

Valiena Allison

August 19, 2010

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EXPERI-METAL, INC., a  
Michigan corporation,  
Plaintiff,

-vs-

Case No. 2:09-CV-14890

COMERICA BANK, a foreign  
banking organization,  
Defendant.

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VIDEOTAPED DEPOSITION

DEPONENT: VALIENA ALLISON  
DATE: Thursday, August 19, 2010  
TIME: 9:26 a.m.  
LOCATION: DRIGGERS, SCHULTZ & HERBST, PC  
2600 West Big Beaver Road, Suite 550  
Troy, Michigan  
REPORTER: Karen Fortna, CRR/RMR/RPR/CSR-5067  
VIDEO: Patrick Murphy



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1 APPEARANCES:

2  
3 DRIGGERS, SCHULTZ & HERBST, PC

4 By: Mr. Richard B. Tomlinson

5 2600 West Big Beaver Road, Suite 550

6 Troy, Michigan 48084

7 248.649.6000

8 Appearing on behalf of the Plaintiff

9  
10 MILLER, CANFIELD, PADDOCK & STONE, PLC

11 By: Mr. Todd A. Holleman

12 150 West Jefferson Avenue, Suite 2500

13 Detroit, Michigan 48226

14 313.963.7420

15 Appearing on behalf of the Defendant

16  
17 ALSO PRESENT: Mr. Frank M. Peraino, Esquire

18 Ms. Shirley M. Halas, Esquire

19 Mr. Keith Maslowski  
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I N D E X

W I T N E S S

VALIENA ALLISON

PAGE

Examination by Mr. Holleman

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1 Q. What did the note say?

2 A. I don't recall the exact wording at this time, sir.

3 Q. Is the note still in his payroll file?

4 A. I would assume the note is still in his payroll  
5 file, sir.

6 Q. Is there a director of payroll or human -- let me  
7 rephrase that.

8 Who maintains those files and where are  
9 they?

10 A. The employee files are maintained in a locked  
11 fire-proof file cabinet with very limited access.

12 Q. And is there a person in charge of that area?

13 A. I would ultimately be in charge of that area as the  
14 president, sir.

15 Q. Okay. Did Experi-Metal ever seek to recover any of  
16 the money lost from Mr. Maslowski?

17 A. No, sir.

18 (Marked for identification:

19 Deposition Exhibit No. 4.)

20 Q. (By Mr. Holleman): The court reporter has handed  
21 to you Deposition Exhibit No. 4, which is a  
22 document that was provided to us by your counsel  
23 and identified as an excerpt from the Experi-Metal  
24 employee handbook.

25 Would you agree that that is what we have



1 here?

2 A. Could you please re-ask your question, sir?

3 Q. Is what we've identified as Exhibit No. 4 and which  
4 you have in front of you an excerpt from  
5 Experi-Metal's employee handbook?

6 A. Exhibit 4 appears to be an excerpt from  
7 Experi-Metal's handbook; however, there is no date  
8 and I don't see a reference specifically to  
9 Experi-Metal.

10 Q. Is there a handbook that Experi-Metal has that has  
11 a date on it?

12 A. Each handbook issued through Experi-Metal has a  
13 date on it, sir.

14 Q. And where is the date, on the cover or on each  
15 page?

16 A. It's on the cover for sure.

17 Q. Okay. And is the name Experi-Metal on the cover or  
18 on each page?

19 A. It's for certain on the cover.

20 Q. So as you -- you don't know if this is an  
21 Experi-Metal excerpt or not?

22 A. I believe this to be an Experi-Metal excerpt.

23 Q. Okay. At the bottom of page 11, which is the first  
24 page of the exhibit, the last line on that page  
25 says, "Security is our first concern." Do you see



1 that?

2 A. Yes, sir, I see, "Security is our first concern."

3 Q. And do you agree that that is true for  
4 Experi-Metal?

5 A. I agree that security is always a major priority in  
6 any type of electronic communication policy.

7 Q. Okay. And can you read the next sentence for us,  
8 please?

9 A. "Experi-Metal, Incorporated, employees will be held  
10 accountable for any breaches of security or  
11 confidentiality."

12 Q. Was Mr. Maslowski held accountable for a breach of  
13 security or confidentiality?

14 A. Mr. Maslowski and myself discussed the occurrences  
15 of January 22nd, 2009, and it was subsequently  
16 noted in his payroll file.

17 Q. And that's what you're saying is how he was held  
18 accountable for his action?

19 A. Mr. Maslowski and I had a discussion regarding the  
20 occurrences of January 22nd, 2009, and that was  
21 noted in his payroll file.

22 Q. Which you've told me, and so if you can answer this  
23 yes or no, we can move on. And that's what you're  
24 saying is how he was held accountable for his  
25 action; is that right? Yes or no.



1 A. Mr. Maslowski was held accountable for his actions  
2 on January 22nd, 2009.

3 Q. And he was held accountable by the note you put in  
4 his payroll file; is that correct?

5 A. A note was placed in Mr. Maslowski's payroll  
6 regarding the actions that occurred on  
7 January 22nd, 2009.

8 Q. Was he held accountable in any other way?

9 A. Could you be more specific regarding what you're  
10 asking?

11 Q. No. Was he held accountable in any other way than  
12 the note that was put in his personnel file?

13 A. I don't recall.

14 Q. If you look at paragraph 21 on page 13, it says  
15 that, "User IDs and passwords help maintain  
16 individual accountability and any employee who  
17 obtains a password or ID from the company must keep  
18 that password confidential." Do you see that?

19 A. Yes, sir, I see that.

20 Q. And do you agree with that?

21 A. Yes, sir, I agree.

22 Q. Do you recall a system offered by Comerica called  
23 Comerica Gateway Funds Transfer System?

24 A. I don't recall, sir.

25 Q. Okay. Were you the person responsible for deciding



1 Q. Why did you discuss with them what occurred?

2 A. Because I was planning on moving -- I had a line of  
3 credit with them and I had no money to finance  
4 day-to-day operations through Comerica Bank. All  
5 of my accounts were frozen.

6 Q. And so did you ask them to give you any type of  
7 opinion as to what had happened and who was  
8 responsible for it?

9 A. No, I was scrambling.

10 Q. Have you ever asked them for an opinion as to  
11 whether a bank is liable for funds that are  
12 transferred out as the result of an employee giving  
13 the bank the credentials to do so?

14 A. I don't recall.

15 Q. Who is Karen Bonis, B-O-N-I-S?

16 A. I don't recognize the name.

17 Q. Does Experi-Metal do work with US Bank?

18 A. Not to the best of my knowledge.

19 Q. Okay. So do you know why she's listed as a  
20 witness?

21 A. I do not.

22 Q. Did Experi-Metal file an insurance claim as a  
23 result of this loss?

24 MR. TOMLINSON: Object to the relevancy.

25 Nothing to do with this case.





1 MR. HOLLEMAN: You can answer.

2 MR. TOMLINSON: You can go ahead and  
3 answer.

4 THE WITNESS: Yes.

5 Q. (By Mr. Holleman): And who was the insurance  
6 company?

7 A. Chubb.

8 Q. What was Chubb's response?

9 A. "We will" --

10 MR. TOMLINSON: Same objection, but go  
11 ahead and answer.

12 THE WITNESS: "We will research the  
13 policies that you have in effect for both personal"  
14 -- because I also filed a personal claim -- "and  
15 for Experi-Metal."

16 Q. (By Mr. Holleman): And what did Chubb conclude  
17 after doing that?

18 MR. TOMLINSON: Same objection. Go ahead  
19 and answer.

20 THE WITNESS: It was an ongoing  
21 investigation during which time I was told by  
22 Comerica -- by Claudia Cassa at Comerica that  
23 Comerica had recovered my personal funds and  
24 returned those to me. Upon receipt of those funds,  
25 I called Chubb and notified them of such, and



1           hence, that claim was closed.

2           Q.       (By Mr. Holleman):  What about the other claim?

3           A.       The other claim remained open for a period of weeks  
4                   or months.

5           Q.       And what was the result?

6                         MR. TOMLINSON:  Same objection.

7                         THE WITNESS:  I received a check from my  
8                         insurance company.

9           Q.       (By Mr. Holleman):  For how much?

10                        MR. TOMLINSON:  Same objection.  Go  
11                        ahead.

12                        THE WITNESS:  For \$10,000.

13           Q.       (By Mr. Holleman):  And what did the \$10,000  
14                        reflect?

15           A.       It was \$15,000 less a \$5,000 deductible.

16           Q.       What was the total amount of the claim you had  
17                        submitted to Chubb?

18           A.       It was between \$500,000 and \$600,000.  We didn't  
19                        really know what the loss was.

20           Q.       Did Chubb give you a reason as to why it only paid  
21                        15,000 instead of the full amount claimed?

22                        MR. TOMLINSON:  Objection.  They paid  
23                        10,000.

24                        THE WITNESS:  They did not.

25           Q.       (By Mr. Holleman):  Did you ask?



1 not what I was thinking you were saying, so I  
2 withdraw whatever question that was.

3 MR. TOMLINSON: Fair enough.

4 Q. (By Mr. Holleman): Ms. Allison, is there -- do you  
5 still stand by the statement that you signed on  
6 August 3 of 2009 as being true and correct?

7 A. Will you please repeat the question?

8 Q. Do you still stand by the statement that you just  
9 read and that you signed on August 3, 2009, as  
10 being true and correct?

11 A. Yes, I do.

12 (Marked for identification:

13 Deposition Exhibit No. 15.)

14 Q. (By Mr. Holleman): The court reporter is going to  
15 hand to you Deposition Exhibit No. 15, which is a  
16 letter dated March 4 of 2009, addressed to you from  
17 the US Department of Justice, signed by someone  
18 named Nicole McGee, M-C-G-E-E, victim specialist.  
19 The signature is on the second page.

20 Do you recall receiving this letter?

21 A. Could you please ask the question again?

22 Q. Do you recall receiving this letter?

23 A. I do.

24 Q. In the letter, the last paragraph on page -- in the  
25 letter, the last paragraph on page 1 says, "You may



1 obtain current information about this matter on the  
2 internet or from a call center."

3 Have you ever accessed the internet site  
4 or the call center to obtain current information  
5 about the matter?

6 A. Yes, I have.

7 Q. And what have you learned?

8 A. That the case is still under investigation as of  
9 the last time I called.

10 Q. When was the last time you called?

11 A. Several months ago.

12 Q. Have you accessed the website any time after --  
13 well, several months ago -- I said call, but have  
14 you accessed the website at any time in the last --  
15 since that last call several months ago?

16 A. I don't recall.

17 Q. What kind of -- have you ever accessed the website  
18 for information with regard to the matter?

19 A. I don't recall.

20 Q. Have you contacted any other law enforcement  
21 agencies or authorities other than the FBI with  
22 respect to this matter?

23 A. I believe this was the place that I contacted as  
24 the victims assistance program after the FBI.

25 Q. Have you been -- has Experi-Metal received any

