records in your possession or Barbara
 24 Booth's possession or control, be they in
 25 physical or electronic form, to determine

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1 whether or not Ms. Booth had any documents
 2 or memos from Penny Middleton related to the
 3 issues of overtime or unpaid commissions?
 4 A. No.
 5 Q. No, you've not conducted any
 6 such search?
 7 A. No, I haven't conducted a
 8 search.
 9 MR. BURAS:
 10 All right. No further
 11 questions.
 12 MS. ANDERSON:
 13 Okay. I have a couple.
 14 EXAMINATION BY MS. ANDERSON:
 15 Q. What is the basis of your
 16 testimony that revenue information that may
 17 have been provided by the Hornets to the
 18 State of Louisiana would be reflected in the
 19 KPMG audited financial statements?
 20 MR. BURAS:
 21 Object to form.
 22 MR. KNIGHT:
 23 Same objection.
 24 A. Repeat the question.
 25 EXAMINATION BY MS. ANDERSON:

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1 Q. Sure. What is the basis of your
 2 testimony or the basis of your belief or
 3 your statement that if the Hornets had
 4 provided revenue information to the State of
 5 Louisiana that that information would have
 6 been reflected -- that revenue information
 7 or revenue data would have been reflected in
 8 the KPMG audited financial statements?
 9 A. Well, that's --
 10 MR. KNIGHT:
 11 Same objection.
 12 EXAMINATION BY MS. ANDERSON:
 13 Q. Go ahead.
 14 A. That's the data from our system.
 15 That's revenue data from our system that's
 16 audited. It comes out of the Solomon
 17 system. It's the same information that
 18 we've been talking about as far as revenue.
 19 Q. Do the Hornets maintain two
 20 different sets of revenue data or revenue
 21 systems?
 22 A. No. It's all by the same
 23 system. It's out of Solomon.
 24 Q. What reports or documents have
 25 been produced by the Hornets in this case

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1 that would show revenue received on a cash
2 basis?
3 MR. BURAS:
4 Object to form. Asked and
5 answered.
6 A. What reports would show that we
7 received revenue on a cash basis?
8 EXAMINATION BY MS. ANDERSON:
9 Q. What reports that have been
10 produced by the Hornets in this litigation
11 would show revenue on a cash basis?
12 A. Well, we don't -- monthly income
13 statements, the BRI, the CFS are all
14 accrual-basis statements.
15 Q. Have the Hornets produced any
16 documents that show cash receipts?
17 A. Yes.
18 Q. Okay. What documents?
19 A. Well, the cash spreadsheet.
20 Q. Okay. What about the --
21 A. The bank statements.
22 Q. That was going to be my
23 question. What about the bank statements?
24 Would they show that?
25 A. They would show what cash was

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1 received, deposited.
2 Q. In what frequency do the Hornets
3 deposit revenues or cash that's received?
4 MR. BURAS:
5 Object to the form.
6 MR. KNIGHT:
7 Objection to form.
8 MR. BURAS:
9 That's a substantive question.
10 MS. ANDERSON:
11 You opened the door. You asked
12 the question about if somebody received
13 money on July the 31st and it wasn't
14 deposited until August the 1st, then what
15 month is it going to be reported in. So you
16 opened the door. I'm entitled to cover
17 that.
18 MR. BURAS:
19 That's fine.
20 MS. ANDERSON:
21 It also explains documents that
22 have been produced in the case.
23 EXAMINATION BY MS. ANDERSON:
24 Q. So how often do the Hornets
25 deposit the cash that's received?

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1 A. We deposit daily.
2 Q. Do you know if that was the
3 practice before you arrived at the Hornets?
4 A. I don't know.
5 Q. But since you've been with the
6 Hornets, that's the practice?
7 A. Absolutely.
8 MS. ANDERSON:
9 That's all I have.
10 EXAMINATION BY MR. BURAS:
11 Q. One question. Mr. Crumb, there
12 is no way to determine the source of any
13 income deposited on the bank statements, is
14 there?
15 A. It doesn't -- It doesn't detail,
16 you know, what the deposit is. And it's a
17 -- it's a lump sum cash. You know, we have
18 a deposit ticket and we go in, we fill out
19 the deposit ticket, and then we deposit cash
20 just like a normal cash deposit system.
21 MR. BURAS:
22 No other questions.
23 MS. ANDERSON:
24 I have another one.
25 EXAMINATION BY MS. ANDERSON:

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1 Q. Is there any way that you can
2 determine whether by looking at the bank
3 statements or anything else what the deposit
4 -- what type of revenue or what the source
5 of the revenue is for the deposits?
6 A. Well, there's a ticket operating
7 -- a ticket deposit account that is strictly
8 for ticket deposits, which would be ticket
9 sales.
10 Q. What about other types of
11 revenues or other sources of revenue?
12 A. Well, on the cash statement, on
13 that cash sheet, that spreadsheet that we
14 fill out, we have like the Cox broadcast
15 revenues, and we have it denoted, and you
16 have a column for ticket revenue, which is
17 all the ticket receipts. Then you have it
18 delineated as far as the other items, like
19 the T.V. revenue or if a sponsorship payment
20 is made, what have you.
21 Q. Are the bank statements used to
22 generate the -- You're saying cash
23 spreadsheet. Is that the cash report?
24 A. Yes.
25 Q. Okay. Are the bank statements

DANIEL L. CRUMB

Condensed

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1 used to generate that report?

2 A. Yes.

3 MS. ANDERSON:

4 I don't have any further
5 questions.

6 MR. BURAS:

7 One moment. No further
8 questions.

9 (Whereupon, the deposition was
10 concluded at 5:20 p.m.)

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12 * * *

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1 REPORTER'S CERTIFICATE

2

3

4 I, Lisa Bode, Certified Shorthand

5 Reporter, do hereby certify that the

6 above-mentioned Witness, after having been

7 first duly sworn to testify to the truth,

8 did testify as hereinabove set forth;

9 That the testimony was reported by me

10 in shorthand and transcribed under my

11 personal direction and supervision, and is a

12 true and correct transcript, to the best of

13 my ability and understanding;

14 That I am not of counsel, not related

15 to counsel or the parties hereto, and not in

16 any way interested in the outcome of this

17 matter.

18

19

20

21 LISA BODE, CSR

22 Certified Shorthand Reporter

23

24

25

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1 WITNESS' CERTIFICATE

2

3 I have read or have had the

4 foregoing testimony read to me and hereby

5 certify that it is a true and correct

6 transcription of my testimony, with the

7 exception of any attached corrections or

8 changes.

9

10

11

12

13

14

15 DANIEL L. CRUMB

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