

DANIEL L. CRUMB

Condensed

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 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 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:

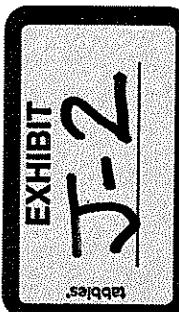
11 Let's go back on the record.

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 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.	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?
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?	5 A. I'm not aware if we've produced 6 it to the plaintiffs.
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.	7 Q. Have you ever been asked to look 8 for that information?
15 A. Counsel has requested --	9 A. Yes.
16 Q. Each category of information?	10 Q. When was the first time you were 11 asked to look for this?
17 A. No, not each category.	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.
18 Q. Well, maybe we can expedite 19 things. Which categories of information has 20 counsel specifically requested?	16 Q. Do you remember what your 17 response was?
21 A. A and B.	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.
22 MS. ANDERSON: 23 Did you say B or D?	23 Q. Is that information set forth in 24 any type of a document, the names rights' 25 revenue that the Hornets receives?
24 THE WITNESS: 25 B, as in boy. A and B are the	Page 108
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1 ones that I'm aware of.	1 A. I'm not aware. I don't know.
2 EXAMINATION BY MR. BURAS:	2 Q. Have you ever looked for that 3 information?
3 Q. C through I, have you ever been 4 specifically asked for that information 5 before?	4 A. No.
6 A. I haven't been specifically 7 asked in this form.	5 Q. Do the Hornets have a contract 6 with SMG?
8 Q. Do the Hornets receive any money 9 for radio broadcasts?	7 A. Yes.
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.	8 Q. Has a copy of that contract ever 9 been produced in this litigation?
14 Q. Have you ever investigated to 15 find this information out?	10 A. I don't know.
16 A. No.	11 Q. Have you ever been asked to 12 produce a copy of it?
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?	13 A. No, I haven't.
22 A. That I'm aware of.	14 Q. Do you have a copy of it?
23 Q. Request No. 22 requests copies 24 of documents identifying the amount of 25 revenue from the State of Louisiana or City	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?	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 A. I handle that now.	6 MS. ANDERSON:
7 Q. Prior to you who would that 8 point person have been?	7 Objection. Form.
9 A. I don't know. The only person 10 I've seen on the original form was Barbara 11 Booth, I believe.	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.
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?	20 EXAMINATION BY MR. BURAS:
17 A. That's correct.	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 --
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?	25 A. Have been resold?
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?	1 Q. -- since 2002? Yes.
2 MS. ANDERSON:	2 MS. ANDERSON:
3 Objection. Form. Calls for 4 speculation.	3 Objection. Form.
5 A. I don't -- I don't know. I 6 can't answer that question.	4 A. No.
7 EXAMINATION BY MR. BURAS:	5 EXAMINATION BY MR. BURAS:
8 Q. Have you ever authorized anyone 9 else to produce information to the state of 10 Louisiana?	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?
11 A. No, not since I've been there. 12 I'm sorry. As far as the Quality Jobs 13 Credit Program?	10 A. No, I'm not.
14 Q. Yes, sir.	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?
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.	16 MS. ANDERSON:
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?	17 Objection. Form.
22 A. By whom? Retail, what do you 23 mean by "retail sales"?	18 A. No, I'm not aware of any.
24 Q. I don't know, sir. That's a 25 defense the Hornets have asserted in this	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:		1 Objection. Form.
2 Q. Sir, are you a member of the	2 A. No, I'm not aware.	2 EXAMINATION BY MR. BURAS:
3 Commission Compensation Committee?		4 Q. Do you have any information in
4 A. No.		5 your possession related to the offers of
5 Q. Are you aware of whether or not		6 employment that were made to Eugene Liger,
6 any of your predecessors were members of the		7 Tony Martin, or Adam Nash by the New Orleans
7 Commission Compensation Committee?		8 Hornets?
8 A. No, I'm not aware of that.		9 A. No.
9 Q. Have you ever investigated		10 Q. Have you ever looked for any
10 whether or not any of your predecessors		11 information related to the offers made by
11 might have documents responsive to any		12 the Hornets?
12 actions they took as members of the		13 A. No, I have not.
13 Commission Compensation Committee?		14 Q. Have you ever asked that the IT
14 A. No.		15 department conduct any searches for any
15 Q. Do you know what the Commission		16 e-mails, memos, or other documents that
16 Compensation Committee is?		17 might be located on Hornets' computers or
17 A. No.		18 servers that any of your predecessors might
18 Q. Have you ever heard the term		19 have related to the offers of employment
19 before this deposition?		20 made to Adam Nash, Tony Martin, or Eugene
20 A. I have not heard and I don't		21 Liger?
21 remember hearing of it. I don't know the --		22 A. No, I have not.
22 I'm not involved in it, if we have one right		23 Q. Have you ever heard those three
23 now.		24 names before today?
24 Q. Do you possess any documents		25 A. I've heard Eugene Liger.
25 wherein you've made any determinations		
1 regarding the amount of commissions that	Page 114	Page 116
2 might be owed to any sales employees of the		1 Q. Have you personally conducted
3 New Orleans Hornets?		2 any searches to determine whether or not you
4 MS. ANDERSON:		3 or any of your predecessors have received
5 Objection. Form.		4 any e-mails, memoranda, correspondence,
6 A. Could you repeat the question?		5 notes, or other documents related to
7 EXAMINATION BY MR. BURAS:		6 overtime compensation?
8 Q. Sure. Do you have any documents		7 A. No.
9 either prepared by you or any of your		8 Q. Do you know whether or not
10 predecessors related to the amount of		9 Barbara Booth had any e-mails,
11 commissions that any plaintiff in this case		10 correspondence, or memos in her computer
12 might have been entitled to receive?		11 systems or servers that might have addressed
13 MS. ANDERSON:		12 overtime compensation?
14 Objection. Form.		13 A. No, I'm not aware of any.
15 A. I'm not aware of any.		14 Q. Do you know whether that
16 EXAMINATION BY MR. BURAS:		15 information has ever been looked for in this
17 Q. Do you have any documents,		16 litigation by the Hornets?
18 notes, memos, e-mails, or any other type of		17 A. I don't know.
19 documents reflecting any job		18 Q. I want you to take a look at
20 responsibilities or duties that any of your		19 Page 21, Request for Production No. 40.
21 predecessors had in playing a role or any		20 There are persons identified A through Q. I
22 part in determining the amount of		21 don't know which of these persons might be
23 commissions owed by any of the plaintiffs in		22 financial and which are not.
24 this litigation?		23 Would you please take a look and
25 MS. ANDERSON:		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 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 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?

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.

<p>1 Q. Have you ever been asked to look 2 for that information?</p> <p>3 A. I don't recall being asked for 4 it.</p> <p>5 Q. Who is the best person who might 6 have that information?</p> <p>7 A. In the organization as far as 8 how commissions are tracked?</p> <p>9 Q. Yes.</p> <p>10 A. At what time period?</p> <p>11 Q. 2002 until 2005.</p> <p>12 MS. ANDERSON: 13 If you know.</p> <p>14 A. I really don't know.</p> <p>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?</p> <p>20 A. I don't know.</p> <p>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?</p>	Page 121	<p>1 Do you want me to get my copies?</p> <p>2 MR. BURAS: 3 I can show him mine, if you'd 4 like. It will make things quicker.</p> <p>5 EXAMINATION BY MR. BURAS: 6 Q. Have you ever seen either of 7 those two documents, sir?</p> <p>8 MS. ANDERSON: 9 Do you remember the question?</p> <p>10 THE WITNESS: 11 Yeah. Have I seen these 12 documents.</p> <p>13 A. I've either seen this document 14 or something very similar to it. I can't 15 remember.</p> <p>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</p>	Page 123
<p>1 A. No.</p> <p>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?</p> <p>7 MS. ANDERSON: 8 Objection. Asked and answered 9 already.</p> <p>10 A. I'm not aware of any documents.</p> <p>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.</p> <p>16 Have you ever seen this document 17 before, sir?</p> <p>18 A. No, I haven't seen this 19 document.</p> <p>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.</p> <p>23 That's the corporate representative 24 deposition notices.</p> <p>25 MS. ANDERSON:</p>	Page 122	<p>1 designating you to testify on certain topics 2 in the 30(b)(6) and 1442 deposition notices.</p> <p>3 You are aware that you have been 4 designated by the Hornets?</p> <p>5 A. Oh, yes. Yeah. Like I said, 6 I've either seen these documents or 7 something very similar.</p> <p>8 Q. My question to you is are you 9 aware of which areas you've been designated 10 to testify?</p> <p>11 A. Yes.</p> <p>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?</p> <p>20 A. Okay. Can you repeat that?</p> <p>21 It's a lot for one question.</p> <p>22 MR. BURAS: 23 Would you read that one back. I 24 actually liked that question. 25 (Whereupon, the preceding</p>	Page 124

Page 125	<p>1 question was read back by the reporter.)  2 A. I don't remember if I was asked  3 that or not.</p> <p>4 EXAMINATION BY MR. BURAS:</p> <p>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?</p> <p>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.</p> <p>15 Q. Everything that counsel has  16 asked you to provide, is that what you mean?</p> <p>17 A. Correct.</p> <p>18 MS. ANDERSON:  19 Objection. Form.</p> <p>20 EXAMINATION BY MR. BURAS:</p> <p>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?</p>	<p>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?</p> <p>7 MS. ANDERSON:  8 Objection. Form.</p> <p>9 A. Yes.</p> <p>10 EXAMINATION BY MR. BURAS:</p> <p>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?</p> <p>19 A. I have not seen Exhibit 13.</p> <p>20 Q. Okay. Take a look at Exhibit  21 14.</p> <p>22 A. I haven't seen this Exhibit 14  23 either.</p> <p>24 Q. Okay. Exhibit 15 are requests  25 for production that were -- Let me just ask</p>
Page 126	<p>1 MS. ANDERSON:  2 Objection. Asked and answered  3 and to the extent it misstates previous  4 testimony.</p> <p>5 A. Which document -- Now, what are  6 you --</p> <p>7 EXAMINATION BY MR. BURAS:</p> <p>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?</p> <p>12 A. Can I see those exhibits again?</p> <p>13 Q. Sure. I'll be more than happy to  14 do that.</p> <p>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.</p> <p>20 Which one do you have?</p> <p>21 THE WITNESS:  22 This is 20. Yeah. I haven't  23 seen this one.</p> <p>24 EXAMINATION BY MR. BURAS:</p> <p>25 Q. So when I ask you if you've</p>	<p>1 you a question. Are you aware of the  2 different lawsuits that have been filed by  3 plaintiffs in this case?</p> <p>4 A. Yes.</p> <p>5 Q. How many lawsuits are you aware  6 that have been filed?</p> <p>7 A. I'm aware of the Liger  8 litigation, that suit. There's another,  9 Patrick Spear (phonetic).</p> <p>10 Was that involved with this?</p> <p>11 Q. Don't know who Patrick Spear is.</p> <p>12 A. Okay. Well, then I'm aware of  13 this Liger case.</p> <p>14 Q. The Liger case being the  15 overtime suit?</p> <p>16 A. Yes.</p> <p>17 Q. Are you aware that there's also  18 been a suit for unpaid commissions filed in  19 the state court?</p> <p>20 A. Yes.</p> <p>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?</p> <p>25 A. Who's involved in that?</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.

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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

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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

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

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1	reports.	1 remaining?
2	Q. We discussed the SMG report; is	2 A. Yes, it would.
3	that correct?	3 Q. And those reports have not been
4	A. Correct. Accounts receivable	4 provided as to any of the specific customers
5	reports, we could -- we can get those.	5 whose commissions are at issue in this case;
6	Q. What are accounts receivable	6 is that correct?
7	reports? Is that a cash basis or an accrual	7 A. I don't -- I don't -- I don't
8	basis report?	8 know if they've been produced or not.
9	A. That's an accrual basis.	9 Q. You never --
10	Basically, what happens is if something is	10 A. I haven't produced them.
11	sold on account and we haven't received the	11 Q. Do you know if any accounts
12	cash yet, it would show what the unpaid	12 receivable reports have been produced in
13	balance is so that we can expect to receive	13 this case?
14	from the customer or, you know, from the	14 A. I have not.
15	entity.	15 Q. You have not produced them. Do
16	Q. With this report could you	16 you know whether the Hornets have produced
17	identify specific customers when they made	17 them?
18	payments to the Hornets through these	18 A. I don't know.
19	accounts receivable reports?	19 Q. Have you ever been asked to
20	A. Yes.	20 produce these reports?
21	Q. How far back do those documents	21 A. No.
22	go, the accounts receivable reports?	22 Q. What is a batch report?
23	A. I don't know.	23 A. What type of batch report? A
24	Q. Have you ever looked for that --	24 batch report is just basically, say, a daily
25	A. No.	25 -- all the transactions of a day would be
	Page 134	Page 136
1	Q. -- information?	1 put into a batch and then that would be
2	A. No, not that.	2 posted.
3	Q. Have you ever been asked to	3 Q. So if a customer made a payment
4	provide specific information on -- I think	4 on Day 1, if you compared that to the
5	we already talked about this -- those 28	5 accounts receivable report, you'd be able to
6	identified names of customers whose	6 tell how much they owed total from the
7	commissions are at issue? Did we go over	7 accounts receivable report and compare that
8	that? I don't remember if we did or we	8 to the batch report as to how much they
9	didn't.	9 actually paid on what day; is that correct?
10	MS. ANDERSON:	10 A. Right. You should be able to
11	I thought we did and he said	11 see when they paid.
12	that that came from Archtics.	12 Q. And would the accounts
13	MR. BURAS:	13 receivable report reflect if, for example,
14	That's what I thought he said	14 there was a change in the ticket? Let's say
15	too.	15 you bought upper-level tickets for \$1,000
16	EXAMINATION BY MR. BURAS:	16 and you changed that to lower-level tickets
17	Q. Just to make sure I understand,	17 for \$2,000. Would the accounts receivable
18	if, for example, Bryan Knight purchased a	18 report indicate there was now more money
19	ticket January 1st and made -- \$1200 worth	19 owed on the account at a certain period of
20	of tickets and he made \$100 of payments a	20 time?
21	month throughout the entire year, would the	21 A. Yes.
22	accounts receivable report indicate each	22 Q. And if the amount of \$1,000
23	month Bryan Knight, first month paid 100,	23 stayed the same throughout, would that
24	1,100 remaining; second month paid 100,	24 pretty much indicate that the amount of the
25	1,000 remaining; third month paid 100, 900	25 original ticket sale had not changed?

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 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 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.

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.	1 A. It shows the ticket revenue.
2	A. Okay. Could you repeat the	2 Q. Okay. And is the ticket revenue
3	question?	3 that's reflected in a game (sic) receipt
4	EXAMINATION BY MS. ANDERSON:	4 report reflected in any other monthly or
5	Q. Sure. If the Hornets provided	5 annual report prepared by the organization?
6	revenue or ticket sales data to the State of	6 MR. BURAS:
7	Louisiana would that data be reflected in	7 Objection. Form.
8	the KPMG audited financial statements or the	8 MR. KNIGHT:
9	BRI reports?	9 Objection. Form.
10	MR. BURAS:	10 A. Well, that information would be
11	Object to form. Leading. Calls	11 included in the monthly financial
12	for speculation based on earlier testimony.	12 statements, the detail monthly income
13	MR. KNIGHT:	13 statements.
14	Join in the objection.	14 EXAMINATION BY MS. ANDERSON:
15	MS. ANDERSON:	15 Q. Is the revenue information
16	You can answer the question if	16 that's reflected in gate receipt reports
17	you understand it. And if don't, tell me	17 contained in any other type of report that's
18	and I'll rephrase it.	18 been produced in this case?
19	A. Yeah. It would be.	19 A. It would be in the BRI reports,
20	EXAMINATION BY MS. ANDERSON:	20 the combined financial statements as well.
21	Q. I believe you testified that you	21 Q. Do you remember being asked
22	produced or provided to counsel for this	22 questions about game settlement reports?
23	case some bank statements, Capital One bank	23 A. Yes.
24	statements, correct?	24 Q. Do game settlement reports
25	A. Yes.	25 reflect revenues?
	Page 142	Page 144
1	Q. Do the bank statements show the	1 A. Yes.
2	actual date of receipt of revenues?	2 Q. Are those revenues reflected in
3	A. It shows the actual date of	3 any other documents that have been produced
4	receipt of cash.	4 in this litigation so far?
5	Q. Of cash.	5 MR. KNIGHT:
6	MR. BURAS:	6 Objection. Form.
7	Object.	7 A. Revenues are going to be on the
8	EXAMINATION BY MS. ANDERSON:	8 monthly financial statements, income
9	Q. Does the daily cash report also	9 statements.
10	show the actual receipt of cash -- I'm sorry	10 EXAMINATION BY MS. ANDERSON:
11	-- the actual date of receipt of cash?	11 Q. You may have made this clear,
12	A. Yes.	12 but I want to make sure that it is for the
13	Q. You were asked about gate	13 record. You were asked some questions about
14	receipt reports.	14 accounts receivable reports. Do you
15	MR. BURAS:	15 remember that?
16	Object to form.	16 A. Yes.
17	EXAMINATION BY MS. ANDERSON:	17 Q. Okay. And specifically you were
18	Q. Were you asked about gate	18 asked questions about payments made by
19	receipt reports in this deposition?	19 customers for ticket sales and where those
20	A. Yes.	20 payments would be reflected. Do you
21	Q. You know what a gate receipt	21 remember that?
22	report is?	22 A. Yes.
23	A. Yes.	23 Q. Does Archtics reflect that
24	Q. Does a gate receipt report	24 information?
25	reflect game revenues?	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?		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?
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		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?
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.	Page 146	Page 148 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.	1 Q. Okay. So if we were trying to
2	Q. So the information on the	2 determine when the Hornets actually received
3	consolidated income statements could be	3 money, on the week or the date or whatever
4	different from the information actually	4 that depended, we cannot determine when the
5	contained on the SMG reports as far as when	5 Hornets actually received the money based on
6	that money is allocated as received by the	6 the consolidated income statements, correct?
7	Hornets?	7 A. Correct.
8	A. Well, no, because what happens	8 Q. And before when you testified
9	is on the settlement statement it would be	9 that the bank statements showed the actual
10	booked at the time of the event, of that	10 date of receipt of cash, it's actually
11	game, and it would be booked -- If a game	11 showing the actual date that the cash was
12	was November 1st, it would be booked in the	12 deposited by the Hornets, correct?
13	month of November from that settlement	13 A. Correct.
14	statement.	14 Q. So if the money was not
15	Q. So if ticket sales had been	15 deposited -- money received July 31st may
16	made, \$50,000 worth of tickets were sold in	16 not have been deposited until August 2nd,
17	July and \$50,000 worth of tickets were sold	17 the bank statements wouldn't show the money
18	in August and the game was played November	18 received until August 2nd, correct?
19	1st, the consolidated income statements	19 A. Correct. It's when it's
20	would show that the Hornets received no	20 deposited.
21	money for those tickets until November 1st;	21 Q. The ticket reports show the
22	is that correct?	22 actual dates revenue was received as well,
23	A. Well, what would happen is	23 correct?
24	whatever -- whatever ticket -- yeah, the	24 A. What ticket reports?
25	ticket revenue would be recognized during	25 Q. The ticket reports that we
	Page 150	Page 152
1	the season. And, now, the settlement	1 discussed previously. That would show the
2	statement is only going to reflect ticket	2 date that the Hornets actually received
3	revenue that's generated from walk-up, you	3 payment on tickets, correct?
4	know, people that go to the arena and they	4 A. Correct.
5	buy it right there.	5 Q. Which would be different from
6	Q. So that report would indicate	6 the consolidated income statements which
7	the money that was actually received on game	7 show the date the Hornets recognize that
8	day; it would not reflect the amount of	8 they received that money, correct?
9	money received for, perhaps, season ticket	9 A. Correct.
10	sales that were made during the month of	10 Q. Before you indicated that you
11	July?	11 didn't know what information may have been
12	A. Correct.	12 provided to the State of Louisiana other
13	Q. So we would be able to	13 than one set of information you provided to
14	distinguish -- the consolidated report would	14 Hugh Weber. Do you remember saying that?
15	add all the numbers; whether or not the	15 A. Yes.
16	money was actually received in June, July,	16 Q. You just testified that you now
17	or August, the consolidated monthly income	17 definitely know that the same information
18	statement, am I correct in understanding,	18 contained in the BRI and consolidated income
19	would add those numbers together and then	19 statements would have been provided to the
20	would add that with the SMG report to come	20 State of Louisiana and other governmental
21	up with one number as to when the Hornets	21 agencies. How do you know that it was
22	recognized that they received that income?	22 definitely the same as the information
23	A. Correct. Right. The settlement	23 contained in the BRI or the other financial
24	statement is going to have only what	24 statements provided to plaintiffs in this
25	occurred that night.	25 case since you've never seen it?

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1        MS. ANDERSON:		1        Can you please read back that
2              Objection to form. But go		2        question, ma'am?
3        ahead.		3              (Whereupon, the requested
4        A. No, I don't understand your		4        question and answer were read back by the
5        question.		5        reporter.)
6        EXAMINATION BY MR. BURAS:		6        EXAMINATION BY MR. BURAS:
7        Q. Sure. You just testified to		7        Q. All right, sir. My question to
8        counsel that information, financial revenue		8        you is, it's my understanding from your
9        and ticket data provided to the State of		9        previous testimony that the only document
10       Louisiana, City of New Orleans, or other		10       you're aware of that was provided to the
11       governmental agencies would have definitely		11       State of Louisiana was the information you
12       been the same as the information provided to		12       specifically gave to Hugh Weber; is that
13       plaintiffs in this case and in the BRI		13       correct?
14       reports.		14       A. That's correct.
15       Since you've admitted in		15       Q. Other than that document, you
16       previous testimony that you've only been		16       don't know what other information, if any,
17       aware of one set of data that was provided		17       was given to the State of Louisiana by the
18       to Mr. Hugh Weber, how can you now		18       New Orleans Hornets; is that correct?
19       definitively state that the information		19       A. That's correct.
20       provided to the State of Louisiana and the		20       Q. So when Ms. Anderson asked you
21       City of New Orleans was the same as the		21       if the information provided to the State of
22       information contained in the financials and		22       Louisiana was the same as the information
23       in the consolidated income statement that		23       contained in the KPMG or the BRI report,
24       you previously produced?		24       other than that information provided to Mr.
25       MS. ANDERSON:		25       Weber, you don't actually know that
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1        Objection. Form. Misleading		1        information, correct?
2        and argumentative.		2        MS. ANDERSON:
3        A. I don't understand what		3              Objection. Form.
4        information you're talking about that was		4              Argumentative. Asked and answered.
5        submitted to the city and the state.		5        A. Well, I believe the question
6        MR. BURAS:		6        that she asked was would it have been. And
7        Ma'am, I'd like for you to go		7        if we would have -- hypothetically, if that
8        back and read Ms. Anderson's question so		8        would have been produced, it would have been
9        that I make sure that we get this crystal		9        contained in those monthly -- it would have
10       clear on the record.		10       been the same information.
11       MS. ANDERSON:		11       EXAMINATION BY MR. BURAS:
12       While she goes back, do you mind		12       Q. Well, I can ask the court
13       if I take a quick restroom break?		13       reporter to read it back, but I believe Ms.
14       MR. BURAS:		14       Anderson's question was "was the information
15       Sure.		15       ..." It was not a possibility question. It
16       (Following a brief recess, the		16       was an actuality question.
17       following proceedings were had.)		17       A. Okay. Could you read it back?
18       MR. BURAS:		18       MR. BURAS:
19       I had asked the court reporter		19              Please, ma'am.
20       to read back the question that was posed by		20              (Whereupon, the requested
21       Ms. Anderson related to Mr. Crumb's		21       question was read back by the reporter.)
22       knowledge of other documents that may have		22       EXAMINATION BY MR. BURAS:
23       been submitted to the State of Louisiana or		23       Q. Again, sir, my original question
24       the City of New Orleans other than the		24       stands. You actually don't know if it would
25       document he gave to Mr. Weber.		25       be or wouldn't be; you're assuming this

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1	right now, aren't you, sir?	1 a request for information.
2	MS. ANDERSON:	2 EXAMINATION BY MR. BURAS:
3	Objection. Argumentative and	3 Q. As you sit here today, do you
4	asked and answered.	4 know whether or not your predecessors would
5	A. If we were requested to provide	5 have interpreted a request the same way as
6	that information it would be the same	6 you apparently do?
7	information just like I answered before.	7 A. No, I don't know.
8	EXAMINATION BY MR. BURAS:	8 Q. So do you know, as you sit here
9	Q. I agree with that, sir. But	9 today, whether or not your predecessors in
10	since you actually don't have any -- I don't	10 response to a request for information
11	mean to argue with you, sir, but --	11 related to ticket or revenue data would have
12	MS. ANDERSON:	12 provided the information set forth in the
13	But you are.	13 KPMG or BRI data?
14	EXAMINATION BY MR. BURAS:	14 A. I don't know. I don't know what
15	Q. -- your previous testimony to me	15 they would have done.
16	was you don't know what actual information	16 Q. Okay. That was my question to
17	was provided to the state, is that correct,	17 you, sir. All right, sir. You previously
18	other than the information you gave to Mr.	18 indicated that you do not know -- During
19	Weber?	19 questioning from me you indicated that you
20	A. Yes.	20 do not have a password in Archtics and only
21	MS. ANDERSON:	21 had a vague working knowledge of how
22	Objection. Asked and answered.	22 Archtics worked; is that correct?
23	Argumentative.	23 A. I don't have a password. I
24	EXAMINATION BY MR. BURAS:	24 don't have access, and I don't have a very
25	Q. You answered yes just now; is	25 detailed knowledge of how the system works.
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1	that correct, sir?	1 Q. All right. You just previously
2	A. Yes.	2 indicated during questioning from Ms.
3	Q. My question is very simple. You	3 Anderson that the information contained in
4	don't have any actual knowledge of any	4 the accounts receivable reports was all set
5	information other than that information you	5 forth in the Archtics report.
6	provided to Mr. Weber that the Hornets	6 MS. ANDERSON:
7	provided to the State of Louisiana; is that	7 Objection. Form. And I'm not
8	correct?	8 sure that's precisely what his testimony
9	A. Yes.	9 was.
10	Q. So when Ms. Anderson asked you	10 A. Can I have the question again?
11	if it would have been the same and you	11 EXAMINATION BY MR. BURAS:
12	answered yes, it would have been, you're	12 Q. I'll ask you a new question
13	speculating that it would have been; is that	13 entirely. Do you know, as you sit here
14	correct, sir? Because you don't actually	14 today, whether or not the information set
15	know; is that correct?	15 forth in the accounts receivable reports is
16	MS. ANDERSON:	16 identical to the reports regarding account
17	Objection. Argumentative.	17 information that can be printed up in the
18	Asked and answered. You can answer that	18 Archtics?
19	question.	19 A. Well, that information comes
20	A. Well, I've already answered it.	20 from Archtics.
21	And her question was would it be the same,	21 Q. I thought you told me before,
22	would it be this information contained in	22 and correct me if I'm wrong, that the
23	the financials. And the information that's	23 accounting department entered information
24	contained in the financial statements would	24 and the ticket operations department entered
25	have been the same information if there was	25 information. It was my understanding that

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<p>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</p>	<p>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</p>
<p>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.</p>	<p>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.</p>

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<p>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?</p> <p>10 A. I don't know. I can't answer  11 that.</p> <p>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?</p> <p>16 A. I can't answer that. We haven't  17 had any instances like that since I've been  18 there.</p> <p>19 Q. Do you monitor any changes or  20 modifications made to the accounts  21 receivable section of Archtics?</p> <p>22 A. No, I don't.</p> <p>23 Q. Do you have someone on your  24 staff who modifies any changes to the  25 accounts receivable -- excuse me -- any</p>	<p>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.</p> <p>6 EXAMINATION BY MR. BURAS:</p> <p>7 Q. Who is the controller?</p> <p>8 A. Amy Arceneaux.</p> <p>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?</p> <p>13 A. No.</p> <p>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?</p> <p>18 A. No, I'm not aware of that.</p> <p>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?</p> <p>25 A. I don't know.</p>
<p>1 changes to the amounts or accounts received  2 in Archtics?</p> <p>3 MS. ANDERSON:  4 Objection. Form.</p> <p>5 A. Okay. Could you rephrase the  6 question?</p> <p>7 EXAMINATION BY MR. BURAS:</p> <p>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?</p> <p>13 A. Well, the ticket supervisors or  14 ticket managers would be in charge of that.</p> <p>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?</p> <p>19 A. Yes.</p> <p>20 Q. What oversight does the  21 financial department have now and are there  22 any written policies evidencing those  23 oversight responsibilities?</p> <p>24 MS. ANDERSON:  25 Objection. Form. And, in part,</p>	<p>1 Q. Have you ever looked for any  2 such policies or procedures?</p> <p>3 A. No, I have not.</p> <p>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?</p> <p>8 A. I don't know.</p> <p>9 Q. You don't know if those policies  10 exist?</p> <p>11 A. I don't know if they exist.</p> <p>12 Q. Are you aware that that is one  13 of the allegations made by plaintiffs in  14 this case?</p> <p>15 A. No.</p> <p>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.</p> <p>21 MR. BURAS:  22 It's not. I'm asking what  23 policies and procedures exist.</p> <p>24 EXAMINATION BY MR. BURAS:</p> <p>25 Q. Have you ever conducted any</p>
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1	searches or instructed anyone else to	1 whether or not Ms. Booth had any documents
2	conduct any searches to determine what	2 or memos from Penny Middleton related to the
3	suites were comped during the years 2004 and	3 issues of overtime or unpaid commissions?
4	2005?	4 A. No.
5	MS. ANDERSON:	5 Q. No, you've not conducted any
6	Objection. Form.	6 such search?
7	A. No.	7 A. No, I haven't conducted a
8	EXAMINATION BY MR. BURAS:	8 search.
9	Q. Are you aware, as you sit here	9 MR. BURAS:
10	today, that plaintiffs have alleged that the	10 All right. No further
11	Hornets modified suite sales to reflect	11 questions.
12	increased ticket sales that resulted in	12 MS. ANDERSON:
13	lower commissions paid to plaintiffs in this	13 Okay. I have a couple.
14	case?	14 EXAMINATION BY MS. ANDERSON:
15	A. No, I'm not aware of that.	15 Q. What is the basis of your
16	Q. Have you ever been asked at any	16 testimony that revenue information that may
17	time to investigate any issues related to	17 have been provided by the Hornets to the
18	the comping of suites or tickets by the New	18 State of Louisiana would be reflected in the
19	Orleans Hornets at any time between 2002 and	19 KPMG audited financial statements?
20	the present?	20 MR. BURAS:
21	MS. ANDERSON:	21 Object to form.
22	Objection. Asked and answered.	22 MR. KNIGHT:
23	This is going beyond his designated area of	23 Same objection.
24	testimony on the chain of evidence issues.	24 A. Repeat the question.
25	MR. BURAS:	25 EXAMINATION BY MS. ANDERSON:
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1	To the extent of the objection,	1 Q. Sure. What is the basis of your
2	he just testified that the finance	2 testimony or the basis of your belief or
3	department has some oversight controls over	3 your statement that if the Hornets had
4	the Archtics system. And I'm simply trying	4 provided revenue information to the State of
5	to find out what control --	5 Louisiana that that information would have
6	MS. ANDERSON:	6 been reflected -- that revenue information
7	I'm not going to stop him from	7 or revenue data would have been reflected in
8	answering it, and I'm not going to argue	8 the KPMG audited financial statements?
9	with you about it. I don't want to waste	9 A. Well, that's --
10	time. I'm just lodging the objection.	10 MR. KNIGHT:
11	A. No.	11 Same objection.
12	EXAMINATION BY MR. BURAS:	12 EXAMINATION BY MS. ANDERSON:
13	Q. Do you know who Adrianna Johnson	13 Q. Go ahead.
14	is?	14 A. That's the data from our system.
15	A. No.	15 That's revenue data from our system that's
16	Q. Do you know who Penny Middleton	16 audited. It comes out of the Solomon
17	is?	17 system. It's the same information that
18	A. I've heard the name.	18 we've been talking about as far as revenue.
19	Q. Who do you understand her to be?	19 Q. Do the Hornets maintain two
20	A. She was in Human Resources	20 different sets of revenue data or revenue
21	previously.	21 systems?
22	Q. Have you ever reviewed any of	22 A. No. It's all by the same
23	the records in your possession or Barbara	23 system. It's out of Solomon.
24	Booth's possession or control, be they in	24 Q. What reports or documents have
25	physical or electronic form, to determine	25 been produced by the Hornets in this case

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1	that would show revenue received on a cash	1 A. We deposit daily.
2	basis?	2 Q. Do you know if that was the
3	MR. BURAS:	3 practice before you arrived at the Hornets?
4	Object to form. Asked and	4 A. I don't know.
5	answered.	5 Q. But since you've been with the
6	A. What reports would show that we	6 Hornets, that's the practice?
7	received revenue on a cash basis?	7 A. Absolutely.
8	EXAMINATION BY MS. ANDERSON:	8 MS. ANDERSON:
9	Q. What reports that have been	9 That's all I have.
10	produced by the Hornets in this litigation	10 EXAMINATION BY MR. BURAS:
11	would show revenue on a cash basis?	11 Q. One question. Mr. Crumb, there
12	A. Well, we don't -- monthly income	12 is no way to determine the source of any
13	statements, the BRI, the CFS are all	13 income deposited on the bank statements, is
14	accrual-basis statements.	14 there?
15	Q. Have the Hornets produced any	15 A. It doesn't -- It doesn't detail,
16	documents that show cash receipts?	16 you know, what the deposit is. And it's a
17	A. Yes.	17 -- it's a lump sum cash. You know, we have
18	Q. Okay. What documents?	18 a deposit ticket and we go in, we fill out
19	A. Well, the cash spreadsheet.	19 the deposit ticket, and then we deposit cash
20	Q. Okay. What about the --	20 just like a normal cash deposit system.
21	A. The bank statements.	21 MR. BURAS:
22	Q. That was going to be my	22 No other questions.
23	question. What about the bank statements?	23 MS. ANDERSON:
24	Would they show that?	24 I have another one.
25	A. They would show what cash was	25 EXAMINATION BY MS. ANDERSON:
	Page 174	Page 176
1	received, deposited.	1 Q. Is there any way that you can
2	Q. In what frequency do the Hornets	2 determine whether by looking at the bank
3	deposit revenues or cash that's received?	3 statements or anything else what the deposit
4	MR. BURAS:	4 -- what type of revenue or what the source
5	Object to the form.	5 of the revenue is for the deposits?
6	MR. KNIGHT:	6 A. Well, there's a ticket operating
7	Objection to form.	7 -- a ticket deposit account that is strictly
8	MR. BURAS:	8 for ticket deposits, which would be ticket
9	That's a substantive question.	9 sales.
10	MS. ANDERSON:	10 Q. What about other types of
11	You opened the door. You asked	11 revenues or other sources of revenue?
12	the question about if somebody received	12 A. Well, on the cash statement, on
13	money on July the 31st and it wasn't	13 that cash sheet, that spreadsheet that we
14	deposited until August the 1st, then what	14 fill out, we have like the Cox broadcast
15	month is it going to be reported in. So you	15 revenues, and we have it denoted, and you
16	opened the door. I'm entitled to cover	16 have a column for ticket revenue, which is
17	that.	17 all the ticket receipts. Then you have it
18	MR. BURAS:	18 delineated as far as the other items, like
19	That's fine.	19 the T.V. revenue or if a sponsorship payment
20	MS. ANDERSON:	20 is made, what have you.
21	It also explains documents that	21 Q. Are the bank statements used to
22	have been produced in the case.	22 generate the -- You're saying cash
23	EXAMINATION BY MS. ANDERSON:	23 spreadsheet. Is that the cash report?
24	Q. So how often do the Hornets	24 A. Yes.
25	deposit the cash that's received?	25 Q. Okay. Are the bank statements

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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.)

11 \* \* \*

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1 REPORTER'S CERTIFICATE

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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

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15 DANIEL L. CRUMB

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DANIEL L. CRUMB

Condenselt

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