

Corruption at the SEC: The Sham Depositions That Should Have Ended the LaForte Case

We have been bringing you the truth for a long time now, and I am sure you have found yourself wondering: "What did the SEC have to say about their blatant lies when they were finally put under oath?" Well, the answer is as shocking as it is simple: they made sure the truth remained buried.

In a move that reeks of sheer corruption, Amie "Rigged It" Riggle Berlin and the SEC legal team intentionally blocked the defense from getting the answers Joseph LaForte is entitled to under our Constitution. This is not just "lawyering"—it is a total violation of Due Process, and in any fair system, this case would have been dismissed immediately.

What is a 30(b)(6) Deposition?

For those who do not work in a courtroom, a 30(b)(6) deposition is one of the most important tools a defendant has. Usually, if you sue someone, you must explain why and show your evidence. In 30(b)(6), the organization (in this case, the SEC) is forced to designate a person to speak for the whole agency. This person is supposed to know the facts and be able to explain the evidence they are using to try and ruin a citizen's life.

It is the bedrock of a fair trial. If the government can sue you but refuses to explain what evidence they have, and we are not allowed to ask questions about the evidence, we no longer live in a free country.

Chapter 1: The "Anglich" Disaster and The First Deposition

The story begins with the SEC's 30 (b)(6) witness, Raymond Andjich (also referred to as Anglich). After supposedly preparing for 40 hours, this witness could not answer basic questions about the case. On Page 58, Lines 16–22, he admitted he simply did not know the answers and suggested others would be "better suited" to answer.

EXHIBIT- Deposition of Raymond Andjich Pg. 58, (Lines 16–22)

Page 58	Page 60
<p>1 over and over. I wanted to point it out, because 2 the Court doesn't have the benefit of seeing what's 3 on the screen. You're asking him about paragraph -- 4 you're showing him paragraph 240 and asking him 5 about gross proceeds. And that's all I was trying 6 to reflect. And I was also stating that I believe 7 the witness has answered your question and directed 8 you to the evidence supporting paragraph 240. I 9 believe at this point it's just badgering him. If 10 you would like to ask it again, please do, and then 11 I'd like to speak with Mr. Andjich and take a break.</p>	<p>1 regurgitate everything from memory here today and be 2 able to respond accurately. And so he feels that 3 way. And knowing that, that we have a witness who 4 won't be able to give and regurgitate the accurate 5 evidence from memory, we are asking that we 6 continue -- we will not count, obviously, the time 7 used today towards the time for the deposition. We 8 will pay for the continued-deposition court reporter 9 costs. And we apologize. We did not anticipate 10 this, and I assure you that we did an extensive 11 amount of preparation.</p>
<p>12 BY MR. SOTO:</p>	<p>12 So we've offered -- we've asked to go ahead and</p>
<p>13 Q Mr. Andjich, you testified earlier that "gross 14 proceeds" means investor funds. Are you changing that 15 answer now?</p>	<p>13 continue the deposition so that we can make sure 14 that your deposition is worthwhile and you have a 15 witness who's able to regurgitate all of this</p>
<p>16 A I mean, that would be my understanding, but, 17 again, we'd have to look to the declaration of Melissa 18 Davis as to the source of the monies that wound up in 19 the hands of McElhone and Cole. I don't have that 20 specific knowledge. I know she looked at a number of 21 bank accounts. They're listed in her declaration. She 22 could tell you what the source of those monies were.</p>	<p>16 evidence that the witness will have to memorize. 17 And that's it. And we would obviously do it in the 18 very near future so that we're not delaying the 19 defense. So we will also make this a priority item, 20 so that we're not causing any sort of further delay 21 from the defense in getting the 30(b)(6) testimony 22 that they're seeking.</p>
<p>23 MR. SOTO: Okay. You want to take that break 24 now?</p>	<p>23 So that's it. We're asking to just continue on 24 another day.</p>
<p>25 MS. BERLIN: Yes. Thank you.</p>	<p>25 MR. SOTO: Okay. Our position is that the SEC</p>

But the real trouble for the SEC started when Alex Soto—LaForte’s SEC attorney, who spent his career at the SEC before going into private practice who knew exactly where the bodies were buried—began his examination. Soto’s questioning forced a different reality into the light:

The Admission: On Page 21, Lines 21–25, Andjich admitted that the legal offering materials for the "agent funds" were not prepared by the defendants, but by an attorney named John Pauciulo at the request of fund managers like Dean Vagnozzi.

EXHIBIT- Deposition of Raymond Andjich Pg. 21, (Lines 21-25)

Page 19	Page 21
1 Q Mr. Andjich, you can answer.	1 fund is raising money to invest in an MCA company.
2 MS. BERLIN: If the witness knows what you're	2 Do you see that?
3 referring to, he can answer; however, it would be in	3 A Yes.
4 his individual capacity and not on behalf of the	4 Q Okay. Fair to say that the agent funds
5 SEC. This was not a noticed topic.	5 prepared and issued their own PPMs?
6 MR. SOTO: Amie, you are, again, coaching the	6 MS. BERLIN: Objection. Outside of the scope
7 witness. I'd ask that you refrain from doing so,	7 of the deposition notice, and, therefore,
8 and that you limit your objections to objections to	8 Mr. Andjich would not be testifying on behalf of the
9 the form, which is what is appropriate in this	9 SEC. I also object that this is not a memory test.
10 setting.	10 And if you're asking about a specific document,
11 BY MR. SOTO:	11 there are more than 44 agent funds. So I object
12 Q So, Mr. Andjich, I'll ask you again --	12 that this is really broad and he's not being shown
13 (Overlapping speakers.)	13 any specific document. He's now being expected to
14 MS. BERLIN: Please give me the legal cite, or	14 testify based on his memory. But the witness can
15 what you're relying on, that the only proper	15 answer in his individual capacity.
16 objection is objection to form in a deposition. I	16 THE WITNESS: Could you repeat the question?
17 certainly don't want to break a rule that I don't	17 BY MR. SOTO:
18 know about.	18 Q Yes.
19 MR. SOTO: Okay. I'm not going to give you the	19 Would you agree that the agent funds prepared
20 legal cite. You're supposed to understand the rules	20 and issued their own PPMs?
21 before you get involved in a deposition, so I'm not	21 A My recollection is that a lawyer by the name of
22 going to educate you with respect to the rules. But	22 John Pauciulo -- I don't know if I'm pronouncing that
23 I'm going to ask that you not coach the witness.	23 correctly -- actually prepared the offering materials
24 This is the second time I've asked you to do that.	24 relative to each of these funds, that the funds did not
25 BY MR. SOTO:	25 actually prepare the documents themselves.

6 (Pages 18 - 21)

The Narrative Flip: As Soto exposed that the SEC had zero evidence that Par Funding directed Pauciulo to prepare those documents (Page 26, Lines 21–25), the SEC’s claim of a fraudulent scheme directed by Joseph LaForte began to vanish. The point is that the defense landed a major blow and had 7 more hours to defeat every single claim in the entire indictment. Aime Berlin started to panic, and her next move was so outrageous that every attorney that we have ever spoken to is completely mystified.

EXHIBIT- Deposition of Raymond Andjich Pg. 26, (Lines 21-25)

Page 26	Page 28
1 you.	1 the Securities and Exchange Commission.
2 MR. SOTO: Amie, I'm going to join in that	2 BY MR. SOTO:
3 objection. I was about to say the same thing. If	3 Q Is that correct, Mr. Andjich, that you have no
4 you continue to engage in speaking objections and	4 knowledge and you have seen no evidence that Par Funding
5 take up the bulk of the time here, we're going to	5 directed John Pauciulo to prepare PPMs for the agent
6 ask the judge for additional time, to compensate for	6 funds? Is that correct?
7 the time you took up in your unnecessary speaking	7 MS. BERLIN: Again, I object.
8 objections.	8 MR. SOTO: Amie, your objection is noted.
9 MS. BERLIN: And, Mr. Soto, I will remind you	9 MS. BERLIN: I object. It misstates
10 that you and Mr. Cutercross took breaks with your	10 Mr. Andjich's testimony. This is outside of the
11 witness, of 10 to 15 minutes at times during your	11 deposition notice, and he would be testifying in his
12 client's deposition, and I extended you the courtesy	12 individual capacity regarding his testimony about
13 of not criticizing you on the record, and was very	13 Mr. Pauciulo and the agent funds, and CBSG and
14 professional and courteous. I will state the	14 Mr. Pauciulo.
15 objections that need to be stated so that the judge	15 MR. FERGUSON: This is David Ferguson.
16 can review the transcript and understand the basis	16 Alex, this isn't going to work. You can give
17 for the objections. So I stated my objection to	17 the court a call. I've never seen anything like
18 this question quite some time ago, and I don't need	18 this. This isn't going to work.
19 to repeat it.	19 MR. SOTO: Thank you, David. I'm going to keep
20 BY MR. SOTO:	20 trying, but I hear you.
21 Q Mr. Andjich, you testified that the agent funds	21 BY MR. SOTO:
22 had their PPMs prepared by an attorney, John Pauciulo,	22 Q Mr. Andjich, you can answer.
23 correct?	23 A I think I gave you my answer. I don't have a
24 A Yes.	24 specific recollection, but if there is a document that
25 Q Okay. And my question was, do you have any	25 might suggest that that's the case, I'd gladly take a

The "Second Inning" Shutdown: Outrageous Conduct by the SEC's lead counsel, Amie Riggle Berlin.

From a legal standpoint, what happened next is unheard of. This was testimony under oath. In the American legal system, there are no "re-dos." You cannot just say, "Oh sorry, the guy we picked doesn't know what he's talking about because the narrative he's giving doesn't fit the lies we've been telling for years." But that is exactly what they did. The minute the first blow was landed by the defense, Berlin who is a skilled attorney and completely corrupt went into complete panic mode.

Here is the best analogy for our readers:

Imagine starting a baseball game, and in the second inning, the manager realizes they are losing. The score is moving against them because the truth is coming out on the field. So, the manager—Amie Berlin—keeps running onto the field, stopping play, and finally just cancels the entire game because she does not like the score.

The Abrupt Cancellation: Once it became clear that the SEC's own witness was validating the defense's narrative, Amie Riggle Berlin unilaterally stopped the deposition, claiming the witness just could not "regurgitate" his 40 hours of preparation (Page 59, Lines 3–11).

EXHIBIT- Deposition of Raymond Andjich Pg. 59, (Lines 3-25)

	Page 59	Page 61
1 (A break was taken from 11:55 a.m. to 2 12:39 p.m.)	1 should have designated more than one individual if 2 the volume of information here is too much for one.	1 should have designated more than one individual if 2 the volume of information here is too much for one.
3 MS. BERLIN: During this break, I spoke with 4 Mr. Soto, and I'll state on the record what he and I 5 just discussed. And I spoke with Mr. Andjich.	3 They had that opportunity, and they chose not to do 4 that. We are not inclined to continue the 5 deposition. We stated our conditions.	3 They had that opportunity, and they chose not to do 4 that. We are not inclined to continue the 5 deposition. We stated our conditions.
6 Mr. Andjich spent about 40 hours preparing for 7 this deposition today, and he has been asked to 8 regurgitate a lot of things that he memorized, and 9 his memory is not such that he can just regurgitate 10 everything that he prepped; and he feels that he 11 cannot do it accurately.	6 Our first condition would be that the 7 individual designated in Mr. Andjich's place would 8 be Linda Schmidt, who is a staff attorney and was an 9 investigator on this case. And I believe 10 Mr. Andjich testified she was involved as an 11 investigator on this case as a staff attorney.	6 Our first condition would be that the 7 individual designated in Mr. Andjich's place would 8 be Linda Schmidt, who is a staff attorney and was an 9 investigator on this case. And I believe 10 Mr. Andjich testified she was involved as an 11 investigator on this case as a staff attorney.
12 And so we have offered that we will designate 13 other witnesses, people who worked on the 14 investigation. And that, obviously, will not 15 include any of this time towards the seven hours or 16 limit it that way in any way. And the SEC would, 17 you know, of course, pay for the court reporter. We 18 can make those arrangements, that the defendants are 19 not paying for the court reporter again, so that we 20 don't spend more time today.	12 The second condition would be that any of the 13 statements Mr. Andjich has made to this point on the 14 record would be and remain binding against the SEC, 15 with the exception, of course, of any objections 16 that Ms. Berlin has made with respect to the scope.	12 The second condition would be that any of the 13 statements Mr. Andjich has made to this point on the 14 record would be and remain binding against the SEC, 15 with the exception, of course, of any objections 16 that Ms. Berlin has made with respect to the scope.
21 What we're asking to do is to pause and then 22 continue this on another day in the near future with 23 different witnesses. Because despite the extensive 24 preparation that Mr. Andjich did with me, and by 25 himself, it's just not possible for him to	17 So any questions that she believes are outside 18 the scope, we could either confer, agree, disagree, 19 litigate those, but beyond that, any statements he 20 makes would be binding on the SEC. In other words, 21 somebody wouldn't be able to come in and say, Well, 22 I'm going to provide testimony that essentially 23 erases or replaces or supplants that testimony. We 24 would not agree to that. 25 To this point, I think Ms. Berlin has suggested	17 So any questions that she believes are outside 18 the scope, we could either confer, agree, disagree, 19 litigate those, but beyond that, any statements he 20 makes would be binding on the SEC. In other words, 21 somebody wouldn't be able to come in and say, Well, 22 I'm going to provide testimony that essentially 23 erases or replaces or supplants that testimony. We 24 would not agree to that. 25 To this point, I think Ms. Berlin has suggested

16 (Pages 58 - 61)

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Berlin is so panic stricken that she offers to pay for the court reporters and offers to start the 7 hours over again, and most importantly, which the defense lawyers found appropriate was that they would get another chance to depose someone who, as Amie Berlin states, worked on the investigation. The key words to our readers is “someone who worked on the investigation.” The defense attorneys and LaForte agreed that this was the best course of action because they were 1000 percent confident that the exculpatory evidence would rule the day. What we are about to witness next was completely shocking to the defense because the defense negotiated as part of stopping the deposition that Linda Schmidt will replace Mr. Andjich.

EXHIBIT- Deposition of Raymond Andjich Pg. 61, (Lines 6-11)

Page 59	Page 61
1 (A break was taken from 11:55 a.m. to 2 12:39 p.m.)	1 should have designated more than one individual if 2 the volume of information here is too much for one.
3 MS. BERLIN: During this break, I spoke with 4 Mr. Soto, and I'll state on the record what he and I 5 just discussed. And I spoke with Mr. Andjich.	3 They had that opportunity, and they chose not to do 4 that. We are not inclined to continue the 5 deposition. We stated our conditions.
6 Mr. Andjich spent about 40 hours preparing for 7 this deposition today, and he has been asked to 8 regurgitate a lot of things that he memorized, and 9 his memory is not such that he can just regurgitate 10 everything that he prepped; and he feels that he 11 cannot do it accurately.	6 Our first condition would be that the 7 individual designated in Mr. Andjich's place would 8 be Linda Schmidt, who is a staff attorney and was an 9 investigator on this case. And I believe 10 Mr. Andjich testified she was involved as an 11 investigator on this case as a staff attorney.
12 And so we have offered that we will designate 13 other witnesses, people who worked on the 14 investigation. And that, obviously, will not 15 include any of this time towards the seven hours or 16 limit it that way in any way. And the SEC would, 17 you know, of course, pay for the court reporter. We 18 can make those arrangements, that the defendants are 19 not paying for the court reporter again, so that we 20 don't spend more time today.	12 The second condition would be that any of the 13 statements Mr. Andjich has made to this point on the 14 record would be and remain binding against the SEC, 15 with the exception, of course, of any objections 16 that Ms. Berlin has made with respect to the scope.
21 What we're asking to do is to pause and then 22 continue this on another day in the near future with 23 different witnesses. Because despite the extensive 24 preparation that Mr. Andjich did with me, and by 25 himself, it's just not possible for him to	17 So any questions that she believes are outside 18 the scope, we could either confer, agree, disagree, 19 litigate those, but beyond that, any statements he 20 makes would be binding on the SEC. In other words, 21 somebody wouldn't be able to come in and say, Well, 22 I'm going to provide testimony that essentially 23 erases or replaces or supplants that testimony. We 24 would not agree to that. 25 To this point, I think Ms. Berlin has suggested

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Chapter 2: The Bait-and-Switch (The Reneged Agreement)

After Andjich was essentially kicked out by the prosecution because his testimony did not fit their lying narrative, the SEC and the defense had a clear agreement. The SEC was supposed to produce Linda Schmidt, a staff attorney who knew the facts of the investigation, to testify. I am sure that after Linda Schmidt, a staff attorney at the SEC reneged after seeing the powerful evidence the defense had proving the indictment should be dismissed. She was likely unwilling to perjure herself so the only move Amie Berlin and the SEC could make was to fly in a lifelong swamp creature from Regional, Elisha Frank to put out this massive fire. As good American citizens you should be asking yourself “Wait, wasn’t it part of the agreement and put on the record to deliver Linda Schmidt?” The answer to that is yes, of course, and that would be the honorable thing to do, to keep your word, but they have no honor, their word means nothing, and they have a win at any cost attitude at the SEC.

When the defense attorneys and LaForte were in side-bar discussing if they should let Andjich off the hook, LaForte agreed because he wanted someone from the SEC as is his Constitutional Right, in an educated detailed fashion to explain the indictment lodged against him which he knew was false from the beginning. LaForte was not looking for a cheap win. He was looking for the answers because he was so confident in the evidence that proves his innocence.

EXHIBIT- Deposition of Raymond Andjich Pg. 60, (Line 25) and Pg. 61 (Lines 5-24)

Page 58

1 over and over. I wanted to point it out, because
2 the Court doesn't have the benefit of seeing what's
3 on the screen. You're asking him about paragraph --
4 you're showing him paragraph 240 and asking him
5 about gross proceeds. And that's all I was trying
6 to reflect. And I was also stating that I believe
7 the witness has answered your question and directed
8 you to the evidence supporting paragraph 240. I
9 believe at this point it's just badgering him. If
10 you would like to ask it again, please do, and then
11 I'd like to speak with Mr. Andjich and take a break.
12 BY MR. SOTO:
13 Q Mr. Andjich, you testified earlier that "gross
14 proceeds" means investor funds. Are you changing that
15 answer now?
16 A I mean, that would be my understanding, but,
17 again, we'd have to look to the declaration of Melissa
18 Davis as to the source of the monies that wound up in
19 the hands of McElhone and Cole. I don't have that
20 specific knowledge. I know she looked at a number of
21 bank accounts. They're listed in her declaration. She
22 could tell you what the source of those monies were.
23 MR. SOTO: Okay. You want to take that break
24 now?
25 MS. BERLIN: Yes. Thank you.

Page 60

1 regurgitate everything from memory here today and be
2 able to respond accurately. And so he feels that
3 way. And knowing that, that we have a witness who
4 won't be able to give and regurgitate the accurate
5 evidence from memory, we are asking that we
6 continue -- we will not count, obviously, the time
7 used today towards the time for the deposition. We
8 will pay for the continued-deposition court reporter
9 costs. And we apologize. We did not anticipate
10 this, and I assure you that we did an extensive
11 amount of preparation.
12 So we've offered -- we've asked to go ahead and
13 continue the deposition so that we can make sure
14 that your deposition is worthwhile and you have a
15 witness who's able to regurgitate all of this
16 evidence that the witness will have to memorize.
17 And that's it. And we would obviously do it in the
18 very near future so that we're not delaying the
19 defense. So we will also make this a priority item,
20 so that we're not causing any sort of further delay
21 from the defense in getting the 30(b)(6) testimony
22 that they're seeking.
23 So that's it. We're asking to just continue on
24 another day.
25 MR. SOTO: Okay. Our position is that the SEC

Page 59	Page 61
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2 12:39 p.m.)	2 the volume of information here is too much for one.
3 MS. BERLIN: During this break, I spoke with	3 They had that opportunity, and they chose not to do
4 Mr. Soto, and I'll state on the record what he and I	4 that. We are not inclined to continue the
5 just discussed. And I spoke with Mr. Andjich.	5 deposition. We stated our conditions.
6 Mr. Andjich spent about 40 hours preparing for	6 Our first condition would be that the
7 this deposition today, and he has been asked to	7 individual designated in Mr. Andjich's place would
8 regurgitate a lot of things that he memorized, and	8 be Linda Schmidt, who is a staff attorney and was an
9 his memory is not such that he can just regurgitate	9 investigator on this case. And I believe
10 everything that he prepped; and he feels that he	10 Mr. Andjich testified she was involved as an
11 cannot do it accurately.	11 investigator on this case as a staff attorney.
12 And so we have offered that we will designate	12 The second condition would be that any of the
13 other witnesses, people who worked on the	13 statements Mr. Andjich has made to this point on the
14 investigation. And that, obviously, will not	14 record would be and remain binding against the SEC,
15 include any of this time towards the seven hours or	15 with the exception, of course, of any objections
16 limit it that way in any way. And the SEC would,	16 that Ms. Berlin has made with respect to the scope.
17 you know, of course, pay for the court reporter. We	17 So any questions that she believes are outside
18 can make those arrangements, that the defendants are	18 the scope, we could either confer, agree, disagree,
19 not paying for the court reporter again, so that we	19 litigate those, but beyond that, any statements he
20 don't spend more time today.	20 makes would be binding on the SEC. In other words,
21 What we're asking to do is to pause and then	21 somebody wouldn't be able to come in and say, Well,
22 continue this on another day in the near future with	22 I'm going to provide testimony that essentially
23 different witnesses. Because despite the extensive	23 erases or replaces or supplants that testimony. We
24 preparation that Mr. Andjich did with me, and by	24 would not agree to that.
25 himself, it's just not possible for him to	25 To this point, I think Ms. Berlin has suggested

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But the SEC reneged on that deal. In a classic bait and switch, they brought in a "big gun" lawyer from the regional office—a complete swamp creature named Elisha Frank. They did not bring her to provide facts; they brought her to clean up the mess and act as a professional stonewall. The SEC as a government agency, Amie Berlin, who is an officer of the court, promised on the record that if we agreed to cancel the deposition of Raymond Anjlich she would deliver Linda Schmidt. The bottom line is Berlin lied! She knew she was lying when she made the promise. This woman is willing to go to any measure to win! Even going as far as lying on the record. You must ask yourself if a skilled attorney was willing to lie while a court reporter is transcribing every syllable what is she willing to do behind closed doors in the halls of the Miami SEC office and prior to this indictment! This just proves she is a stone-cold liar and should never be trusted to work in a government agency that has the power to ruin people's lives, steal their property and set the stage for incarceration potentially for life.

Chapter 3: The Elisha Frank Stonewall

When Elisha Frank took the stand, the SEC's "Sergeant Schultz" routine ("I know nothing!") went into overdrive. On Pages 21-257 she claimed the SEC had no "personal knowledge" regarding the substance of the case.

EXHIBIT: FRANK SAID THIS 42 TIMES-

***SEE CHART BELOW WITH PAGE NUMBERS AND LINES TO REFERENCE IN THE DEPOSITION:**

DEPOSITION OF ELISHA FRANK				
PAGE #	LINES		PAGE #	LINES
21	10 & 11		222	24
38	7		223	8 & 22
39	7		224	24
40	6		225	23
82	10		233	24
83	13		235	7
85	3		240	10
86	15 & 23		241	3
87	11 & 23		245	8 & 18
113	22		246	25
115	12		247	15
116	16		248	22
129	22		250	6
130	20		251	8
139	23		254	23
154	24		255	9
213	2		256	10 & 23
214	12		257	16

So once again the SEC completely violated Joseph LaForte’s constitutional right to confront his accusers about the charges lodged against him. Think about the words, “she has no personal knowledge regarding the substance of the case.” Why did she show up? Where did she think she was going? To McDonald’s? And it is not like she said it one time. She said it 42 times! Ms. Frank came as a fixer from the SEC hierarchy because they were in panic mode because they knew they had no case and they knew that finally after one year without discovery once the defense was able to digest it that they had serious issues.

Instruction Not to Answer: Amie Berlin repeatedly used "privilege" to silence Frank. Across Pages 23, 25, 26, 55, and 118–120, she prevented the witness from identifying a single piece of evidence supporting the SEC's claims.

EXHIBIT- Deposition of Elisha Frank Pg. 23, (Lines 6-9)

***The full deposition is available for download, but we wanted to give our readers a quick look. And interestingly enough look at Mr. Soto’s response.**

1 BY MR. SOTO:

2 Q. All right. So tell me, Ms. Frank, what
3 evidence the SEC has that Par Funding had any
4 control over what the agent funds were obligated to
5 pay investors.

6 MS. BERLIN: Objection. Calls for
7 attorney work product. Deliberative process
8 privilege. We instruct the witness not to
9 answer that question as phrased.

10 MR. SOTO: All right. Well, Amie, the
11 purpose of today's deposition is to ask the SEC
12 for evidence supporting the allegations of the
13 Complaint as set forth in the Notice of
14 Deposition.

15 Are you going to object every time I ask
16 for evidence supporting an allegation in the
17 Complaint? I just want to know because that

The "Work Product" Excuse: On Page 108, Lines 5–8, Berlin claimed that simply identifying which parts of a document supported their claims was "work product."

EXHIBIT- Deposition of Elisha Frank Pg. 108, (Lines 5-8)

1 sorry. Ms. Frank, just a moment, please.
2 I object as to form. I believe it's --
3 and also to the extent it's seeking attorney
4 work product.
5 A. And I was just going to say that that
6 would involve work product unless we've already
7 identified it specifically with a pincite in the
8 TRO.

Chapter 4: Defense Counsel Calls Out the Corruption

The defense team—Alan Futerfas, David Ferguson, and Alex Soto—did not stay silent during these charades.

Alan Futerfas (Page 25): Futerfas pointed out the absurdity of the SEC's position, noting that Berlin was taking up "50 percent of the time" with lengthy objections. He argued the defense was being denied their fair seven hours of testimony.

EXHIBIT- Deposition of Raymond Andjich Pg. 25, (Lines 9-25)

Page 23

1 topic would this fall under, Mr. Soto? Maybe I'm
2 wrong.
3 MR. SOTO: If you look at Exhibit A, we asked
4 for a designee prepared to answer questions that
5 support the Commission's allegations, causes of
6 actions, or requests for relief in the amended
7 complaint, at docket entry 119, with respect to
8 materially misleading statements and omissions to
9 investors in connection with the purchase offer or
10 sale of securities in this matter. And the agent
11 funds and their sale of investments are part of this
12 complaint. And I am asking about the agent fund
13 PPMs which are part of this complaint. Obviously,
14 they're alleged in the complaint, and I am making
15 specific reference to a paragraph within the
16 complaint. So, again, there's no need for us to
17 debate --
18 MS. BERLIN: Well, we can litigate that. Yeah,
19 I'm not going to respond to any of your comments
20 today, but I will repeat my objection. I do not
21 believe this falls -- whether or not any of the 44
22 agent funds were directed -- or had CBSG directing
23 Mr. Pauciulo is not within the scope of the
24 deposition notice, and it is also not something that
25 is alleged in the complaint.

Page 25

1 both represent the same party.
2 But it is important to explain what I've
3 stated. So I restate my objection, and the witness
4 can testify in his individual capacity, if he knows
5 the answer to that question.
6 MR. FUTERFAS: I'm going to lodge an objection.
7 THE COURT REPORTER: Who's speaking? I don't
8 know who's speaking.
9 MR. FUTERFAS: Alan Futerfas. I announced
10 myself. It's Alan Futerfas. I'm a lawyer for Lisa
11 McElhone.
12 I'm going to lodge an objection for the day,
13 and that is that the defense is entitled to a
14 certain amount of time to conduct a deposition.
15 And, Ms. Berlin, if you are going to end up
16 taking 50 percent of the time by lengthy objections
17 to every single question, then I'm going to object
18 that our time is not being -- we are not being
19 permitted appropriate time during the deposition and
20 will have to continue day to day to day until we
21 actually get our seven hours of deposition time.
22 So if you want to lodge just a continuing
23 objection, Ms. Berlin, to every single question on
24 every possible ground, you can do that now, and that
25 will save us a lot of time litigating later. Thank

7 (Pages 22 - 25)

David Ferguson (Page 28): Ferguson stated for the record, *"I've never seen anything like this. This isn't going to work,"* and suggested calling the judge immediately to stop the hypocrisy. David Ferguson is a 30-year veteran who is from North Carolina and has tried cases all over America saying he has never seen anything like this. That should tell you everything.

EXHIBIT- Deposition of Raymond Andjich Pg. 28, (Lines 15-18)

Page 26	Page 28
1 you.	1 the Securities and Exchange Commission.
2 MR. SOTO: Amie, I'm going to join in that 3 objection. I was about to say the same thing. If 4 you continue to engage in speaking objections and 5 take up the bulk of the time here, we're going to 6 ask the judge for additional time, to compensate for 7 the time you took up in your unnecessary speaking 8 objections.	2 BY MR. SOTO:
9 MS. BERLIN: And, Mr. Soto, I will remind you 10 that you and Mr. Cutercross took breaks with your 11 witness, of 10 to 15 minutes at times during your 12 client's deposition, and I extended you the courtesy 13 of not criticizing you on the record, and was very 14 professional and courteous. I will state the 15 objections that need to be stated so that the judge 16 can review the transcript and understand the basis 17 for the objections. So I stated my objection to 18 this question quite some time ago, and I don't need 19 to repeat it.	3 Q Is that correct, Mr. Andjich, that you have no 4 knowledge and you have seen no evidence that Par Funding 5 directed John Pauciulo to prepare PPMs for the agent 6 funds? Is that correct?
20 BY MR. SOTO:	7 MS. BERLIN: Again, I object.
21 Q Mr. Andjich, you testified that the agent funds	8 MR. SOTO: Amie, your objection is noted.
22 had their PPMs prepared by an attorney, John Pauciulo,	9 MS. BERLIN: I object. It misstates
23 correct?	10 Mr. Andjich's testimony. This is outside of the 11 deposition notice, and he would be testifying in his 12 individual capacity regarding his testimony about 13 Mr. Pauciulo and the agent funds, and CBSG and 14 Mr. Pauciulo.
24 A Yes.	15 MR. FERGUSON: This is David Ferguson. 16 Alex, this isn't going to work. You can give 17 the court a call. I've never seen anything like 18 this. This isn't going to work.
25 Q Okay. And my question was, do you have any	19 MR. SOTO: Thank you, David. I'm going to keep
	20 trying, but I hear you.
	21 BY MR. SOTO:
	22 Q Mr. Andjich, you can answer.
	23 A I think I gave you my answer; I don't have a
	24 specific recollection, but if there is a document that
	25 might suggest that that's the case, I'd gladly take a

Alex Soto (Pages 33 and 34): Soto slammed the SEC's instructions not to answer as "obstructionist." He noted that Berlin's tactics were designed to suggest answers to the witness and "unnecessarily prolong" the proceedings.

EXHIBIT- Deposition of Raymond Andjich Pg. 33 (Lines 16-25) & Pg. 34 (Lines 1-16)

1 Q Mr. Andjich, you just referenced having seen a
2 couple of Form Ds, and I'm asking you based on -- not
3 just on the complaint, but on your review of the
4 evidence to include what you just said you saw.

5 A Well, if you could point me to a specific piece
6 of evidence on the Form D, I'll gladly take a look at
7 it.

8 Q We're going to be going through a lot of
9 exhibits today. I'm asking you, based on your
10 recollection of the Form Ds that you just testified you
11 reviewed, whether you would agree that the ABFP agent
12 funds filed their own Form Ds in connection with their
13 own offerings.

14 A I don't know how to answer that, because if by
15 "ABFP funds," you're referring to Vagnozzi funds --

16 Q I am.

17 A -- I would say yes. But there were many, many
18 other agent funds, and I don't know if Form Ds were
19 filed in those instances.

20 Q I asked only with respect to ABFP, the Dean
21 Vagnozzi funds.

22 A I have seen Form Ds.

23 Q Okay. Do you have any evidence --

24 A How many were filed, as I sit here today, I
25 don't recall.

1 before we broke, which is, if your objection to a
2 question is that it refers to matters outside the
3 scope of the notice of deposition, that you simply
4 say it's outside the scope. And we will agree with
5 respect to the consequences that you stated earlier,
6 which is that you believe Mr. Andjich would be
7 speaking only in his individual capacity as opposed
8 to speaking as the 30(b)(6) designee.

9 MS. BERLIN: Well, I will address it on a
10 question-by-question basis as I hear it.

11 Are we on the record right now?

12 MR. SOTO: We are.

13 MS. BERLIN: Oh, we are? Okay.

14 So I'll make my objections on a
15 question-by-question basis.

16 MR. SOTO: Okay. I'm also going to state for
17 the record, in response to your question, that under
18 Rule 30(d), the commentary at Subdivision (d) states
19 as follows: The first sentence of new paragraph
20 (1) provides that any objections during a deposition
21 must be made concisely and in a nonargumentative and
22 nonsuggestive manner. Depositions frequently have
23 been unduly prolonged, if not unfairly frustrated,
24 by lengthy objections and colloquy, often suggesting
25 how the deponent should respond. While objections

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<p>1 may, under the revised rule, be made during a 2 deposition, they ordinarily should be limited to 3 those that under Rule 32(d)(3) might be waived if 4 not made at that time, i.e., objections on grounds 5 that might be immediately obviated, removed, or 6 cured, such as to the form of a question or the 7 responsiveness of an answer.</p>	<p>1 A Yes.</p>
<p>8 So that is what I was referring to. Your 9 obligation, when objecting, is to be as concise and 10 nonargumentative as possible, and object to the form 11 whenever necessary, and not object in a manner that 12 suggests the answer to the witness or unnecessarily 13 prolongs the deposition, which I think three lawyers 14 have suggested you were doing. So that is in 15 response to your request for the rule I was thinking 16 about. That is the rule.</p>	<p>2 Q Okay. Who was that staff attorney?</p>
<p>17 BY MR. SOTO:</p>	<p>3 A Linda Schmidt, senior counsel at the Miami 4 regional office of the SEC; and Elisha Frank, who's 5 assistant regional director with the Miami office of the 6 SEC; and, of course, Amie Berlin, who is senior trial 7 counsel.</p>
<p>18 Q Mr. Andjich, are you ready to proceed?</p>	<p>8 Q Okay.</p>
<p>19 A Yes.</p>	<p>9 MR. SOTO: Let's go to Exhibit 4.</p>
<p>20 Q All right.</p>	<p>10 (Defendant's Exhibit 4 was marked for 11 identification.)</p>
<p>21 MR. SOTO: Let's go to Exhibit 3.</p>	<p>12 BY MR. SOTO:</p>
<p>22 (Defendant's Exhibit 3 was marked for 23 identification.)</p>	<p>13 Q Okay. One of the topics you were asked to 14 prepare for was whether the notes are exempt from 15 registration. Do you recall that? We can go back to 16 the exhibit if you don't remember.</p>
<p>24 BY MR. SOTO:</p>	<p>17 A Yes.</p>
<p>25 Q Okay. This is the re-notice of your 30(b)(6)</p>	<p>18 Q You do remember?</p>
	<p>19 A Repeat the question.</p>
	<p>20 Q One of the topics you were asked to prepare for 21 for today's deposition is any evidence with respect to 22 the exemption from registration with respect to the 23 securities at issue in this case, the notes at issue in 24 this case.</p>
	<p>25 A Okay.</p>

Chapter 5: Amie Berlin's "Rigged" Totals

The most egregious part of this entire story was the way Amie Berlin functioned as a human shield. Her charades were a calculated theft of Joseph LaForte's rights:

Stealing Time: In the second deposition, Berlin's unilateral "outside the scope" objections accounted for nearly 60 pages of the transcript—meaning roughly 22.5% of the entire proceeding was nothing but the government refusing to answer.

Coaching: Between Page 140, Line 6, and Page 150, Line 25, Berlin's "speaking objections" were so frequent they effectively took over the deposition, signaling to the witness how to respond.

EXHIBIT- Deposition of Elisha Frank Pg. 140, (Lines 6-13)

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1 MR. SOTO: Okay. Let's go to Exhibit 102.

2 (Thereupon, marked as Exhibit 102.)

3 BY MR. SOTO:

4 Q. All right. Do you see that this is a
5 Credit Profile Report?

6 MS. BERLIN: And I'm going to just object
7 to the extent I believe I gave a little leeway,
8 Mr. Soto, to see if this was going to come back
9 to one of the topics that was noticed for
10 today. It doesn't. And so Ms. Frank can
11 testify about matters not in the notice in her
12 personal capacity, but not on behalf of the
13 SEC.

14 MR. SOTO: Okay. If you're going to
15 object on that basis, again, I would appreciate
16 it if you objected and just said objection,
17 scope or scope, and I'll understand that you

A Higher Standard Abandoned: What the SEC Was Hiding

This type of behavior is incredibly uncommon and deeply disturbing for a federal agency. The SEC is not a private law firm; it is a government body representing the United States of America. As such, they are supposed to be held to a higher standard of conduct. They are tasked with seeking justice, not winning at all costs by hiding the truth.

So, what were they so scared of? We all know the answer. They feared the very evidence we have been exposing for the past month. They knew that if their witnesses were allowed to speak truthfully about the entire indictment and lack of oversight their entire house of cards would come crashing down. They acted like cornered animals because they knew the facts did not support their "outrageous accusations." And an indictment that destroyed lives, shut down Par

Funding, took all the defendant's assets to feed a corrupt Receiver, and lastly take Joseph LaForte's liberty.

Why This Case Should Have Been Dismissed

When the government brings "outrageous accusations" and then refuses to identify the facts supporting those claims, the law is clear: Sanctions are required. Joseph LaForte's motion rightly argued for dismissal because the SEC's conduct was a "disrespectful refusal to provide discovery."

**We are providing the Motion to Dismiss for your review.

By blocking these answers, Amie Riggle Berlin made sure the SEC's lies remained buried where the public and the court could not see them. If the government can ignore the rules and hide the evidence and blatantly lie on the record about producing certain witnesses no American is safe. Joseph LaForte's due process was not just stepped on—it was completely ignored by a system that decided the result before the first deposition ever started. To this day, the evidence still has not been tested in a court of law. And as we have pointed out in the prior postings when the AUSA in Philadelphia, PA brought its case, they stacked the deck and held LaForte's wife hostage by indicting her with false charges to induce LaForte into a plea agreement to nail the coffin shut that this evidence would never be exposed.

The Final Verdict: A System Rigged Against the Truth

Despite the unmistakable evidence of fraud on the court and the blatant due process violations exposed in these transcripts, the outcome was as predictable as it was unjust. This motion for sanctions was denied by Judge Ruiz. This joined an extensive list of other denied motions—including the Recusal Motions and Fraud on the Court Motions—all of which laid out the undeniable corruption and procedural abuse in this case.

Readers, we beg you to read these documents for yourselves. We know they are long, and the legal jargon can be thick, but so is the corruption that Joseph LaForte has endured since July 2020. He has been fighting these lies for years, facing a government agency that would rather break the rules than admit it has no case.

Thank you for taking the time to examine this extensive piece and for standing with us as we continue to shine a light on the truth.