

1 CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
2 STATE OF LOUISIANA

3
4 DOCKET NO. 2020-03606 DIVISION "J"

5
6 RAMELLI JANITORIAL SERVICE, INC.

7 VERSUS

8 IV WASTE, LLC

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12 Videotaped deposition of DAVID CARIMI,
13 918 Soniat Street, New Orleans, Louisiana, taken
14 in the law offices of BAKER, DONELSON, BEARMAN,
15 CALDWELL & BERKOWITZ, PC, 201 St. Charles Avenue,
16 Suite 3600, New Orleans, Louisiana 70170, on the
17 21st day of November, 2022, commencing at 9:04
18 a.m.

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23 REPORTED BY:

24 CONNIE M. FINESCHI, CCR

25 CERTIFIED COURT REPORTER

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APPEARANCES:

SCHONEKAS, EVANS, MCGOEY & MCEACHIN, LLC

BY: PATRICK S. MCGOEY, ESQUIRE

909 Poydras Street, Suite 1600

New Orleans, Louisiana 70112

ATTORNEYS FOR THE PLAINTIFF, RAMELLI

JANITORIAL SERVICE, INC.

BAKER, DONELSON, BEARMAN, CALDWELL &

BERKOWITZ, PC

BY: MATTHEW S. CHESTER, ESQUIRE

EMILY OLIVIER KESLER, ESQUIRE

201 St. Charles Avenue, Suite 3600

New Orleans, Louisiana 70170

ATTORNEYS FOR DAVID CARIMI

STANLEY, REUTER, ROSS, THORNTON & ALFORD, LLC

BY: JENNIFER L. THORNTON, ESQUIRE

909 Poydras Street, Suite 2500

New Orleans, Louisiana 70112

ATTORNEYS FOR THE DEFENDANT, IV WASTE,

LLC

1 ALSO PRESENT:

2
3 ROBERT RAMELLI

4 RACHEL RAMELLI

5
6 GILLEY DELORIMIER, CLVS

7 (DEPO-VUE, INC.)

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S T I P U L A T I O N

IT IS STIPULATED AND AGREED by and among counsel for the parties hereto that the deposition of the aforementioned witness is hereby being taken under the Louisiana Code of Civil Procedure, Article 1421, et seq., for all purposes, in accordance with law;

That the formalities of reading and signing are specifically not waived;

That the formalities of sealing, certification and filing are specifically waived;

That all objections, save those as to the form of the question and the responsiveness of the answer, are hereby reserved until such time as this deposition, or any part thereof, may be used or sought to be used in evidence.

* * * *

CONNIE M. FINESCHI, Certified Court Reporter, in and for the State of Louisiana, officiated in administering the oath to the witness.

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THE VIDEOGRAPHER:

We're now on the record. This is the videotaped deposition of David Carimi. This deposition is being held today at 201 St. Charles Avenue in New Orleans, Louisiana on November the 21st, 2022. The time is 9:04 a.m.

Would counsel present please now introduce themselves and the party they represent?

MR. MCGOEY:

Patrick McGoey representing Ramelli Janitorial Services.

MR. CHESTER:

Matt Chester and Emily Kesler representing David Carimi.

THE VIDEOGRAPHER:

Swear in the witness, please.

DAVID CARIMI,
after having been first duly sworn by the above-mentioned Certified Court Reporter, did testify as follows:

EXAMINATION BY MR. MCGOEY:

Q. Mr. Carimi, my name is Patrick McGoey. We met before the deposition. I represent Ramelli

1 Janitorial in litigation with IV Waste, and we're
2 here to take your deposition.

3 A. Okay.

4 Q. Can you tell me just briefly your
5 address and your educational background?

6 A. Sure. My address is 918 Soniat Street
7 in New Orleans. Sorry. My educational
8 background?

9 Q. Yes.

10 A. I graduated from Lynn University in Boca
11 Raton, Florida, and I went to De La Salle High
12 School.

13 Q. When did you graduate from De La Salle?

14 A. '94.

15 Q. Okay. I was in '93 at Jesuit, but I had
16 some friends in '93 at De La Salle. After De La
17 Salle where did you go?

18 A. Lynn University.

19 Q. And when did you graduate there?

20 A. '99.

21 Q. All right. And briefly your work
22 history after you graduated?

23 A. After I graduated I worked for a company
24 in Boca Raton called the Greenfield Group. It's a
25 real estate development company. I then moved

1 back to New Orleans and started working for
2 myself.

3 Q. As in what business?

4 A. Well, I worked -- I worked with my uncle
5 who had a boutique hotel on St. Charles Avenue,
6 and I ran the day-to-day operations of that.

7 Q. And what hotel was that?

8 A. The Avenue Garden Hotel.

9 Q. All right. Then after that were you
10 into construction or was there something in
11 between?

12 A. After that -- Well, in between and
13 during that we worked on some development
14 projects, and after Katrina I kind of went on my
15 own with Carimi Construction Development.

16 Q. Any of the development projects that you
17 did before Katrina or before you started Carimi
18 Construction, was Mr. Torres involved in those?

19 A. No.

20 Q. What other type of development projects
21 were those?

22 A. There was a building on Rampart Street
23 that we developed from a warehouse into condos.

24 Q. Okay.

25 A. And then there were some homes that we

1 did after Katrina on the North Shore.

2 Q. All right. When did you get your
3 contractor's license?

4 A. '07.

5 Q. And what was that in, residential?

6 A. Residential and then commercial.

7 Q. When did you receive your commercial
8 license?

9 A. A year or so later.

10 Q. Okay. And who are the owners of Carimi
11 Construction and Development?

12 A. Just me.

13 Q. Today's deposition you know this is in
14 connection with a suit between Ramelli and IV
15 Waste concerning work in the City of Kenner?

16 A. Uh-huh.

17 Q. What did you do to prepare for your
18 deposition today?

19 A. I met with my attorneys.

20 Q. Other than meeting with your attorneys,
21 did you review any documents?

22 A. I reviewed the documents that we
23 submitted in a document subpoena that I had
24 supplied.

25 Q. Okay. I've got the production in this

1 binder in case we need to refer to it. Other than
2 that, did you review any depositions in this case?

3 A. No.

4 Q. Have you spoken to Mr. Torres at all
5 about the deposition?

6 A. About this deposition?

7 Q. Yes.

8 A. No.

9 Q. Have you talked to him about the
10 litigation?

11 A. No. I had told him that I was going to
12 do a deposition. I didn't speak to him about it.

13 Q. Okay. Have you ever met with Mr.
14 Torres's counsel?

15 A. No.

16 MR. MCGOEY:

17 I'm going to mark as Exhibit 56 --
18 that's the last number we left off with
19 in a prior depo -- a copy of a November
20 1, 2021 Notice of Records Deposition and
21 Subpoena that we issued to Carimi.

22 (Document marked for identification as
23 Exhibit 56.)

24 EXAMINATION BY MR. MCGOEY:

25 Q. Is this, the subpoena and the documents

1 that you produced, what you reviewed before
2 today's depo?

3 A. Yes.

4 Q. What role did you have in responding to
5 this subpoena?

6 A. The records subpoena?

7 Q. Uh-huh.

8 A. I gathered the information for my
9 attorneys.

10 Q. Okay. So you personally were the one
11 that gathered the documents?

12 A. I didn't personally -- I gathered some
13 of them. I had people in my office help me gather
14 them.

15 Q. And who would that have been?

16 A. Amanda Kirwan gathered probably most of
17 them, emails and so forth.

18 Q. Is she your assistant or what's her
19 position?

20 A. She's CFO.

21 Q. And what did you tell her to look for to
22 find these documents that you produced?

23 A. Whatever was requested in here.

24 Q. Okay. And did you go about looking for
25 anything, any documents personally?

1 A. I think I looked for some of them.

2 Q. Do you recall what you looked for?

3 A. I don't really recall. It was a lot
4 of -- It was a lot of stuff.

5 Q. Sure. Specifically text messages, the
6 first area that's on page 3 of the subpoena, if
7 you want to look at it.

8 A. I would have looked for those.

9 Q. Okay. It appeared in this initial
10 production, I didn't see any text messages.

11 A. Okay.

12 Q. So did you not find any text messages
13 regarding construction of the Kenner drop site?

14 A. No. I gave those to my attorney.

15 Q. Okay. When was that?

16 A. When we gave him all this other
17 information.

18 Q. Okay. So the documents were produced to
19 me in December 15, 2021.

20 A. Okay.

21 Q. Are you saying you gave your prior
22 counsel your text messages before that?

23 A. I did.

24 MR. CHESTER:

25 Hold on. Let me interpose an

1 objection. Obviously anything that you
2 talked about with your prior counsel,
3 that would be privileged, so I would ask
4 you not to answer. If you can answer
5 the question without disclosing
6 communications with counsel, then you
7 can go ahead and do so.

8 THE WITNESS:

9 Okay. Could you repeat the
10 question?

11 EXAMINATION BY MR. MCGOEY:

12 Q. Sure. Before December 15th, 2021, you
13 looked on your cell phone for text messages
14 concerning the Kenner drop-off site?

15 A. Yes.

16 Q. And you found text messages concerning
17 the Kenner drop site?

18 A. Yes.

19 Q. And you produced those to your counsel?

20 A. I recall producing that with everything
21 else at the same time.

22 Q. Okay. What about anybody else in the
23 office look for text messages? Like Daniel
24 Johnson, did you have him look for text messages?

25 A. I don't recall.

1 Q. Does Mr. Johnson work for you?

2 A. Not anymore.

3 Q. Did he work on the Kenner drop site?

4 A. He did.

5 Q. What was his position?

6 A. He's a project manager.

7 Q. Okay. Was he the head guy on the
8 project?

9 A. For project management, yeah, he was one
10 of the main people.

11 Q. Okay. Who were the other main people?

12 A. Well, there was me, some of my field
13 managers. Madelyn, who was an assistant project
14 manager at the time, she worked on it.

15 Q. Who were the field managers on that
16 Kenner project?

17 A. Cole worked on it, Jason did some work
18 on it, and I think that was it.

19 Q. Would Cole and Jason and the other field
20 managers report to Daniel?

21 A. No. They would more report to me.

22 Q. Okay. And did Daniel report to you?

23 A. He did.

24 Q. All right. When did Daniel leave Carimi
25 Construction?

1 A. A year ago maybe.

2 Q. Do you know where he's working now?

3 A. I believe it's Hernandez Construction.

4 Q. Were you the only person you recall
5 looking through your cell phone for text messages
6 concerning the Kenner drop site, or did you look
7 at anyone else's cell phone from Carimi
8 Construction?

9 A. Just mine.

10 Q. Okay. I'm going to show you -- Is your
11 cell phone [REDACTED]?

12 *SEALED*

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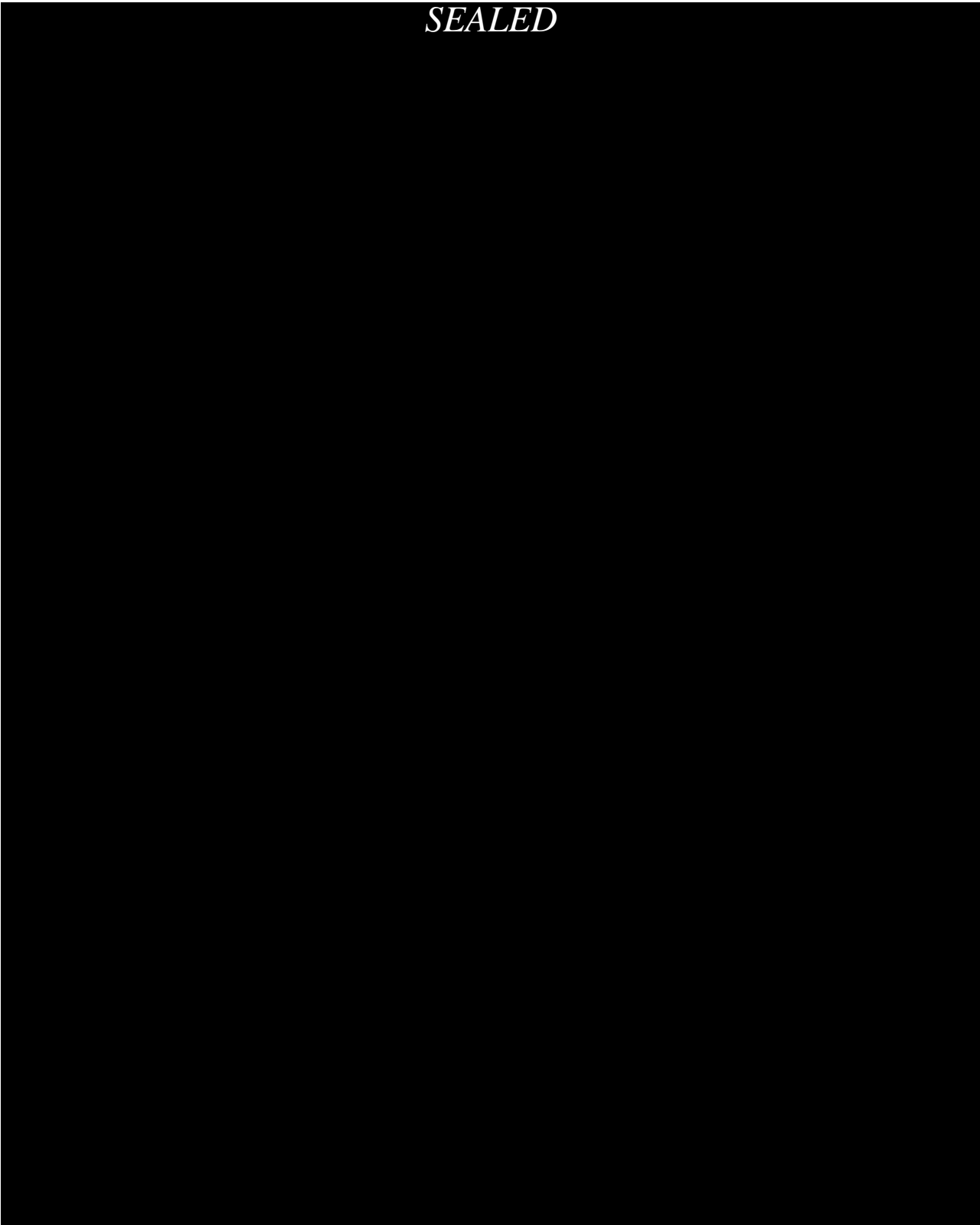
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9 EXAMINATION BY MR. MCGOEY:

10 Q. When did you start doing work for Mr.
11 Torres, construction work?

12 A. After Katrina.

13 Q. How did you --

14 A. Maybe a couple years after Katrina.

15 Q. How did you meet up with him?

16 A. Well, I've known him for a long time,
17 and after Katrina he had some work that he needed
18 to have done. And so we -- he asked us to take
19 care of some work for him. I would run into him
20 from time to time.

21 Q. And how much work have you done for Mr.
22 Torres over the years since Katrina?

23 A. Meaning in dollar amount?

24 Q. Sure.

25 A. Okay. I don't really know. I've done

1 millions of dollars of work for him.

2 Q. Ten or more projects?

3 A. Yes.

4 Q. Can you just give me some names of some
5 of the projects you've done for him?

6 A. We did work at the Melrose Hotel. We
7 did work at -- I'm kind of going out of order
8 here -- Trep's Restaurant, 4040 Tulane, the
9 Pelican Apartments, 730 South Pierce.

10 Q. Trep's, tell me about that project.
11 What was that?

12 A. It was a restaurant on Bienville Street
13 in Mid City.

14 Q. Were you an owner of Trep's?

15 A. I was not an owner.

16 Q. Just a contractor?

17 A. I was a contractor. I was going to be
18 an owner in it and that never happened.

19 Q. Explain that to me.

20 A. Well, I built the restaurant. Sherry --
21 Sidney was -- brought in Jerry Mixon, Chef Jerry,
22 to help run the restaurant. In the process of
23 building it Sidney asked me if I'd like to be a
24 partner in it, similar to Jerry. I thought about
25 it, I told him yes.

1 We continued to build out the
2 restaurant, worked with him to come up with the
3 concepts and so forth. And Jerry ran the
4 day-to-day operations of the restaurant, and I
5 worked with him on things like SOPs, general
6 management, hiring, discussions about salaries
7 that people should be paid, just a general putting
8 together the concept of the restaurant.

9 Q. And why didn't you become an owner?

10 A. Because Sidney wound up leasing it.

11 Q. Okay. So Sidney owned 100 percent of
12 Trep's?

13 A. He did.

14 Q. And you contracted with Mr. Torres to
15 build the site for him?

16 A. I did.

17 Q. And how did you do that job, lump sum,
18 cost plus?

19 A. We did that one on a time and material.

20 Q. Time and material. Did you get any --
21 give him any breaks in connection with possibly
22 getting an ownership interest in the business?

23 MR. CHESTER:

24 Object to form.

25 EXAMINATION BY MR. MCGOEY:

1 Q. You can answer.

2 MR. CHESTER:

3 You can answer.

4 THE WITNESS:

5 Sorry. What was the question?

6 EXAMINATION BY MR. MCGOEY:

7 Q. You said it was a cost plus.

8 A. Correct.

9 Q. What was the plus that you charged him?

10 MR. CHESTER:

11 Hold on. Object to the form. He

12 said it was a time and materials, I

13 think.

14 EXAMINATION BY MR. MCGOEY:

15 Q. Or time and material.

16 A. It was time and material.

17 Q. And then you put something on top of the
18 time and materials?

19 A. Correct.

20 Q. And what's the percentage you put on top
21 of that?

22 MR. CHESTER:

23 Object to the form.

24 EXAMINATION BY MR. MCGOEY:

25 Q. You can answer.

1 A. Fifteen percent.

2 Q. Is that your standard?

3 A. It varies.

4 Q. And so my question was, was that less
5 than you normally would charge --

6 A. No.

7 Q. -- on the hopes that you would get a
8 percentage ownership?

9 A. No.

10 MR. CHESTER:

11 Object to the form. Give me --
12 Just give me a second if I need to lodge
13 an objection. But you can answer unless
14 I tell you otherwise. Okay, David?

15 THE WITNESS:

16 Sure.

17 EXAMINATION BY MR. MCGOEY:

18 Q. Now, in -- Did you also build out IV
19 Waste offices on South Pierce Street?

20 A. Not the original offices.

21 Q. What work did you do on South Pierce?

22 A. We've done work over the years,
23 painting, fixing air conditions, maintenance-type
24 stuff.

25 Q. What about a storage facility on

1 Alexander Street, did you build -- do work over
2 there for Sidney?

3 A. We did.

4 Q. What was that?

5 A. It was a warehouse. We cleaned it out.
6 We painted it. We put an air-conditioning system
7 in it. We put up petition walls and some
8 automatic doors, lighting.

9 Q. Is Mr. Torres one of your bigger
10 clients?

11 MR. CHESTER:

12 Object to the form. You can
13 answer.

14 THE WITNESS:

15 He is.

16 EXAMINATION BY MR. MCGOEY:

17 Q. Is he your biggest client?

18 A. No.

19 Q. Who's your biggest client?

20 A. It varies year to year, but probably
21 over time I would say Berger Company. John
22 Williams is also a big customer of ours.

23 Q. Do you -- What do you do work for Sidney
24 on, is it mostly time and materials, or do you do
25 lump sum or both?

1 A. We've done both.

2 Q. Is there one -- How do you determine
3 whether you're going to do a time and materials or
4 a lump sum?

5 A. Most of the time we do a time and
6 materials. Sometimes he asks for something to be
7 a lump sum.

8 Q. As you sit here today, can you think of
9 any lump sum projects you've done for him, for Mr.
10 Torres?

11 A. Part of the drop-off facility was lump
12 sum. We did a building on Esplanade -- on
13 Esplanade next door to the Melrose Mansion. I
14 don't remember the address. That was lump sum.
15 And we did his house. Part of his house was lump
16 sum.

17 Q. Where is his house located?

18 A. On Esplanade.

19 Q. What part of the Kenner drop-off
20 facility did you do on lump sum?

21 A. The grading, the ramp. Mostly the ramp.

22 Q. Okay. And then you did other portions
23 of the drop-off facility on time and materials?

24 A. Yes.

25 Q. What portions of the drop-off facility

1 was time and materials?

2 A. We did trailers setup, pretty much all
3 of the other work, a recycling corral, fencing,
4 gates, some electricity, lighting, probably some
5 of the ground work, flat work.

6 Q. Did you have a written contract for the
7 work you did at the Kenner drop site for Mr.
8 Torres?

9 A. No.

10 Q. Just verbal?

11 A. Well, we'd send in pricing and he would
12 approve it.

13 Q. Okay. So you built -- You built the
14 project off of the proposals that you sent him?

15 A. Yes.

16 Q. And then you build it based on that, the
17 proposals?

18 A. Correct.

19 Q. Do you own any businesses with Mr.
20 Torres?

21 A. No. I own an office building with him.

22 Q. And that's on South Jefferson Davis?

23 A. Yes.

24 Q. How did you come about owning that
25 business with or that building or property with

1 Mr. Torres?

2 A. He owns that -- He owned that building
3 with Jason Villemarette. They asked me if I
4 wanted to partner with them on it. I originally
5 told them no. The idea was for me to move my
6 office there. I originally told them no. I
7 thought it was too small.

8 They ended up purchasing it. Jason was
9 going to handle, you know, renovating and so
10 forth. He called me. He said, "This is kind of
11 over my head. Can you help me with it?" I said,
12 "Let me go look at it again."

13 We visited it a couple of times, and he
14 said, "Look, we still would like to have you as a
15 partner if you'd like to do it. Of course you can
16 handle the construction." And I decided it would
17 be a good fit and I wound up moving my offices
18 there.

19 Q. Okay. So did you pay for the build-out
20 of the construction, of that property?

21 A. Did I personally pay for it?

22 Q. Yeah, or your company?

23 A. Carimi Construction?

24 Q. Yeah.

25 A. We did the construction.

1 Q. Okay. Did you do it for free?

2 A. No.

3 Q. All right. Who did you bill and who
4 paid for the construction?

5 A. The LLC that owns the building.

6 Q. All right. So did you buy into the LLC?

7 A. Yes. We're all one-third owners.

8 Q. So you bought into the LLC after Mr.
9 Torres and Jason had purchased the property?

10 A. Correct.

11 Q. Do you pay the LLC rent for your portion
12 of the property?

13 A. I do.

14 Q. What's that monthly rent?

15 A. I don't remember off the top of my head.
16 It's somewhere around \$3,000.

17 Q. All right. Are there any other tenants
18 in the building?

19 A. There are.

20 Q. What other tenants?

21 A. There's quite a few. Fire on the Bayou,
22 which is Jason's company, he's upstairs.

23 Q. All right.

24 A. And then there are multiple other
25 tenants throughout, small offices.

1 Q. So it's like a space sharing --

2 A. Communal kind of work space except for
3 my office and Jason's office. We have the bigger
4 offices.

5 Q. And Jason does all the TV commercials
6 for Mr. Torres?

7 A. He does.

8 Q. When was the first time you met Nick
9 Nicolosi?

10 A. At the Kenner drop site.

11 Q. And when would that have been?

12 A. Beginning of April.

13 Q. And how did you meet him?

14 A. We were --

15 MR. CHESTER:

16 Can we just clarify, what year
17 April?

18 THE WITNESS:

19 2020.

20 MR. CHESTER:

21 Sorry.

22 EXAMINATION BY MR. MCGOEY:

23 Q. How did you -- What were you doing where
24 you met him?

25 A. Sidney had asked me to go to a meeting

1 out at the site. It was multiple people who were
2 going to be out there. We met I think it was in
3 the morning, and Nicky was out there as well as a
4 lot of other people.

5 Q. All right. April of 2020 is the first
6 time you ever met Mr. Nicolosi?

7 A. Yes.

8 Q. You didn't know him or ever see him
9 before then?

10 A. No.

11 Q. Okay. And you met him at a meeting with
12 Mr. Torres and others at the drop site?

13 A. I did.

14 Q. Can you recall who else was there at
15 this meeting in April?

16 A. There were a lot of other people. There
17 was a guy Kenny and there was a guy, I believe,
18 named Jimmy. I think that Chad Pitfield was
19 there. I remember -- I believe the mayor was
20 there, though I don't remember speaking to him.
21 And there was quite a few other people there.

22 Q. Okay. Was it just in that drop site
23 area, or were you in a building for this meeting?

24 A. It was in the field.

25 Q. And at this point when you met Mr.

1 Nicolosi for the first time, had you started work
2 out in Kenner?

3 A. I had visited -- I think I had visited
4 the site before probably with Sidney.

5 Q. Okay. And had you given Sidney a
6 proposal to do work out there?

7 A. I don't think so.

8 Q. Okay. And had you -- Did you have any
9 crew out there working when you had this meeting
10 in April with Mr. Nicolosi?

11 A. On that day?

12 Q. Yeah.

13 A. I don't think so.

14 Q. So it was a preliminary meeting before
15 you started working?

16 A. Yes.

17 Q. What was the purpose of the meeting?

18 A. Kind of discuss with them what we were
19 thinking of doing, what they were thinking that
20 needed to be done.

21 Q. Okay. So you hadn't started work yet at
22 the time of this meeting?

23 A. I don't -- I don't think so, no.

24 Q. I'm going to show you what I'm going to
25 mark as Exhibit 58, which is an April 17, 2020

1 proposal that you had produced in this case in
2 response to the subpoena.

3 A. Uh-huh.

4 (Document marked for identification as
5 Exhibit 58.)

6 (Discussion off the record.)

7 EXAMINATION BY MR. MCGOEY:

8 Q. So a couple things. One is this
9 proposal time-wise, it's dated April 17.

10 A. Uh-uh.

11 Q. So you think the meeting with Mr.
12 Nicolosi was before or after this proposal?

13 A. Before.

14 Q. Okay. And why do you say that?

15 A. Well, because I met him out there in the
16 beginning of April, and we took some time to put
17 this together. We could have been working on
18 this -- my people in my office could have been
19 working on this when that meeting took place.
20 That's possible.

21 Q. Okay. And you said earlier that some of
22 the work you did at the drop site was lump sum and
23 some was time and materials?

24 A. Uh-huh.

25 Q. This proposal dated April 17, was this a

1 portion of the lump sum?

2 A. It was.

3 Q. Okay. So these are not the costs that
4 you were going to have. These were just line
5 items of what you would charge IV for doing this
6 initial proposal?

7 A. I'm not sure I understand your question.

8 Q. Well, your profit was built into these
9 numbers -- I apologize.

10 A. It's at the bottom.

11 MR. CHESTER:

12 Hold on. Object to the form. Go
13 ahead, Patrick.

14 MR. MCGOEY:

15 Sorry about that.

16 EXAMINATION BY MR. MCGOEY:

17 Q. So were the costs associated on this
18 proposal, which is Exhibit 58, are those your
19 actual -- what you thought your costs would be, or
20 did those have some profit --

21 MR. CHESTER:

22 Object to the form.

23 EXAMINATION BY MR. MCGOEY:

24 Q. Or those estimates?

25 MR. CHESTER:

1 Same objection. Go ahead, David.

2 THE WITNESS:

3 The line item costs would be our
4 projected costs for each item.

5 EXAMINATION BY MR. MCGOEY:

6 Q. Okay.

7 A. The P and O would be at the bottom
8 separate.

9 Q. Okay. So even though these were
10 projected costs, Mr. Torres agreed to pay you
11 \$151,724 for all this work?

12 MR. CHESTER:

13 Object to the form.

14 MS. THORNTON:

15 Object to the form.

16 THE WITNESS:

17 Yes.

18 EXAMINATION BY MR. MCGOEY:

19 Q. Now, the first time you met Mr. Nicolosi
20 out there, did -- had you hired him to start
21 working for you?

22 MR. CHESTER:

23 Object to the form.

24 THE WITNESS:

25 No.

1 EXAMINATION BY MR. MCGOEY:

2 Q. So when did you hire him in relation to
3 that first meeting you had?

4 A. A couple of weeks later.

5 Q. Okay. Before or after you submitted
6 this proposal on April 17th?

7 A. I don't recall. Probably -- I would say
8 probably afterwards.

9 Q. Okay.

10 A. Around the same time.

11 Q. So is it fair to say that the proposal
12 that you submitted to Mr. Torres, Exhibit 58, did
13 not include any of the costs that would be
14 associated with Mr. Nicolosi's work at the drop
15 site?

16 MR. CHESTER:

17 Object to the form.

18 THE WITNESS:

19 I'm not sure I understand your
20 question.

21 EXAMINATION BY MR. MCGOEY:

22 Q. Well, you hired Mr. Nicolosi, right?

23 A. I did.

24 Q. Okay. And one of the things he did was
25 oversee construction of the drop facility?

1 MR. CHESTER:

2 Object to the form.

3 EXAMINATION BY MR. MCGOEY:

4 Q. Is that true?

5 MR. CHESTER:

6 Object to the form.

7 THE WITNESS:

8 He helped us with the drop site.

9 EXAMINATION BY MR. MCGOEY:

10 Q. Did you pay him for that?

11 A. After I hired him.

12 Q. Yeah. So my question is, did your
13 proposal, Exhibit 58, include any of the costs --

14 A. No. For Nicolosi?

15 Q. Yeah, for Mr. Nicolosi.

16 MR. CHESTER:

17 Hold on, David. Object to the
18 form. Go ahead and answer.

19 THE WITNESS:

20 No.

21 EXAMINATION BY MR. MCGOEY:

22 Q. Okay. So what happened between the
23 first meeting with Mr. Nicolosi and when you hired
24 him after you submitted this proposal to Mr.
25 Torres?

1 MR. CHESTER:

2 Object to the form. Go ahead.

3 THE WITNESS:

4 I'm not sure what you mean by that.

5 EXAMINATION BY MR. MCGOEY:

6 Q. Well, how did you come about hiring him?

7 A. Well, I met him at the site as well as
8 other people. He was very helpful. He was
9 interested in my business. He told me that he
10 could be helpful with getting permits and
11 communicating with the different people that
12 worked there, people like Jimmy who was out there
13 or Kenny who was out there.

14 He asked me about the types of
15 construction that we did. He asked me if we ever
16 did public work. We exchanged phone numbers, and
17 he told me to reach out to him if I needed some
18 help, which I did.

19 Q. All right.

20 A. We --

21 Q. Go ahead. I didn't mean to cut you off.

22 A. We met out at the site after that, soon
23 after that with small things that were going on as
24 far as like getting the permit together,
25 communicating with some of the people at Kenner.

1 Kenner, the Kenner folks had some work that they
2 had to do out there, cars that had to be moved out
3 of the way, trucks, mucking, moving materials
4 around, kind of getting enough stuff out of the
5 way so we could do work.

6 I communicated with them. He helped
7 communicate with them. During those times that we
8 met and so forth, we discussed more of doing
9 public work. He asked me if I ever looked at it
10 before. I told him that I had. It was a
11 complicated process. And so that conversation
12 kind of continued as we were meeting about other
13 things at the Kenner drop-off site.

14 Q. Okay. And so based on those
15 discussions, you decided to hire him?

16 A. I did.

17 Q. Now, what did you hire Mr. Nicolosi to
18 do for you?

19 A. To find us public projects that would
20 fit with our company.

21 Q. Did you hire him to oversee construction
22 of the drop site?

23 MR. CHESTER:

24 Object to the form.

25 THE WITNESS:

1 No.

2 EXAMINATION BY MR. MCGOEY:

3 Q. Last week your counsel produced to me --
4 Let's see. Too many folders. Here we go. I'll
5 mark as Exhibit 59 some emails and invoices that
6 your counsel, Mr. Chester, produced to me last
7 week.

8 (Document marked for identification as
9 Exhibit 59.)

10 EXAMINATION BY MR. MCGOEY:

11 Q. Have you seen these?

12 A. Yes.

13 Q. All right. So were these documents that
14 you had originally prepared and given to your
15 prior counsel in response to the subpoena back in
16 2021, or are these documents you recently found
17 and gave to your new counsel, Mr. Chester?

18 MR. CHESTER:

19 Again, I'll just interpose an
20 objection. If you've had conversations
21 with counsel about that answer, then I
22 instruct you not to answer. If you can
23 answer it without disclosing those
24 communications, go ahead.

25 THE WITNESS:

1 Okay. The invoices, I believe,
2 were submitted in the original subpoena,
3 document subpoena. The cover pages I am
4 not sure.

5 EXAMINATION BY MR. MCGOEY:

6 Q. The emails?

7 A. The emails.

8 Q. All right. But you have seen these
9 emails in Exhibit 59?

10 A. Yes.

11 Q. In the last week or two?

12 A. Yes.

13 Q. Okay. So the first page is a May 18,
14 2020 email from Mr. Nicolosi saying, "Good
15 morning, Amanda. Please find the attached invoice
16 for the month of April 2020. Thank you very much.
17 It was a pleasure meeting you. Look forward to
18 working together. Call me if you need anything.
19 Nick Nicolosi."

20 A. Right.

21 Q. Okay. Do you know where Mr. Nicolosi
22 met Amanda in May of 2020?

23 A. In my office.

24 Q. Okay. So is it accurate to say the
25 first time Mr. Nicolosi came to your office was

1 sometime in May of 2020?

2 A. It could have been April.

3 Q. Okay. The invoice that's attached to it
4 is marked as Carimi 708.

5 A. Yes.

6 Q. It says it's "For services rendered
7 during the month of April 2020 for construction
8 oversight and business development."

9 A. Yes.

10 Q. So what construction oversight did you
11 hire Mr. Nicolosi to do for you?

12 A. Well, I wouldn't say it was really
13 construction oversight. He was helping us with
14 some of the construction, communicating like I had
15 said earlier. But I wouldn't say oversight. The
16 people that I told you earlier really and myself
17 did the oversight.

18 Q. So is it accurate to say that Mr.
19 Nicolosi did not provide any oversight of the
20 construction of the drop site facility?

21 MR. CHESTER:

22 Object to the form.

23 THE WITNESS:

24 Sorry. State that question again.

25 EXAMINATION BY MR. MCGOEY:

1 Q. Well, did you hire anyone to oversee
2 your construction of the drop site?

3 A. I had employees who helped me oversee
4 it. I oversaw a lot of it.

5 Q. Yeah, but you didn't hire -- Did you
6 hire any third parties to oversee your
7 construction?

8 A. Well, Nicky did help oversee some
9 things. I wouldn't say that he was overseeing the
10 whole project.

11 Q. So what specific things were you paying
12 Mr. Nicolosi for overseeing in April of 2020 at
13 the drop site facility?

14 A. Well, he helped us get the permit.

15 Q. Okay.

16 A. He helped me communicate with some of
17 the folks from Kenner about things that they were
18 doing out there, things that they needed to get
19 done or were getting done for us. There was a
20 cable, specifically, I remember on a pole that was
21 an issue. I think that he helped contact either
22 Entergy or maybe AT&T. I was concerned about it
23 being a hazard where somebody could hit it. So
24 things like that.

25 Q. Okay. Tell me what he did -- I mean, as

1 a general contractor are you typically responsible
2 for getting permits for your jobs?

3 A. Not always.

4 Q. In this instance with the Kenner drop
5 site facility, did Mr. Torres -- was Mr. Torres
6 responsible for getting it?

7 A. No. No. We pulled the permit.

8 Q. You did?

9 A. We did.

10 Q. So what is it that Mr. Nicolosi helped
11 with in getting a permit?

12 A. He got the forms for us. He -- I think
13 he brought them to us. Their permitting process
14 is a little -- Well, it's not very sophisticated.
15 It's more paper based. Unlike Orleans Parish,
16 it's all on computer.

17 We filled out the permits. I believe
18 that Nicky turned them in to the City. Checked on
19 them, which is a thing has to be done often to see
20 if the permit was issued or approved. I think he
21 actually received the permit that we posted and he
22 may have posted it for us at the site.

23 Q. Okay.

24 A. It's a bit of a process. He helped us
25 follow up with the process.

1 Q. But your office completed the paperwork
2 for the permit, or did he complete the paperwork?

3 A. You mean fill it out?

4 Q. Yeah.

5 A. We filled it out.

6 Q. Okay. In April of 2020 when you made
7 the decision to hire Mr. Nicolosi to help you get
8 the permits and for business development, were you
9 aware that Mr. Torres was considering hiring Mr.
10 Nicolosi?

11 MR. CHESTER:

12 Object to the form.

13 MS. THORNTON:

14 Object to the form.

15 THE WITNESS:

16 Sidney had mentioned that to me.

17 EXAMINATION BY MR. MCGOEY:

18 Q. Okay. Where did he mention that to you?

19 A. I don't recall. I'm not sure.

20 Q. Okay. So before you hired Mr. Nicolosi,
21 Mr. Torres had told you he was thinking about
22 employing him?

23 MS. THORNTON:

24 Object to form.

25 THE WITNESS:

1 He had mentioned that he was -- He
2 had mentioned that he was looking to
3 maybe hire him or maybe had spoken to
4 him about that.

5 EXAMINATION BY MR. MCGOEY:

6 Q. And what did Mr. Torres, what was he
7 hiring him for?

8 A. I don't know. We didn't discuss that.

9 Q. How did that topic come up?

10 A. I don't recall.

11 Q. Do you know where that conversation was?

12 A. Probably at a job site.

13 Q. At the Kenner facility or --

14 A. I really don't recall.

15 Q. You don't recall. All right. Do you
16 recall anything else about that conversation?

17 A. No.

18 Q. You don't recall what Mr. Torres thought
19 Mr. Nicolosi could help him with?

20 A. No.

21 Q. I'm going to show you --

22 THE WITNESS:

23 Do you mind if I run to the
24 bathroom quick?

25 MR. MCGOEY:

1 No, not at all. Any time you need
2 a break, just tell me.

3 THE VIDEOGRAPHER:

4 Going off the record. The time is
5 9:47.

6 (Break taken.)

7 THE VIDEOGRAPHER:

8 Returning to the record. It's
9 9:54.

10 EXAMINATION BY MR. MCGOEY:

11 Q. All right. Mr. Carimi, before the break
12 we were talking about your conversation with Mr.
13 Torres where he told you that he was considering
14 hiring Mr. Nicolosi.

15 A. Uh-huh.

16 Q. You don't recall any -- where that was
17 or if anyone else was involved?

18 A. I don't.

19 MR. CHESTER:

20 Object to the form.

21 EXAMINATION BY MR. MCGOEY:

22 Q. Okay. I'm going to show you a proposed
23 or a recommended press release to see if this
24 helps refresh your recollection at all as to what
25 Mr. Torres told you about maybe hiring Mr.

1 Nicolosi to work for him.

2 I'm going to show you what I'm going to
3 mark as Exhibit 60, which is a March 3, 2020 email
4 from Greg Buisson to Mr. Torres.

5 (Document marked for identification as
6 Exhibit 60.)

7 EXAMINATION BY MR. MCGOEY:

8 Q. Do you know Mr. Buisson?

9 A. I don't.

10 Q. Do you know whether he does PR for Mr.
11 Torres?

12 MR. CHESTER:

13 Object to the form.

14 THE WITNESS:

15 I don't know him.

16 EXAMINATION BY MR. MCGOEY:

17 Q. Okay. In this Exhibit 60, the heading a
18 little toward the bottom regarding Nicolosi, it
19 says, "Nick Nicolosi has been around -- been in
20 and around government for most of his career. He
21 knows the city and its waste management needs. He
22 understands the expectations of the mayor,
23 administration, and council members in Kenner.
24 When I learned that he was no longer affiliated
25 with another waste management company, I brought

1 him in as a consultant to help us identify ways we
2 could provide services that would exceed the
3 expectation of government leaders, and, more
4 importantly, residents and business owners in
5 Kenner."

6 A. Uh-huh.

7 Q. "His hiring came after my discussions
8 with Mayor Zahn, and I look forward to Nicky
9 helping my team better understand the
10 neighborhoods of Kenner." Does this refresh your
11 recollection at all as to when you had the
12 conversation with Mr. Torres that he said he was
13 considering hiring Mr. Nicolosi to be a
14 consultant?

15 MR. CHESTER:

16 Object to the form.

17 MS. THORNTON:

18 Objection.

19 THE WITNESS:

20 No.

21 EXAMINATION BY MR. MCGOEY:

22 Q. None of this you recall him saying to
23 you?

24 A. No.

25 Q. Well, are you aware that Mr. Nicolosi,

1 in fact, did work for Mr. Torres?

2 MR. CHESTER:

3 Object to the form.

4 MS. THORNTON:

5 Object to the form.

6 THE WITNESS:

7 No.

8 EXAMINATION BY MR. MCGOEY:

9 Q. Were you out in the City of Kenner at
10 the drop site when IV was responsible for getting
11 cans out to the residents?

12 MR. CHESTER:

13 Object to the form.

14 THE WITNESS:

15 When they were delivering their
16 cans?

17 EXAMINATION BY MR. MCGOEY:

18 Q. Yes.

19 A. We were working out there at the time.

20 Q. Okay. Were you involved in helping them
21 place the cans in the drop site or get the cans --

22 A. No.

23 Q. -- to the residents?

24 A. No.

25 MS. THORNTON:

1 Object to form.

2 EXAMINATION BY MR. MCGOEY:

3 Q. All right. I'm going to show you --
4 I'll show you what was previously marked as
5 Exhibit 32 in a prior deposition. It's an April
6 20, 2020 email from Mr. Torres, and you're copied
7 on that. The subject of this line was Kenner
8 Staging Yard. Was that -- Where was the Kenner
9 staging yard?

10 A. I don't see where it says that.

11 Q. The Re line on this email, subject.

12 A. Okay.

13 Q. Do you know where the Kenner staging
14 yard was?

15 A. I would assume it would be the drop-off
16 site.

17 Q. Okay. Well, that's where they dropped
18 off all the IV cans before they delivered them to
19 the houses, right?

20 A. They were, yes.

21 Q. Okay. And this is an email -- Now, that
22 proposal that we looked at earlier that you gave
23 Mr. Torres, you gave him that on April 17th, 2020?

24 A. I'm not sure when he got it. My office
25 dated it on the 17th.

1 Q. Okay. And this email is three days
2 later.

3 A. Okay.

4 Q. And it says, "David, can you please help
5 out? I'm going to head out there."

6 A. Yes.

7 Q. And then the email down below is from
8 Pierre Richardson with Cascade. Do you know Mr.
9 Richardson?

10 A. I don't.

11 Q. You didn't do any work with him?

12 A. No.

13 Q. Do you know what his role was in getting
14 cans to the staging area and then to residents?

15 MR. CHESTER:

16 Object to the form.

17 THE WITNESS:

18 I don't. I mean, in looking at
19 this I would assume that he was
20 delivering cans.

21 EXAMINATION BY MR. MCGOEY:

22 Q. Okay. What -- Do you recall why Mr.
23 Torres was asking you for help dealing with the
24 cans?

25 A. No. Can I read this?

1 Q. Sure.

2 A. Finish reading this?

3 Q. Sure.

4 A. (Reading document.)

5 Okay. What was the question again?

6 Q. Do you know why Mr. Torres was asking
7 you to help out with Mr. Richardson's questions or
8 suggestions?

9 A. Well, they are talking -- He's talking
10 about -- Richardson is talking about a gated area.
11 It says it can hold two cans -- or excuse me, two
12 loads of cans. We built that corral area, that
13 gated area for the cans. So it sounds like it
14 wasn't big enough for the deliveries that were
15 coming out there, and then he talks about them
16 getting muddy.

17 Q. So you built -- You believe you built
18 the gated area before April 2020?

19 MR. CHESTER:

20 Object to the form.

21 THE WITNESS:

22 I'm not sure. I know that we did
23 build a corral area for them to place
24 cans in.

25 EXAMINATION BY MR. MCGOEY:

1 Q. And that was before you received a
2 permit to do any work out there?

3 MR. CHESTER:

4 Object to the form.

5 THE WITNESS:

6 I'm not sure. I don't recall.

7 EXAMINATION BY MR. MCGOEY:

8 Q. I'll show you what I'm going to mark as
9 Exhibit 61 which is a May 8, 2020 email and an
10 attached permit.

11 (Document marked for identification as
12 Exhibit 61.)

13 EXAMINATION BY MR. MCGOEY:

14 Q. This is a building permit placard dated
15 April 28, 2020; is that correct?

16 A. Yes.

17 Q. This is the permit that Mr. Nicolosi
18 obtained for you?

19 MR. CHESTER:

20 Object to the form.

21 THE WITNESS:

22 Yes. He helped us with this.

23 EXAMINATION BY MR. MCGOEY:

24 Q. Okay. Well, I think you said he
25 actually went to Kenner and received the permit?

1 A. Yeah, I believe he did pick it up, yeah.

2 Q. And he submitted whatever paperwork you
3 had prepared?

4 A. Yes, I believe --

5 MR. CHESTER:

6 Object to the form. Go ahead.

7 THE WITNESS:

8 I believe that he did.

9 EXAMINATION BY MR. MCGOEY:

10 Q. Okay. And so this email that we're
11 looking at, Exhibit 32, was about eight days
12 before you got the permit. Do you think you had
13 already started building a gated area at that
14 point?

15 A. We could have. I don't recall.

16 Q. But you had no involvement, though, in
17 how the cans were coming and being put in the
18 staging yard or going to the residents?

19 A. We did not.

20 Q. And you don't know what Mr. Torres was
21 asking you to help out on with respect to Exhibit
22 32?

23 A. I don't recall.

24 Q. Now, getting back to your conversation
25 with Mr. Torres regarding his hiring Mr. Nicolosi,

1 in April of 2020 did you see Mr. Nicolosi
2 assisting Mr. Torres with the cans being placed at
3 the drop site and being taken out to residents?

4 A. No.

5 MR. CHESTER:

6 Object to the form. Give me a
7 second to lodge the objection, David,
8 and then go ahead and answer.

9 THE WITNESS:

10 Sorry. I'm sorry. Can you ask
11 your question again?

12 EXAMINATION BY MR. MCGOEY:

13 Q. Yes. Did you ever see Mr. Nicolosi
14 helping Mr. Torres in April of 2020 with the cans?

15 MR. CHESTER:

16 Same objection.

17 MS. THORNTON:

18 Object to the form.

19 MR. CHESTER:

20 Go ahead.

21 THE WITNESS:

22 Not that I recall.

23 EXAMINATION BY MR. MCGOEY:

24 Q. All right. Do you ever recall seeing
25 Mr. Torres film TV commercials with Mr. Nicolosi

1 concerning his work in Kenner?

2 MS. THORNTON:

3 Object to form.

4 MR. CHESTER:

5 Same objection.

6 THE WITNESS:

7 Not at the time.

8 EXAMINATION BY MR. MCGOEY:

9 Q. Okay. You've seen those since?

10 A. In preparing for this deposition.

11 Q. Okay. Was that a surprise to you?

12 A. No.

13 Q. Why wasn't that a surprise?

14 A. It just wasn't a surprise.

15 Q. Well, did you know in 2020 that Mr.

16 Nicolosi was working for Mr. Torres?

17 MR. CHESTER:

18 Object to the form.

19 MS. THORNTON:

20 Object to form.

21 THE WITNESS:

22 In April of 2020?

23 EXAMINATION BY MR. MCGOEY:

24 Q. Uh-huh.

25 A. That he was working for him?

1 Q. Yeah.

2 A. I didn't understand that he was working
3 for him.

4 Q. Okay. What about in May of 2020, did
5 you understand whether Mr. Torres was getting help
6 from Mr. Nicolosi?

7 MR. CHESTER:
8 Object to the form.

9 MS. THORNTON:
10 Object to form.

11 THE WITNESS:
12 Getting help from him or working
13 for him?

14 EXAMINATION BY MR. MCGOEY:

15 Q. Well, what's the difference in your
16 mind?

17 A. Well, I didn't understand that Nicky was
18 working for Mr. Torres at all.

19 Q. Okay.

20 A. Or ever -- or did work for him.

21 Q. You paid Mr. Nicolosi for work in April
22 of 2020, right?

23 A. For working for me.

24 Q. Yeah. Correct?

25 A. Yes.

1 Q. All right. And did you have any
2 understanding at that time when you were paying
3 him to work for you that he was assisting Mr.
4 Torres with what Mr. Torres's work involved?

5 A. No.

6 MS. THORNTON:

7 Object to form.

8 MR. CHESTER:

9 Same objection.

10 EXAMINATION BY MR. MCGOEY:

11 Q. All right. I'm going to show you what
12 I'm going to mark as Exhibit 62, which is a May 5,
13 2020 email.

14 (Document marked for identification as
15 Exhibit 62.)

16 EXAMINATION BY MR. MCGOEY:

17 Q. This is another email from Mr.
18 Richardson to Mr. Torres. He's seeking, I guess,
19 approval from IV Waste.

20 A. Uh-huh.

21 Q. And he says, "Sidney, I will get with
22 Nick in the morning and ask him to drive me to the
23 105 units that I audited on Tammy Drive, Taffy
24 Drive, 34th, and Kentucky Avenue. None of these
25 addresses are in the data, and as we discussed,

1 these units have Ramelli carts at them, no
2 dumpsters in site. Keep you posted on the
3 outcome."

4 Were you aware in 2020 that Mr. Nicolosi
5 was assisting Mr. Torres with the placement of
6 cans for residents?

7 MR. CHESTER:

8 Object to the form; foundation.

9 MS. THORNTON:

10 Object to form.

11 THE WITNESS:

12 No.

13 EXAMINATION BY MR. MCGOEY:

14 Q. And so I understand it, in 2020 you
15 weren't aware that Mr. Nicolosi was assisting Mr.
16 Torres with filming commercials for the City of
17 Kenner?

18 A. No.

19 MR. CHESTER:

20 Object to the form; foundation.

21 MS. THORNTON:

22 Object to form.

23 MR. CHESTER:

24 You've got to give me a second.

25 THE WITNESS:

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Sorry.

EXAMINATION BY MR. MCGOEY:

Q. When did you first learn that?

MR. CHESTER:

Object to the form.

THE WITNESS:

When did I first learn what?

EXAMINATION BY MR. MCGOEY:

Q. That Mr. Nicolosi was assisting Mr. Torres with filming commercials.

MS. THORNTON:

Object to the form.

MR. CHESTER:

Same objection.

THE WITNESS:

I believe when I saw the broadcast --

EXAMINATION BY MR. MCGOEY:

Q. On the Zurich --

A. -- on 8 News.

Q. Okay. Have you had any conversations with Mr. Torres about that after you saw it on Fox News?

A. About the broadcast itself?

Q. Uh-huh.

1 A. I did.

2 Q. All right. Tell me about those
3 discussions.

4 A. It was brief. He -- I'm trying to
5 remember exactly what we talked about. I told him
6 that obviously I had seen it and I wasn't real
7 happy about being on TV. And I felt that it was
8 extremely one-sided and didn't get my part of the
9 story, and that I was ambushed at my office by a
10 camera crew that just came in unannounced,
11 uninvited.

12 Q. Anything else?

13 A. No.

14 Q. In 2020 did Mr. Torres -- Actually,
15 before you hired Mr. Nicolosi, did Mr. Torres ask
16 you to employ him?

17 A. He did not.

18 MS. THORNTON:

19 Object to form.

20 EXAMINATION BY MR. MCGOEY:

21 Q. You never had any conversations before
22 you hired Mr. Nicolosi with Mr. Torres about you
23 hiring Mr. Nicolosi?

24 A. Before I hired Nicolosi, I mentioned to
25 Sidney that I was thinking about hiring him for

1 working, getting me public work municipalities,
2 and he said that he thought he would be good at
3 that. He thought he could do that.

4 Q. Did Mr. Torres ever agree to pay you
5 back for the money --

6 A. No.

7 Q. -- you were paying to Mr. Nicolosi?

8 A. No.

9 Q. Has he?

10 A. No.

11 Q. Did any of Mr. Torres's companies
12 reimburse you for the cost that you paid to NBN
13 Services?

14 A. No.

15 Q. Now, you mentioned that first meeting
16 where you first met Mr. Nicolosi, you believe
17 Mayor Zahn was there?

18 A. Yes.

19 Q. Did you have any other meetings with Mr.
20 Zahn?

21 A. I met him before. I had coffee with him
22 once.

23 Q. Was the coffee in 2020 in connection
24 with the work you did at the drop site or was it
25 something else?

1 A. It was later in 2020, and it wasn't
2 really regarding the drop site. It was
3 regarding -- It was myself, Nicky, Mr. Zahn, and
4 someone else. I can't remember her name. I
5 believe she worked in purchasing maybe with the
6 City.

7 Q. And where was this meeting?

8 A. At a Waffle House in Kenner.

9 Q. And what was the purpose of the meeting?

10 A. To talk to them, tell them that we were
11 interested or I was interested in looking at
12 proposals and doing some municipal work for them,
13 talking about the general stuff that we do, more
14 kind of a meet-and-greet introduction.

15 Q. Okay. Did Mr. Nicolosi set that meeting
16 up?

17 A. He did.

18 Q. And do you recall when that was in 2020?

19 A. I don't know. I would say sometime in
20 the summer.

21 Q. Now, before you had this meeting with
22 Mayor Zahn concerning municipal work, had you ever
23 done any municipal work for any municipality
24 before then?

25 A. No.

1 Q. Did Mr. Nicolosi ever tell you that he
2 could assist you in getting municipal work?

3 A. He was hired to help us identify and
4 find municipal work, and then help us work through
5 the processes of bidding for municipal work.

6 Q. Did you ever get any municipal work from
7 the help that Mr. Nicolosi provided you?

8 A. We never went to contract.

9 Q. With any municipality?

10 A. Correct.

11 Q. So the answer would be, no, you never
12 got any work that Mr. Nicolosi assisted you in
13 getting?

14 A. Correct.

15 Q. All right. Let me show you what I'm
16 going to mark as Exhibit 63, which is an email
17 with several invoices attached to it, and the Re
18 line is Kenner Invoicing Cost.

19 (Document marked for identification as
20 Exhibit 63.)

21 EXAMINATION BY MR. MCGOEY:

22 Q. I'll represent to you that this is a
23 document that your initial counsel produced in
24 response to the subpoena. Have you seen this
25 email and these invoices before?

1 A. Yes.

2 Q. On the second page of this email there's
3 a listing of seven invoices that says pertain to
4 work done in Kenner. "Below is a breakdown of
5 each invoice."

6 A. Yes.

7 Q. Do these seven invoices reflect all the
8 work you did in that Kenner transfer station?

9 A. Yes.

10 Q. And Invoice 720, the 151,723, that was
11 the lump sum invoice that we discussed, proposal
12 we discussed earlier, Exhibit 58?

13 A. Yes, it was.

14 Q. That is. And the Kenner recycle pad
15 enclosure, 99,524.90, was that a lump sum or was
16 that time and materials?

17 A. Time and materials.

18 Q. Trailer yard setup, time and materials?

19 A. Yes.

20 Q. What about the Kenner additions, was
21 that time and materials?

22 A. Yes. I believe they were all time and
23 materials except for the 7020.

24 Q. Got you. And why was that?

25 A. Why was that one a lump sum?

1 Q. Or the other ones time and materials and
2 not a lump sum?

3 A. Well, we often do time and materials for
4 Sidney and occasionally we don't. Sometimes he
5 asked us not to. On that one, that was a big one
6 and there was a lot of variables on that. We went
7 back a few times with it, meaning how much
8 limestone we need, grading, compaction, all these
9 different things. We worked it backwards and
10 forwards.

11 And when I presented him this, he said
12 can you hold that number so his costs wouldn't go
13 up, and we said that we would. We felt confident
14 with it.

15 Q. Okay. So is it accurate to say that the
16 only one of these invoices that you gave Sidney a
17 proposal for was with Invoice 7020?

18 A. I'm not sure. Most of these we probably
19 would have given him a budget, which would look
20 similar to this.

21 Q. Okay.

22 A. Or really similar to --

23 Q. The initial proposal, Exhibit 58?

24 A. Yes.

25 Q. Let me ask you, in Exhibit 58 it's got

1 the CO number and then 06C. What does that mean
2 up at the top of that proposal?

3 A. 06C?

4 Q. Yes.

5 A. That's a change order number.

6 Q. Okay. So what is this a change order
7 off of?

8 A. Well, it's not a change order based on a
9 contract. When we do -- All proposals that we put
10 out or invoices that we put out from project
11 management go by a C number, a change order
12 number. That's just how we identify them in our
13 project management system.

14 Q. Okay. And so these other budgets you
15 think you might have given Sidney for work at the
16 transfer station, would they be on change orders
17 like this Exhibit 58 or it would be a different
18 type of form?

19 A. No. They would be similar.

20 Q. Okay. All right. So looking at Invoice
21 7020, it's marked as Carimi 0547 through 0549; is
22 that right?

23 A. 7002?

24 Q. 7020.

25 A. Is that the invoice number?

1 Q. Yes. This is the one for 151,000, the
2 proposal that we were just discussing.

3 A. I have it.

4 Q. So that invoice is dated May 25, 2020;
5 is that right?

6 A. It is.

7 Q. So does that mean you had completed this
8 work by May 25th, 2020?

9 A. It could.

10 Q. The stamp on Carimi 00547 it says "Paid
11 5/28/2020." Is that a Carimi stamp?

12 A. Yeah, it would be.

13 Q. So is it accurate to say while you can't
14 sit here and tell me all construction was done by
15 May 25th, is it accurate to say that by May 28th,
16 2020, Mr. Torres had paid you in full for this
17 invoice?

18 MS. THORNTON:

19 Object to form.

20 MR. CHESTER:

21 Same objection.

22 THE WITNESS:

23 I'm not sure. I'm really not sure.

24 There could have been -- Let's see

25 something. There could have been a

1 progress payment on this, but I don't
2 know.

3 EXAMINATION BY MR. MCGOEY:

4 Q. Okay. But this invoice is for a total
5 of 151,723, and on page 549 it reflects that you
6 have received payments of \$151,723? Is that what
7 that means down at the bottom?

8 A. Yes.

9 Q. All right. So is it accurate to say
10 that by May 28, 2020, you had billed and Mr.
11 Torres had paid in full Invoice 7020?

12 MS. THORNTON:

13 Object to form.

14 MR. CHESTER:

15 Object to the form.

16 THE WITNESS:

17 I would say that's probably
18 correct.

19 EXAMINATION BY MR. MCGOEY:

20 Q. Now, I think you said earlier that your
21 proposal, Exhibit 58, that you submitted to Mr.
22 Torres on April 17, 2020, that was done before you
23 had hired Mr. Nicolosi; is that correct?

24 MR. CHESTER:

25 Object to the form.

1 THE WITNESS:

2 I'm sorry. Can you repeat the
3 question?

4 EXAMINATION BY MR. MCGOEY:

5 Q. Did you hire Mr. Nicolosi before or
6 after April 17, 2020?

7 A. I don't recall. It was around then.

8 Q. Okay. And I don't see anything in your
9 proposal, correct me if I'm wrong, where you were
10 billing for Mr. Nicolosi's work at the transfer
11 facility?

12 MR. CHESTER:

13 Object to the form.

14 THE WITNESS:

15 I wasn't.

16 EXAMINATION BY MR. MCGOEY:

17 Q. So you didn't include any costs in your
18 proposal for payments to Mr. Nicolosi?

19 MR. CHESTER:

20 Objection; asked and answered.

21 THE WITNESS:

22 No.

23 EXAMINATION BY MR. MCGOEY:

24 Q. You didn't?

25 A. I did not.

1 Q. Why? He did provide work out there,
2 right?

3 A. Well, he provided work for my company.
4 Nicky was not hired for one job. He was hired to
5 do work for our company. So the people that you
6 see on here that are listed here, site management,
7 project management, that's our site managers and
8 project managers, but I didn't include anything
9 for billing out Nicky on this on any of it.

10 Q. Okay. Do you do job cost accounting?

11 A. What do you mean by job cost accounting?

12 Q. Where you track the cost for each job?

13 A. Sure.

14 Q. Okay. So is it accurate to say that --
15 Well, let me ask you, where did you cost Nicky's
16 payments, what job?

17 MR. CHESTER:

18 Object to the form.

19 THE WITNESS:

20 He would not have been cost to any
21 job.

22 EXAMINATION BY MR. MCGOEY:

23 Q. How would you have treated him on
24 your --

25 A. Legal/professional expenses.

1 Q. And he's not a lawyer, right?

2 A. No.

3 Q. Okay. So --

4 A. That's just a class code. It's
5 called -- We call it legal/professional. That
6 kind of stuff goes in there.

7 Q. Got you. Do you understand -- What
8 professional experience do you understand Mr.
9 Nicolosi had in construction, if any?

10 A. I wasn't really hiring Nicky for his
11 expertise in construction. I was hiring him for
12 his expertise in understanding municipalities, how
13 the bidding processes work, how to identify those
14 opportunities.

15 Q. Why, then, did his first invoice to you
16 say it was for construction oversight?

17 A. Well --

18 MR. CHESTER:

19 Object to the form.

20 EXAMINATION BY MR. MCGOEY:

21 Q. You can answer.

22 A. I'm not sure why he wrote that, but I
23 would say he wrote that because he was helping us
24 with some construction coordination at the job
25 site.

1 Q. When did Mr. Nicolosi stop assisting you
2 with construction oversight at the Kenner transfer
3 station?

4 MR. CHESTER:

5 Object to the form.

6 THE WITNESS:

7 I don't recall.

8 EXAMINATION BY MR. MCGOEY:

9 Q. Did Mr. Nicolosi ever assist you on any
10 other job site?

11 A. No.

12 Q. Okay. So going back to Exhibit 59,
13 which was the invoices from Mr. Nicolosi and
14 emails that were produced to us last week, it
15 looks like for the month of April he charged --
16 his invoice reflects that he charged you for
17 construction oversight and business development;
18 is that right?

19 A. Yes.

20 Q. Okay. And the amount he charged you was
21 \$5,833?

22 A. Yes.

23 Q. How did you come to that amount?

24 A. When I met with him and I offered him
25 the position, I told him that I would pay him

1 \$70,000 a year to do consulting work, paid monthly
2 in arrears, and that's the monthly breakdown of
3 that number.

4 Q. Okay. When you said you met with him
5 and offered him the position, where was that
6 meeting?

7 A. My offices.

8 Q. And when was that?

9 A. End of April.

10 Q. Was that before or after he got the
11 permit issued on April 28th?

12 MR. CHESTER:

13 Object to the form. Go ahead.

14 THE WITNESS:

15 I'm sorry. Was that meeting after
16 April 28th?

17 EXAMINATION BY MR. MCGOEY:

18 Q. Before or after -- Looking at Exhibit
19 61, which is the permit, it's dated April 28,
20 2020.

21 A. Yes.

22 Q. You testified earlier that Mr. Nicolosi
23 was the one that had that permit pulled for you,
24 right?

25 A. Well, he helped us with it.

1 Q. He's the one that actually got the
2 permit from the City of Kenner?

3 A. I believe that he did pick it up for us.

4 Q. Did you ever have any discussions with
5 James Mohammed about that permit?

6 A. I don't recall.

7 Q. Do you know who James Mohammed was?

8 A. He works with the City of Kenner.

9 Q. He's the man that issued that permit.

10 A. Okay.

11 Q. Did you have any conversations with him?

12 A. I don't recall.

13 Q. All right. Do you recall conversations
14 with anyone at the City of Kenner with respect to
15 you getting that permit?

16 A. No. But that doesn't mean that other
17 people in my office wouldn't have talked to
18 someone at Kenner.

19 Q. Who in your office would have been
20 responsible for assisting with getting the permit?

21 A. Possibly Daniel.

22 Q. So as you sit here today, do you think
23 the meeting that you had with Mr. Nicolosi in your
24 office where you offered him a \$70,000 a year
25 position was before or after he had obtained the

1 permit for you in April?

2 MR. CHESTER:

3 Object to the form.

4 THE WITNESS:

5 I don't recall.

6 EXAMINATION BY MR. MCGOEY:

7 Q. All right. We know it was after April
8 17, or was it before you did this proposal?

9 MR. CHESTER:

10 Same objection.

11 EXAMINATION BY MR. MCGOEY:

12 Q. Exhibit 58?

13 A. I would say it was after.

14 Q. Okay. How did you arrive at the
15 \$70,000?

16 A. I thought that it was a reasonable
17 number. I thought that it would be motivating for
18 him to be paid that. I thought that for me to
19 hire somebody would probably cost 100 to 120,000
20 if we wanted to hire somebody with that kind of
21 experience in-house full time, so it was a number
22 that I came up with.

23 Q. Did he negotiate that at all?

24 A. No.

25 Q. Was the contract with Mr. Nicolosi put

1 in writing?

2 A. I did not have a written contract with
3 him.

4 Q. Was there a term to the agreement?

5 A. No.

6 Q. Do you still have a contract with NBN
7 Services?

8 MR. CHESTER:

9 Object to the form.

10 THE WITNESS:

11 You mean does he still work for us?

12 EXAMINATION BY MR. MCGOEY:

13 Q. Yes.

14 A. No.

15 Q. When did you stop your relationship,
16 business relationship with Mr. Nicolosi?

17 A. May.

18 Q. May of?

19 A. 2020.

20 MR. CHESTER:

21 I'm sorry. May of what?

22 THE WITNESS:

23 I'm sorry, 2022.

24 EXAMINATION BY MR. MCGOEY:

25 Q. 2022, this year?

1 A. Yes, this year.

2 Q. So when we issued you the subpoena in
3 November of 2021, you were still working with NBN
4 Services?

5 A. Correct.

6 Q. All right. And that continued through
7 May of 2022?

8 A. Yes.

9 Q. All right. So you paid NBN Services
10 \$5,833 every month from April of 2020 through May
11 of 2022?

12 A. I think it was April through April.

13 Q. Got you. So two years?

14 A. Yes.

15 Q. Why did the -- Why did you stop doing
16 business with Mr. Nicolosi?

17 A. Well, we -- First of all, our core
18 business of commercial construction had ramped up
19 significantly. We hadn't had much success with
20 the proposals that we had put in to
21 municipalities. The last one that we had done was
22 for a project in Lafreniere Park, ground level
23 construction, parking lots, lighting, plumbing and
24 so forth, he brought that to us. He helped work
25 through that proposal, submitting it.

1 We did not get the project. I think
2 there were a lot of bidders, maybe eight or nine
3 bidders on it. We didn't get the project. Our
4 pricing was off, I was surprised. And with our
5 other commercial work, which had doubled, I
6 decided to not fool with pursuing any kind of
7 municipal work anymore.

8 Q. Okay. And when was this bid that you
9 did -- Was it public bid?

10 A. Yes.

11 Q. For Lafreniere Park?

12 A. It was.

13 Q. Was that in 2022 or 2021?

14 A. 2022.

15 Q. Okay. And do you know who was the low
16 bidder?

17 A. I don't recall.

18 Q. Do you know when you submitted that bid
19 for the Lafreniere project?

20 A. I don't recall.

21 Q. Would it have been after we issued you
22 the subpoena for documents?

23 A. Yes.

24 Q. What was Mr. Nicolosi's reaction to you
25 terminating the relationship?

1 A. He was fine. He understood.

2 Q. What municipalities did he try to assist
3 you to getting public work in?

4 A. Jefferson and Kenner.

5 Q. Any other municipalities?

6 A. I don't think so.

7 Q. All right. Going back to Exhibit 59, so
8 is it accurate to say that Mr. Nicolosi didn't
9 work the entire month of April for you in 2020,
10 yet you paid him for that whole month?

11 A. I did.

12 Q. Is that accurate, though, he didn't work
13 the whole month?

14 A. No.

15 Q. Then I notice his next invoice, which is
16 dated June 7, 2020, it says it's for business
17 development and oversight. What oversight do you
18 recall Mr. Nicolosi providing for your company in
19 May of 2020?

20 A. I'm not sure. He probably was doing
21 some stuff at the drop-off site.

22 Q. Who did he report to, Mr. Nicolosi
23 report to at the drop-off site?

24 A. Me.

25 Q. Were you out there every day at the

1 project?

2 A. Pretty much.

3 Q. Okay. So how many times in the month of
4 May do you think you met with Mr. Nicolosi at the
5 drop-off site in May of 2020?

6 A. I don't recall.

7 Q. But you recall meeting with him at the
8 drop site?

9 A. In the month of May?

10 Q. Yeah.

11 A. I really can't recall specific meetings.

12 Q. All right. The next page, Carimi 711,
13 looks like an email. It says, "Good morning.
14 Attached please find August 2020 invoice for the
15 month."

16 A. Uh-huh.

17 Q. I don't see in this production what you
18 just sent me any invoice for July of 2020. Did he
19 submit an invoice, NBN Services submit an invoice
20 for July of 2020?

21 A. I believe so.

22 Q. All right. Going to the next page,
23 Carimi 712, this is an invoice dated September 10,
24 2020, and this is for the period of August 2020
25 work. It appears NBN Services is still billing

1 you for oversight and business development; is
2 that correct?

3 A. That's his wording. He uses the word
4 oversight.

5 Q. Yeah. What oversight was Mr. Nicolosi
6 providing to Carimi Construction for the month of
7 August, 2020?

8 A. At that time he was working on business
9 development. Did he do some oversight on some
10 things with regard to the Kenner site, I don't
11 recall. I'm not sure why he used that wording.

12 Q. So as you sit here today you don't
13 recall if or what oversight he did in August 2020
14 for Carimi?

15 A. I'm not sure what he's referring to by
16 oversight.

17 Q. Okay. All right. Let's go to his next
18 invoice. It's Carimi 7014. This is for the month
19 of September 2020. It says it's for services
20 rendered for business development and project
21 oversight.

22 A. Uh-huh.

23 Q. What project was Mr. Nicolosi working on
24 in the month of September 2020 for Carimi?

25 A. I'm not sure what he's referring to

1 there.

2 Q. Okay. Now, this is the initial
3 production documents in response to the subpoena.
4 I didn't get any NBN Services invoices. And last
5 week your counsel provided me with the ones we
6 just looked at in Exhibit 59. I don't see any
7 invoices after the invoice period September 2020.
8 Did NBN Services continue to submit to you monthly
9 invoices through May of 2022?

10 A. Yes.

11 Q. And do you have those?

12 A. My office has them.

13 MR. MCGOEY:

14 Okay. Can we get a copy of those?
15 I think they were responsive to the
16 subpoena.

17 MR. CHESTER:

18 They weren't responsive to the
19 subpoena. You had asked for everything
20 associated with the Kenner drop-off
21 site. Those are the only invoices that
22 even arguably touched on the Kenner
23 drop-off site.

24 MR. MCGOEY:

25 Okay.

1 EXAMINATION BY MR. MCGOEY:

2 Q. Did Mr. Nicolosi -- Did NBN Services'
3 invoices to Carimi after September 2020 continue
4 to reference oversight or project oversight of the
5 services that he was billing for?

6 MR. CHESTER:

7 Object to the form.

8 THE WITNESS:

9 I don't recall.

10 MR. MCGOEY:

11 If you don't want to produce them,
12 we can just issue another subpoena to
13 you if that's what you prefer. We
14 probably will be taking up other issues
15 anyway.

16 EXAMINATION BY MR. MCGOEY:

17 Q. Let's go to the text messages your
18 counsel produced last week. Are these from your
19 phone?

20 A. Yes.

21 Q. Okay. How did you come about finding
22 these?

23 A. I scrolled back.

24 Q. Okay. Is April 27, 2020 the first text
25 that you had with Nicky Nicolosi?

1 A. I'm not sure.

2 Q. Well, you said you scrolled back, did
3 you stop in the middle of the texts?

4 A. No. I'm not sure of the order of this
5 that I'm looking at, but it could have been. I
6 did scroll back and screen shot all of them.

7 Q. Okay. So you don't recall seeing a text
8 between you and Mr. Nicolosi before April 27,
9 2020?

10 A. No.

11 Q. All right. And that's the day before he
12 pulled the permit for you to build the drop site?

13 A. This date here?

14 Q. Yeah.

15 MR. CHESTER:

16 I'm going to object to the form,
17 but go ahead.

18 THE WITNESS:

19 I believe so. That date is the
20 28th?

21 EXAMINATION BY MR. MCGOEY:

22 Q. Yes.

23 A. So that would be the day before.

24 Q. All right. Then it looks like you have
25 a text with him on April 28th, and then sent him a

1 picture on May 15th. What is that, you said you
2 had a problem with the cable?

3 A. Yes.

4 Q. What was the problem there?

5 A. The way that it stuck out into the drive
6 lane, a car could hit it.

7 Q. So what did Mr. Nicolosi do for that?

8 A. He contacted -- I'm not sure he
9 contacted either Entergy or maybe the City, but he
10 took care of getting it moved for us.

11 Q. All right. Then on Carimi 716 you say,
12 "Hey, Nicky, I'm over at the yard. Can you check
13 on getting this cable moved?" He says, "Yes.
14 I'll get you a status report." You say, "Great.
15 Thanks." And then there's two pages of redacted
16 text messages. What was redacted?

17 A. I don't recall.

18 Q. Do you know why it was redacted?

19 A. I don't.

20 Q. Are you claiming any privilege with
21 respect to what was redacted?

22 A. I'm not sure what that means.

23 MR. MCGOEY:

24 What's the basis?

25 MR. CHESTER:

1 It's not responsive to your
2 subpoena. You're not entitled to every
3 text message he had with the guy if it
4 doesn't relate to the subject, the
5 issues at hand in this lawsuit.

6 MR. MCGOEY:

7 So you made the determination that
8 the redacted was nonresponsive?

9 MR. CHESTER:

10 Correct.

11 MR. MCGOEY:

12 And it was between a text message
13 that was responsive and a text message
14 that was responsive?

15 MR. CHESTER:

16 Yeah. In looking at the subpoena
17 it was not responsive to the subpoena.

18 EXAMINATION BY MR. MCGOEY:

19 Q. So tell me what you would have texted
20 Mr. Nicolosi about other than work he was doing
21 for NBN Services.

22 A. I'm sorry. What other work he would
23 have been doing?

24 Q. What you would have texted him about
25 other than work?

1 MR. CHESTER:

2 Object to the form.

3 THE WITNESS:

4 I would have texted him about work.

5 EXAMINATION BY MR. MCGOEY:

6 Q. Okay. Well --

7 A. I do remember him texting me about my
8 veterinarian.

9 Q. Okay. He had a problem with an animal?

10 A. Yeah. He knew my dog had knee surgery,
11 and I remember him asking me who did his surgery
12 and so forth.

13 Q. Okay. On June 15th, you text him -- or,
14 no, he texted you, "David, same permit we have now
15 is all the City needs. So okay to proceed with
16 the slab as discussed. Also we'll discuss the
17 street paving tomorrow." What was that
18 concerning?

19 A. The slab would have been the slab for
20 the recycling corral. And the street -- I believe
21 the street paving here is, excuse me, 23rd Street,
22 which is the street that leads up to the drop-off
23 site. There's a request to submit pricing to
24 re-top that street.

25 Q. Did they hire you to do that or no?

1 A. No.

2 Q. Who did that work?

3 A. I don't know. I don't know if it was
4 ever done.

5 Q. All right. Going back to the initial
6 proposal you did for Mr. Torres for the \$151,000,
7 did you base that off of any plans?

8 MR. CHESTER:

9 I'm sorry. I didn't hear that last
10 part.

11 EXAMINATION BY MR. MCGOEY:

12 Q. Did you base the proposal off of any
13 plans?

14 A. No.

15 Q. Okay. I'm going to show you what you
16 produced in response to the subpoena. I'm going
17 to mark it as Exhibit 64, which is a set of maybe
18 preliminary submittals dated August 2019, and ask
19 you to take a look at those.

20 (Document marked for identification as
21 Exhibit 64.)

22 EXAMINATION BY MR. MCGOEY:

23 Q. What are these?

24 A. These were plans that were given to
25 us -- I believe they were given to us by the City

1 of Kenner for a proposed similar-type site at the
2 same location.

3 Q. Were you attempting to build according
4 to these plans?

5 A. No.

6 Q. So what was the purpose of you having
7 these plans?

8 A. I'm not sure. I think they sent it over
9 kind of as a reference.

10 Q. Okay. So were you responsible for
11 designing the drop site?

12 A. I came up with the layout. The layout I
13 worked with IV Waste and the folks at Kenner. As
14 far as the construction, I came up with the
15 construction techniques for it.

16 Q. Okay. So you didn't base -- Well, did
17 you base any of your design criteria on these
18 preliminary plans that were built -- that were
19 done in 2019?

20 A. No. I mean maybe a few things on here
21 we looked at in my group to discuss, the same
22 site.

23 Q. Did you have any design professionals
24 assist you in coming up with your design?

25 A. No.

1 Q. You just did that in-house?

2 A. We did.

3 Q. Do you have any designers or engineers
4 in-house?

5 A. No.

6 Q. Did the design you came up with for the
7 ramp, was it consistent with the design on Carimi
8 14 or was it different?

9 A. What is Carimi 14?

10 Q. It's Bates stamp. It's in the exhibit
11 you're looking at, the plans.

12 A. I'm sorry. Can you repeat your
13 question?

14 Q. Yes. Did you use this ramp design or
15 did you come up with your own ramp design?

16 A. I would say it was loosely based off
17 of -- We may have looked at this for some ideas.

18 Q. Okay. Did you -- It's my understanding
19 that the transfer station, the property is owned
20 by the City of Kenner. Were you aware of that?

21 A. Yes.

22 Q. All right. Did you have any contracts
23 with the City of Kenner for designing and
24 constructing the ramp for the drop site on their
25 facility?

1 A. No.

2 Q. Was landscaping involved in your
3 proposal?

4 A. It's a cost code in our accounting
5 system. Things could have been applied under
6 landscaping.

7 Q. Are you aware of what the Kenner code
8 requires for landscaping on a project like this?

9 A. That's a broad question. I don't -- I'm
10 not sure what you're asking me.

11 Q. Okay. Well, did you do a set of plans
12 for submittal to the City of Kenner to get this
13 permit?

14 A. No. We drew a map on the permit.

15 Q. That was for the recycle pad, right?

16 A. Yes.

17 Q. No. I'm talking about the initial
18 permit, this one dated April 28th.

19 A. I believe there was one for the initial
20 permit too.

21 Q. Okay. And what do you think you did?

22 A. Well, there's a section on their
23 permits, on their paper permits where you can draw
24 in things that you're doing, and I believe that we
25 drew it in on both of them.

1 Q. Okay. And you didn't submit any
2 plans --

3 A. No.

4 Q. -- to get this permit?

5 A. No.

6 Q. And did you give them any assurances of
7 what the construction was going to be about or how
8 it was going to be?

9 MR. CHESTER:

10 Object to the form.

11 EXAMINATION BY MR. MCGOEY:

12 Q. Like any standards that you were going
13 to build some public structure on a public
14 property?

15 A. I think that I spoke to some of the
16 folks at Kenner about what we were planning to do,
17 how we were planning to build it.

18 Q. Who was that?

19 A. Probably Kenny.

20 Q. What's Kenny's last name?

21 A. I don't recall. But he was one of my
22 contacts. He was often at the site.

23 Q. All right. You talked about the Kenner
24 recycle corral. I'm going to show you a picture
25 which was previously marked as Exhibit 50 in

1 another deposition. Did you build -- Is this what
2 you were referring to as the recycle corral?

3 A. It is.

4 Q. All right. Was this initially part of
5 what you were supposed to build, or did you add
6 this sometime after you built the initial transfer
7 station?

8 A. This was built after the ramp.

9 Q. All right. How did this come about?

10 A. IV requested that we build this for
11 them.

12 Q. Okay. Did you have any plans?

13 A. No.

14 Q. Did -- Well, any specifications on how
15 you were to build this?

16 A. We had discussions with IV of what they
17 needed, sizing and so forth, heights of the walls,
18 how the gates would work.

19 Q. Besides discussions with Mr. Torres, did
20 you have any plans prepared to build a facility on
21 a public property?

22 A. No.

23 MS. THORNTON:

24 Object to form.

25 THE WITNESS:

1 We did not have plans.

2 EXAMINATION BY MR. MCGOEY:

3 Q. Okay. You said the height of the
4 fences. What is the height of these fences?

5 A. I don't recall. I don't recall.

6 Q. If you look at Exhibit 63, Bates
7 stamp -- it's the last page, 551. This is Invoice
8 No. 7104.

9 A. Uh-huh.

10 Q. It says down under Framing, "Treated
11 pine material to install nine-foot tall wall at
12 concrete knee wall." Does that refresh your
13 recollection that you built nine-foot walls --

14 A. It sounds like it was nine foot.

15 Q. Do you know what the -- what's the
16 height of the fence allowed to be in the City of
17 Kenner Code of Ordinances?

18 A. I don't know.

19 Q. Did anyone tell you you needed to have a
20 variance for the building of these nine-foot tall
21 walls?

22 A. No.

23 Q. And how did you go about getting the
24 permit for this corral yard?

25 A. We submitted it.

1 Q. Who did you submit it to?

2 A. The City of Kenner.

3 Q. You personally or is that something Mr.
4 Nicolosi did for you?

5 A. I don't recall. It would have been
6 Nicolosi or it would have been someone in my
7 office.

8 Q. Let's see if I can refresh your
9 recollection. I'm going to show you what I'm
10 going to mark --

11 MR. MCGOEY:

12 I might need some more exhibit
13 stickers. Do you have any?

14 THE COURT REPORTER:

15 Sure.

16 THE WITNESS:

17 I'm sorry. I'm going to run to the
18 restroom.

19 MR. MCGOEY:

20 Go ahead. Good time.

21 THE VIDEOGRAPHER:

22 We're now off the record. The time
23 is 10:53.

24 (Break taken.)

25 THE VIDEOGRAPHER:

1 Returning to the record. It's
2 11:01.

3 EXAMINATION BY MR. MCGOEY:

4 Q. Mr. Carimi, before the break we were
5 talking about the construction of the recycle
6 corral pad, and I gave you a document which I
7 marked as Exhibit 65, which is a June 17, 2020
8 email titled Kenner Waste Transfer Facility
9 Recycling Pad.

10 (Document marked for identification as
11 Exhibit 65.)

12 EXAMINATION BY MR. MCGOEY:

13 Q. And this is from Daniel Johnson to Nick
14 Nicolosi and copying you; is that correct?

15 A. Yes.

16 Q. It says, "Nicky, see attached permit
17 application. Please let me know if any additional
18 information is needed. Thanks." Okay. And then
19 the document that's marked Carimi 00129, is this
20 what your office filled out for building the
21 recycling enclosure?

22 A. Yes.

23 Q. Okay. And whose handwriting is this?
24 Is this Mr. Johnson's or is this yours?

25 A. I would think this is Mr. Johnson's.

1 Q. Okay. You don't list the owner or
2 agent. Is there a reason for that?

3 A. No.

4 Q. Okay. Tell me what this permit
5 application was to govern work on. What was this
6 for?

7 A. The recycle corral.

8 Q. It says, "Install a clear span tent
9 structure, catch basin to grease interceptor,
10 install lighting, install water source."

11 A. Uh-huh.

12 Q. What was that for?

13 A. Which part?

14 Q. All of it. I mean that's in the recycle
15 bin area?

16 A. Yes. That is for the picture that you
17 had given me.

18 Q. All right.

19 A. This picture.

20 Q. Great. Won't you show me --

21 A. The tent structure was never added.

22 Q. Okay.

23 A. It was never put up. You can't see it
24 in the picture, but the grease interceptor was
25 installed and some lighting.

1 Q. What is the grease interceptor designed
2 for?

3 A. It collects rainwater. So there's a
4 drain in the back portion that collects -- Well,
5 the drain collects rainwater. It goes through a
6 grease interceptor which is half the size of this
7 table. It's buried underground. And then that
8 goes out to the City source system.

9 Q. Got you. And you designed that system?

10 A. It's not something you design. It's
11 based on flow. And that was submitted to the
12 City, not in this permit, but to their -- I guess
13 it would be their public works department or the
14 equivalent of their Sewerage and Water Board.

15 I do recall them coming out and meeting
16 with them as they inspected it, as our plumbers
17 were installing it, attaching it before they
18 buried it.

19 Q. Okay. But there were no plans for the
20 design of that?

21 A. No. It's not something we build. It's
22 something you purchase.

23 Q. Was Carimi Construction responsible for
24 getting the permit, or was that something that IV
25 Waste was responsible for?

1 A. We got the permit.

2 Q. Were you also responsible for getting
3 any LDNR permits that would be required for this
4 type of facility?

5 A. LDNR?

6 Q. Yeah, Department of Natural Resources.

7 A. We did not.

8 Q. Were you aware of whether or not LDEQ --
9 Were you aware that this facility would need an
10 LDEQ permit?

11 A. I believe that IV Waste handled that.

12 Q. Okay. Who at IV Waste handled that?

13 MR. CHESTER:

14 Object to the form.

15 THE WITNESS:

16 I'm not sure.

17 EXAMINATION BY MR. MCGOEY:

18 Q. But you had discussions before you built
19 the recycle pad with someone at IV Waste about IV
20 Waste getting the LDEQ permit?

21 MR. CHESTER:

22 Object to the form; foundation.

23 THE WITNESS:

24 I recall talking to them about
25 them -- I'm not sure how it works --

1 applying for it or registering with the
2 LDEQ.

3 EXAMINATION BY MR. MCGOEY:

4 Q. But that was not something that was your
5 responsibility?

6 MR. CHESTER:

7 Object to the form.

8 THE WITNESS:

9 No. We may have helped them with
10 it, but it's not something that we -- I
11 don't recall. I don't think it's
12 something that we handled.

13 EXAMINATION BY MR. MCGOEY:

14 Q. Do you know whether or not the LDEQ
15 issued a permit for this recycle pad facility?

16 MR. CHESTER:

17 Object to the form.

18 THE WITNESS:

19 I don't.

20 EXAMINATION BY MR. MCGOEY:

21 Q. All right. So other than this half
22 completed form that Mr. Johnson filled out, Carimi
23 129, did Carimi Construction prepare any other
24 documentation before it started building this
25 facility --

1 MR. CHESTER:

2 Object to the form.

3 EXAMINATION BY MR. MCGOEY:

4 Q. -- for recycling?

5 MR. CHESTER:

6 Object to the form. Sorry.

7 THE WITNESS:

8 You mean that was sent to the City?

9 EXAMINATION BY MR. MCGOEY:

10 Q. Yes.

11 A. I'm not sure.

12 Q. And was a permit issued for this by the
13 City of Kenner for this recycle pad that you built
14 that's shown in Exhibit 50?

15 A. I believe it was.

16 Q. Okay. And what makes you have that
17 belief? Did you see a permit?

18 A. I don't recall.

19 Q. All right. So what makes you think
20 there was a permit?

21 A. Well, we submitted for it, so I assume
22 that they would have issued it.

23 Q. When you say you submitted it, you sent
24 it to Mr. Nicolosi?

25 A. To have him submit it.

1 Q. Right. Do you know whether or not Mr.
2 Nicolosi submitted the application which your
3 office filled out on Carimi 129?

4 A. Do I know if he did?

5 Q. Yeah. Did he submit it? Do you know
6 whether or not he submitted it to the City of
7 Kenner?

8 A. I believe that he did.

9 Q. Okay. How do you -- What's the basis of
10 your belief that he did?

11 A. Well, we asked him to do it. We had
12 inspections on this after it was -- during the
13 process of being worked, so usually that's based
14 on a permit. So I assume the permit -- I just
15 don't remember two years ago or three years ago,
16 you know, exactly what happened. But based on the
17 idea that we had inspections, usually they don't
18 do inspections unless there's a permit to tie to
19 it.

20 Q. Got you. Are you aware that the April
21 28th, 2020 permit, which we looked at, Exhibit 61,
22 was the only permit that was issued?

23 MR. CHESTER:

24 Object to the form.

25 THE WITNESS:

1 No.

2 EXAMINATION BY MR. MCGOEY:

3 Q. For this facility. You think there was
4 another permit?

5 A. Well, there was another application.
6 There could have been another permit or they could
7 have tied this work to that permit.

8 Q. Okay. Let's see if we can -- I'm going
9 to show you what was previously marked as Exhibit
10 44 to another deposition. This is a January 12th,
11 2021 email from Daniel Johnson to Julie Tufaro,
12 copying you, correct?

13 A. Yes.

14 Q. Who's Brian McClary?

15 A. He works in IV's office.

16 Q. What does he do for IV?

17 A. If it's the same Brian I'm thinking of,
18 he worked in their accounting office.

19 Q. Okay. It says, "Julie, see attached.
20 All the work we did out in Kenner was done under
21 one permit. The application was submitted after
22 we had the permit for the recycling slab, and the
23 permit was added to in order to reflect the
24 additional work. Thanks, Daniel."

25 Does that refresh your recollection that

1 there was only one permit issued by the City of
2 Kenner?

3 A. Well, it sounds like what he's saying is
4 that the additional work was added to the original
5 permit.

6 Q. So the original permit was April 28th,
7 correct?

8 A. Yes.

9 Q. All right. You don't have anything, an
10 application for that permit, do you? I didn't see
11 it in the documents you produced to me.

12 A. Okay.

13 Q. So would you have an application for
14 that permit?

15 A. I would think so.

16 Q. Okay. Then you filled out an
17 application for the recycle pad?

18 A. Correct.

19 Q. And you sent that to Mr. Nicolosi?

20 A. Yes.

21 Q. And per this email from Daniel Johnson,
22 the permit was added on to reflect the additional
23 work?

24 A. Yes.

25 Q. What is the last, this page, Carimi

1 number 4, what is this Autodesk?

2 A. What is this?

3 Q. Uh-huh.

4 A. That is a drawing of a grade beam slab.

5 Q. Who prepared it?

6 A. Someone in my office.

7 Q. Does that have any specifications? I'm
8 trying to figure out what this is.

9 A. I'm sorry. What do you mean by
10 specifications?

11 Q. What kind of concrete you're using?
12 What kind of reinforcement? What standards you're
13 building it to?

14 A. No. It has -- I can't read the
15 dimensions on it. It has some dimensions. It
16 looks like it has some slab thicknesses, some
17 grade beam thicknesses.

18 Q. Okay. So it's just -- It just reflects
19 the size of the enclosure that you were building?

20 A. Yes.

21 MR. CHESTER:

22 Object to the form.

23 EXAMINATION BY MR. MCGOEY:

24 Q. Did you submit anything to the City of
25 Kenner reflecting the height of the fences that

1 you were going to be building in this enclosure?

2 A. No. It doesn't look like it's on the
3 permit or the application.

4 Q. And why was it not on the application?

5 A. I don't know. We didn't list it.

6 Q. Was there a reason the fences that you
7 built were nine feet high?

8 A. The idea is that that would be high
9 enough to keep the recycling from blowing around.

10 Q. Did you come up with the nine-foot
11 height, or was that something IV Waste came up
12 with?

13 A. I don't recall.

14 Q. Okay. Now, I'm looking at, going back
15 and looking at exhibit -- I don't have the number
16 in front of me. The one with -- Here it is,
17 Exhibit 65, the June 17 email. This is the --

18 A. From Daniel?

19 Q. Yeah.

20 A. 65?

21 Q. Correct. So on June 17th -- we looked
22 at this earlier -- Mr. Johnson is emailing the
23 attached permit application for the recycle
24 corral, right?

25 A. Yes.

1 Q. And so he's doing that on the 17th and
2 he says, "Please let me know if additional
3 information is needed. Thanks." So as of June
4 17, 2020, is it safe to say you hadn't submitted
5 anything for a permit application for the corral?

6 MR. CHESTER:

7 Object to the form.

8 THE WITNESS:

9 Yes. It looks like this was the
10 application for the corral.

11 EXAMINATION BY MR. MCGOEY:

12 Q. So you submitted that to Mr. Nicolosi --
13 Daniel submitted that to Mr. Nicolosi on June 17th
14 at 7:45. And now going back and looking at
15 Exhibit 59, which is those text messages right in
16 front of you that you submitted last week, it
17 looks like the last text message is from Mr.
18 Nicolosi to you on June 15, so that would be two
19 days before Daniel filled out the application for
20 the permit. And Mr. Nicolosi is telling you,
21 "David, the same permit we have now is all the
22 City needs. So okay to proceed with the slab as
23 discussed. Also, we'll discuss the street paving
24 tomorrow."

25 A. Okay.

1 Q. So Mr. -- Am I understanding this right,
2 Mr. Nicolosi was telling you before you even
3 filled out an application, to go ahead and build
4 it, the recycle pad?

5 MR. CHESTER:

6 Object to the form.

7 THE WITNESS:

8 It sounds like he had spoken to
9 someone at the City, and then let me
10 know on the 15th that we're okay to
11 proceed with the existing permit that we
12 have. And then Daniel two days later
13 sent in the permit application to him to
14 submit to the City.

15 EXAMINATION BY MR. MCGOEY:

16 Q. Okay. But you're unaware of anything
17 from the City tying that application to this
18 permit --

19 MR. CHESTER:

20 Object to the form.

21 EXAMINATION BY MR. MCGOEY:

22 Q. -- that was issued on April 28th?

23 MR. CHESTER:

24 Object to the form.

25 THE WITNESS:

1 I'm sorry. Which application?

2 EXAMINATION BY MR. MCGOEY:

3 Q. The application that Daniel submitted on
4 June 17th.

5 MR. CHESTER:

6 Same objection.

7 THE WITNESS:

8 And am I aware of what?

9 EXAMINATION BY MR. MCGOEY:

10 Q. Of anything from the City of Kenner
11 tying that application to the permit that you had
12 received two months before?

13 MR. CHESTER:

14 Object to the form.

15 THE WITNESS:

16 I'm not sure I understand your
17 question.

18 EXAMINATION BY MR. MCGOEY:

19 Q. Well, did you see another permit issued?
20 Did you see any writing from the City of Kenner
21 saying, "We are tying the first permit to this new
22 application"?

23 A. No, not that I recall.

24 Q. In the work Mr. Nicolosi did for you,
25 did he have any set hours that he was supposed to

1 work overseeing the project?

2 A. No.

3 Q. Did he have any set hours that he needed
4 to work for business development?

5 MR. CHESTER:

6 Object to the form.

7 THE WITNESS:

8 No.

9 EXAMINATION BY MR. MCGOEY:

10 Q. Did you ever reimburse NBN Services for
11 any expenses they had in attempting to do any
12 business development for you?

13 A. No.

14 Q. What business development work do you
15 understand that Mr. Nicolosi did for you over
16 those two years?

17 A. Specifically?

18 Q. Yes.

19 A. Well, as we talked about, he helped us
20 with the -- some stuff on the drop-off center. He
21 brought to us the 24th Street recycle --
22 resurfacing project, which we did submit on. He
23 helped us on a proposal to the City that had to do
24 with automatic gates with auto entry systems on
25 them.

1 He brought to us the Kenner fire station
2 project, which we submitted a qualifying packet
3 on. He worked with us through the process of
4 putting that together, making sure it was done
5 properly in the format that the City would want to
6 see it.

7 He brought grass-cutting contracts to us
8 that we looked at for the City of Jefferson I
9 think on two different occasions. He brought a
10 general street repair maintenance-type request
11 from the City. He brought us Bucktown Park. It's
12 a project. He brought to us Lafreniere Park,
13 ground level construction. There could be others.
14 That's off the top of my head.

15 Q. And it's accurate to say that none of
16 the work, proposed work that Mr. Nicolosi brought
17 to you did you get or do?

18 A. No.

19 Q. With respect to the grass-cutting
20 contract work that you said he brought to you,
21 what was that?

22 A. It was a contract for maintenance on
23 grass cutting.

24 Q. Has Carimi Construction ever done grass
25 cutting before?

1 A. No.

2 Q. Did you submit bids for grass cutting?

3 A. We didn't.

4 Q. And why is that?

5 A. I was interested in it. I felt that at
6 that time with COVID and labor shortages that it
7 would be tough to gear up to do that.

8 Q. Mr. Nicolosi ever tell you that Ramelli
9 did grass cutting?

10 A. No.

11 Q. Were you unaware of that?

12 A. Yes.

13 Q. I didn't see any emails between you and
14 Mr. Nicolosi in the production concerning his work
15 for you. Is it accurate to say you didn't have
16 any emails with him setting out what he was going
17 to do for you or --

18 MR. CHESTER:

19 Object to the form.

20 EXAMINATION BY MR. MCGOEY:

21 Q. -- or what you expected him to do?

22 MR. CHESTER:

23 Sorry. Object to the form.

24 THE WITNESS:

25 No.

1 EXAMINATION BY MR. MCGOEY:

2 Q. That was all discussed just at that
3 meeting at your office?

4 A. Uh-huh.

5 Q. Did NBN Services submit paper invoices
6 every month to you?

7 A. They did. I believe they did to our
8 accounting department.

9 Q. And would he pick up the check or would
10 you mail the check?

11 A. I know he would sometimes pick them up.
12 I'm not sure if some of them were mailed.

13 Q. I'm going to show you what was
14 previously marked as Exhibit 47 in another
15 deposition, which is a list of payments that you
16 produced in response to the subpoena to NBN
17 Services.

18 Just so I understand how this works, the
19 first line would be a bill. What goes under the
20 Number heading? What is that meant to reflect?

21 A. Check number.

22 Q. Okay. And when it's not a check for the
23 bill, what does it represent?

24 A. When it's not a check for the bill --

25 Q. Like the first line it says Bill, and

1 then under the Number category it says April 2 and
2 then ellipsis.

3 A. So the first transaction would be an
4 entry into accounts payable.

5 Q. Okay.

6 A. The second transaction would be a
7 payment on that item in accounts payable.

8 Q. Right. So for the accounts payable, is
9 that just the month of the invoice that is the
10 reference to or --

11 A. I'm not sure.

12 Q. Okay. So it looks like the first
13 payment you made to NBN Services was May 18, 2020.
14 No, May 26th.

15 A. May 26th.

16 Q. Got you. He submitted the invoice on
17 May 18th, and you paid it on the 26th; is that
18 right?

19 A. Yes. That's how I understand it.

20 Q. Okay. Would it be accurate to say that
21 before you made any payments to NBN Services as a
22 consultant, IV Waste was paying you for work at
23 the Kenner transfer station?

24 MR. CHESTER:

25 Object to the form.

1 THE WITNESS:

2 I'm not sure of your question. We
3 had started work in April at the
4 transfer station, the drop-off site.

5 EXAMINATION BY MR. MCGOEY:

6 Q. I'm looking at Exhibit 63, which is the
7 list of your invoices for the transfer station.

8 A. Uh-huh.

9 Q. It looks like the first invoice IV paid
10 you \$13,271 on May 13, 2020, is that right, for
11 invoice 7702?

12 A. Yes.

13 Q. Okay. So then it would be accurate to
14 say before Mr. Nicolosi submitted a bill to you on
15 May 18th, IV -- Mr. Torres had paid you for some
16 work at the transfer station?

17 A. Yes.

18 MS. THORNTON:

19 Object to the form.

20 THE WITNESS:

21 Yes, for some work that we had done
22 there.

23 EXAMINATION BY MR. MCGOEY:

24 Q. And then you paid the first payment to
25 NBN Services on May 26th; is that correct?

1 A. Yes. That's the check date.

2 Q. And then on May 28th Mr. Torres paid you
3 \$151,723 for work on invoice 7020?

4 MS. THORNTON:

5 Object to form.

6 THE WITNESS:

7 Yes, for building the ramp.

8 EXAMINATION BY MR. MCGOEY:

9 Q. Now, per this printout, Exhibit 47, it
10 looks like you issued NBN Services a check on
11 November 13, 2020, and it's check number 18472.
12 Do you see that?

13 A. I do.

14 Q. Okay. Correct me if I'm wrong, does
15 this payment register that you produced reflect
16 that before you made that payment on November
17 13th, that Mr. Nicolosi didn't even submit an
18 invoice to you?

19 A. I'm not sure. It probably means that it
20 was not put into accounts payable, so the check
21 could have just been cut, but I'm not really sure.

22 Q. So what is the procedure -- I assume, if
23 an invoice is not put in accounts payable, a check
24 won't be cut unless someone requests it?

25 A. Or unless it's -- or unless accounting

1 knows that it needs to be cut and it cuts the
2 check.

3 Q. Do you know what occurred in November of
4 2020 with respect to this payment to NBN Services?

5 A. I don't.

6 Q. From your testimony earlier today, do I
7 understand that you continued to make payments
8 after the payments reflected on Exhibit 47 all the
9 way through April of 2022?

10 A. Yes.

11 Q. So you paid NBN Services approximately
12 \$140,000 over the course of two years?

13 A. Approximately.

14 Q. Did I understand your testimony earlier
15 to be that you didn't job cost any of those
16 payments to any specific job?

17 A. We did not job cost them to any jobs,
18 meaning our accounting.

19 Q. And do I understand on the first invoice
20 that you did for IV for the recycle -- I mean for
21 the ramp, that you billed Mr. Torres \$151,723,
22 only \$19,790 of that was for your profit?

23 MS. THORNTON:

24 Object to the form.

25 THE WITNESS:

1 Yes.

2 EXAMINATION BY MR. MCGOEY:

3 Q. And so for the month of April and May,
4 you paid -- of 2020, you paid Mr. Nicolosi \$11,666
5 for his work for project oversight and business
6 development; is that right?

7 A. If that's the math.

8 Q. Yeah. And he didn't get you any
9 business development in those two months, right?

10 MR. CHESTER:

11 Object to the form.

12 THE WITNESS:

13 No.

14 EXAMINATION BY MR. MCGOEY:

15 Q. And other than helping you pull the
16 permit, do you recall any other work he did in
17 those two months at the project?

18 MR. CHESTER:

19 Object to the form.

20 THE WITNESS:

21 He wasn't -- He wasn't coded to the
22 projects because he wasn't tied to those
23 projects. He was tied to our company
24 overall like other consultants that we
25 have, and in this case to bring us in

1 projects in a municipal capacity.

2 EXAMINATION BY MR. MCGOEY:

3 Q. What other consultants does Carimi use?

4 A. We have McFarlin Stanford.

5 Q. What is that?

6 A. It's a consulting company.

7 Q. And what do they do?

8 A. They consult more on operations.

9 Q. Construction operations?

10 A. They work with different companies, but
11 for me, yes.

12 Q. Okay. And what do you pay them a month?

13 A. We pay them by the hour.

14 Q. What's their hourly rate?

15 A. Two-fifty.

16 Q. Did they do -- Did McFarlin Stanford do
17 any work on the Kenner drop site?

18 A. No.

19 Q. Did you ever have any business cards
20 made up for NBN Services?

21 A. I did not.

22 Q. Being a Carimi consultant?

23 A. No.

24 Q. Other than your meeting with the City,
25 the mayor of Kenner regarding some work you

1 proposed to do, did you have any other meetings
2 with Mr. Nicolosi and any other public officials
3 for potential work?

4 A. No.

5 Q. You mentioned Mr. Pitfield earlier.
6 Tell me what interaction you had with Mr. Pitfield
7 and the City of Kenner.

8 A. I had interaction with him out at the
9 site when we were getting together the recycling
10 corral and the drop-off. I also had interaction
11 with him about the gates that I had mentioned
12 earlier that we submitted pricing on.

13 Q. Okay. So did Mr. Pitfield have any
14 involvement in the design of the recycling
15 enclosure?

16 A. No.

17 Q. Did Mr. Pitfield have any involvement in
18 the construction or oversight of the construction
19 of the recycle pad?

20 A. Maybe for the City of Kenner.

21 Q. I mean, did you ever see him out there
22 overseeing it?

23 A. Yeah, I did. I did.

24 Q. Did he ever give you any instructions on
25 what to do or not to do in the construction?

1 A. I don't remember specifically.

2 Q. Now, were you aware that Mr. Pitfield
3 was given a job offer from IV Waste?

4 MR. CHESTER:

5 Object to the form.

6 MS. THORNTON.

7 Object to the form.

8 THE WITNESS:

9 No.

10 EXAMINATION BY MR. MCGOEY:

11 Q. You never had any -- Did you ever have
12 any conversations with Mr. Torres regarding him
13 hiring Mr. Pitfield?

14 A. I don't recall that.

15 Q. Did you ever have any discussions with
16 Julie Tufaro about Mr. Pitfield?

17 A. I don't recall any.

18 Q. Did Mr. Pitfield ever do any work for
19 Carimi Construction?

20 A. No.

21 Q. Did Carimi Construction ever pay Chad
22 Pitfield for anything?

23 A. No.

24 Q. I think you said earlier you didn't have
25 any involvement with IV placing cans in the city

1 of Kenner; is that correct?

2 A. Yes.

3 Q. Yes, you had no involvement?

4 A. I did not have any involvement.

5 Q. Do you know whether or not Mr. Pitfield
6 was involved in putting out IV Waste cans?

7 A. I don't know.

8 Q. Now, you are aware that Mr. Torres told
9 the Times-Picayune that -- I'm sorry, told David
10 Hammer that he paid Mr. Pitfield more than \$4,000
11 for delivering IV Waste trash cans to customers?

12 MS. THORNTON:

13 Object to form.

14 THE WITNESS:

15 I remember seeing the news report.

16 EXAMINATION BY MR. MCGOEY:

17 Q. I'm going to show you what was
18 previously marked as Exhibit 41. Do you recall
19 giving statements to Mr. Hammer in connection with
20 this report?

21 A. Me giving statements?

22 Q. Yes.

23 A. No.

24 Q. Okay. Let me see if we can refresh your
25 recollection. If you look on the -- This is a

1 report published on February 21, 2022. So at that
2 time in February 2022, you were still paying NBN
3 Services, correct?

4 A. Yes.

5 Q. And on the second page of Exhibit 42 --
6 or 41, the top of the second paragraph it says,
7 "Torres confirmed on Monday that he paid former
8 Kenner Chief Administrative Officer Chad Pitfield
9 more than \$4,000 for delivering new IV Waste trash
10 cans to customers in July of 2020."

11 Were you aware that IV Waste had paid
12 Mr. Pitfield for delivering those cans?

13 MR. CHESTER:

14 Object to the form.

15 MS. THORNTON:

16 Object to form.

17 THE WITNESS:

18 I guess when I read this or when I
19 saw this.

20 EXAMINATION BY MR. MCGOEY:

21 Q. Okay. So before February 2022, did you
22 have any knowledge of IV Waste paying Mr. Pitfield
23 for delivering cans?

24 MR. CHESTER:

25 Object to form.

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MS. THORNTON:

Object to form.

THE WITNESS:

You mean before the date of this article?

EXAMINATION BY MR. MCGOEY:

Q. Yes.

A. Not that I recall.

Q. Okay. What about do you remember the brouhaha in connection with the Ramelli cans being picked up off the streets?

MR. CHESTER:

Object to the form.

THE WITNESS:

The brouhaha --

EXAMINATION BY MR. MCGOEY:

Q. Meaning there was a lawsuit and a TRO and IV Waste was not prevented -- was not allowed to dump garbage from Mr. Ramelli's cans?

A. Yes.

Q. Do you recall that?

A. Yes.

Q. And do you recall people from the City of Kenner going out and picking up Ramelli cans and bringing them to the drop site?

1 MR. CHESTER:

2 Object to the form.

3 THE WITNESS:

4 Vaguely. I mean, I heard of this
5 stuff.

6 EXAMINATION BY MR. MCGOEY:

7 Q. You weren't involved with picking up
8 Ramelli's cans?

9 A. I was not.

10 Q. Were you involved in paying anyone to
11 pick up Ramelli cans?

12 A. I was not.

13 Q. Were you ever asked to pay residents to
14 pick up Ramelli cans?

15 A. I was not.

16 Q. Were you ever asked to pay Mr. Pitfield
17 for picking up cans?

18 A. I was not.

19 Q. On the last page of exhibit -- the
20 second-to-last page of Exhibit 41 it states, "Now,
21 Torres acknowledges Nicolosi has been involved in
22 IV Waste dealings in Kenner almost from the
23 beginning." Would you agree with that, that Mr.
24 Nicolosi was involved with IV Waste dealings in
25 Kenner from the beginning?

1 MR. CHESTER:

2 Object to the form.

3 MS. THORNTON:

4 Object to form.

5 THE WITNESS:

6 I mean I'm reading this here, but I
7 didn't have knowledge of that.

8 EXAMINATION BY MR. MCGOEY:

9 Q. Okay. Well, the first time you went out
10 there were you aware that Nicky Nicolosi was
11 involved?

12 A. Yes, of course, he was there.

13 Q. Okay. So that was the first meeting you
14 were there, he was there?

15 A. The first meeting I was -- That was the
16 first meeting that he was there. I had been out
17 to the site prior.

18 Q. Okay. And soon after you meeting Mr.
19 Nicolosi on site, you hired him?

20 A. I did.

21 Q. It says -- It goes to say, "By June 2020
22 Torres had spent \$425,000 to build a new transfer
23 station where residents could drop off bulky waste
24 for free."

25 A. Uh-huh.

1 Q. Now, Mr. Torres didn't pay you \$425,000
2 to build --

3 A. No.

4 Q. -- the transfer station, did he?

5 A. He did not.

6 Q. From that invoice it looked like it
7 totaled up just a little over --

8 A. Just over 300,000.

9 Q. -- 300,000. Do you know if he had
10 expenses other than with you to build it?

11 A. He could have. I don't know.

12 Q. Were there any other contractors that
13 worked out there when you were out there?

14 MS. THORNTON:

15 Object to form.

16 THE WITNESS:

17 I'm not aware of any other
18 contractors he had, that there were or
19 were not. I know the work that I did
20 went through me.

21 EXAMINATION BY MR. MCGOEY:

22 Q. \$99,524.90 of the \$302,868.77 that you
23 billed IV for work at the Kenner transfer station,
24 99,000 was for the recycle enclosure, correct?

25 A. And related construction, yes.

1 Q. Now, the residents don't get to use that
2 site, the recycle enclosure, right?

3 A. No.

4 Q. It's covered up, right?

5 A. Uh-huh.

6 Q. It's boarded up so you can't see in,
7 right?

8 A. It has a gate.

9 Q. And the gate is covered so you can't see
10 through the gate, right?

11 A. It was when we built it.

12 Q. Then in this article he says, "He hired
13 Carimi Construction to build the site and Carimi
14 turned around and hired Nicolosi to help get the
15 necessary permits. Torres confirmed."

16 When did you tell Mr. Torres that you
17 had hired Nicky to help get the permits?

18 MR. CHESTER:

19 Object to the form.

20 THE WITNESS:

21 I don't think I ever told Sidney
22 that I hired Nicky to help get the
23 permits.

24 EXAMINATION BY MR. MCGOEY:

25 Q. Okay. So you don't recall ever having a

1 conversation with Mr. Torres where you told him
2 you had hired Nicky?

3 A. No. I had told him that I hired Nicky,
4 but not specifically about getting -- for getting
5 permits.

6 Q. Okay. When it goes on in a couple
7 paragraphs later he says, "Carimi is also a
8 business partner of Torres in Trep's, a Mid City
9 bar they recently opened."

10 A. Uh-huh.

11 Q. That's incorrect, you weren't his
12 business partner in that?

13 A. I never became partner in that venture.

14 Q. It says, "Torres says he didn't have
15 anything to do with Carimi's decision to hire
16 Nicolosi." Is that true?

17 A. That is true.

18 Q. And he reiterated he's never paid
19 Nicolosi directly. Are you aware of Mr. Torres
20 ever paying Mr. Nicolosi indirectly?

21 MR. CHESTER:

22 Object to the form.

23 THE WITNESS:

24 I am not.

25 EXAMINATION BY MR. MCGOEY:

1 Q. Mr. Torres ever tell you he would pay
2 you or reimburse you for your payments to NBN
3 Services?

4 A. He did not.

5 MR. CHESTER:

6 Objection; asked and answered.

7 EXAMINATION BY MR. MCGOEY:

8 Q. You go on to say -- or it goes on to
9 quote you in the last paragraph, it says, "We
10 hired NBN Services, LLC starting in April 2020 as
11 a consultant." Is that accurate?

12 MR. CHESTER:

13 Object to the form.

14 THE WITNESS:

15 Yes.

16 EXAMINATION BY MR. MCGOEY:

17 Q. "Carimi Construction Development, LLC
18 hired NBN solely to help us identify municipal
19 work that would be a good fit for our company."
20 Did you issue a statement to them saying that?

21 MR. CHESTER:

22 Object to the form.

23 THE WITNESS:

24 Honestly, I don't even remember
25 making a statement to David Hammer.

1 EXAMINATION BY MR. MCGOEY:

2 Q. Okay.

3 A. I could have. I mean it's here. I
4 don't know where he would have -- who he would
5 have talked to, but I don't really recall that --

6 Q. Okay. So --

7 A. But I may have.

8 Q. -- did you hire NBN solely to help you
9 identify municipal work, or did you also hire NBN
10 to oversee the construction of the transfer
11 facility?

12 A. My primary hiring him was to identify
13 municipal work for us. In the beginning did he
14 help out with some of the permitting and so forth,
15 things that we've talked about, he did.

16 Q. Okay. Other than permitting, what do
17 you recall him helping you with at the transfer
18 facility?

19 A. Things that we talked about earlier,
20 communicating with some of the Kenner folks about
21 things that they were doing to accommodate us,
22 mucking the site, moving the junk cars, things
23 like this, the cable issue that was an obstruction
24 to the driveway.

25 Q. All right. So is it accurate to say

1 other than getting you the permit to build the
2 transfer facility, all of Mr. Nicolosi's other
3 work in connection with the transfer facility were
4 communications between you and the City of Kenner?

5 MR. CHESTER:

6 Object to the form.

7 MS. THORNTON:

8 Object to form.

9 EXAMINATION BY MR. MCGOEY:

10 Q. Facilitating communications?

11 MR. CHESTER:

12 Same objection.

13 THE WITNESS:

14 Yes, he did do that.

15 EXAMINATION BY MR. MCGOEY:

16 Q. Okay. Did he do any work overseeing Mr.
17 Johnson saying, "Put the ramp here, put the gate
18 here, let's raise this two inches," anything like
19 that, any construction --

20 A. No.

21 Q. -- issues? Do you ever recall being
22 asked by anyone from IV Waste to give money for --
23 pick-up money for people to pick up Ramelli's
24 cans?

25 A. No.

1 Q. Let me show you what was previously
2 marked as Exhibit 40 in another deposition and ask
3 you to take a look at that. Have you ever seen
4 this Exhibit 40 before?

5 A. Yes. This was shown to me when I was
6 preparing for this deposition.

7 Q. Okay. And just so I'm aware -- Just so
8 I can go down every rabbit trail, this was in a
9 meeting just with you and your counsel, not with
10 counsel for IV Waste?

11 A. Yes, me and my counsel.

12 Q. And that was -- meeting was, time frame
13 was around in preparing for today's deposition?

14 A. Yes.

15 Q. Before that, had you ever seen this
16 email?

17 A. No.

18 Q. Okay. So the bottom email is from
19 Michele Chaisson to Lisa Schehr. Do you know who
20 Lisa Schehr is?

21 A. Lisa works in IV's office.

22 Q. What does she do?

23 A. Accounting.

24 Q. And Mr. Torres and Ms. Tufaro -- It
25 says, "Lisa -- " And who's Michele Chaisson?

1 What does she do?

2 A. She worked for IV. I think she did
3 different things. She would -- I know we would
4 contact her sometimes for 30-yard construction
5 dumpsters.

6 Q. Okay. It says, "Lisa will be needing
7 some money to donate to the City of Kenner's
8 residents for helping them with removal of Ramelli
9 cans. Sidney, please let Lisa know how much she
10 should cut the check for. Thanks."

11 And then Michele writes everybody back
12 about ten minutes later and says, "Sorry.
13 Disregard this email. It was meant for Carimi
14 Construction. Thanks." Did anyone with IV Waste
15 ask you to contribute money to help pay for the
16 removal of Ramelli cans?

17 A. They did not.

18 Q. Did Mr. Torres ever have any
19 conversations with you about him making payments
20 to people in the City of Kenner for picking up
21 Ramelli cans?

22 A. No.

23 Q. Were you aware of IV having any role in
24 the picking up of Ramelli cans in the City of
25 Kenner?

1 A. No.

2 Q. You were aware that residents were
3 picking up the cans?

4 MR. CHESTER:

5 Object to the form.

6 EXAMINATION BY MR. MCGOEY:

7 Q. Or were you aware of that?

8 A. I had heard about this after this stuff
9 had happened. But when this was going to, I was
10 not aware of this stuff. I wasn't paying
11 attention to it. I certainly didn't pick up any
12 cans or have anybody pick up cans.

13 Q. Okay. And no one with IV Waste,
14 including Mr. Torres, ever asked you to help pay
15 for people picking up Ramelli cans?

16 MR. CHESTER:

17 Object to the form.

18 THE WITNESS:

19 They did not. And I had only seen
20 this email in preparing for this.

21 EXAMINATION BY MR. MCGOEY:

22 Q. After Hurricane Ida, did Mr. Torres ask
23 you to help give him some proposals to do
24 additional work out at the City of Kenner transfer
25 station?

1 MS. THORNTON:

2 Object to the form.

3 THE WITNESS:

4 He did.

5 EXAMINATION BY MR. MCGOEY:

6 Q. Tell me what you recall about that.

7 A. We gave him proposals to enlarge the
8 recycling corral and then also, I believe, to pour
9 another pad somewhere on the same property.

10 Q. Okay. What was your understanding of
11 why the recycle pad needed to be enlarged?

12 A. I wasn't really sure. I don't recall.

13 Q. He just told you give me a price to
14 enlarge it?

15 A. Yes.

16 Q. All right. I'm going to show you what
17 I'm going to mark as Exhibit 66.

18 (Document marked for identification as
19 Exhibit 66.)

20 EXAMINATION BY MR. MCGOEY:

21 Q. So it looks like on September 14th,
22 2021, you send a Kenner yard quote to Mr. Torres,
23 and he says, "I'll review it tonight"?

24 A. Yes.

25 Q. And then on the -- All right. And then

1 attached to it, this is the proposal?

2 A. Yes.

3 Q. All right. And it's dated September 14,
4 2021. And the change order is number is 791M.
5 What does that mean?

6 A. It's just a sequencing number in our
7 project management.

8 Q. All right. Well, the earlier proposals
9 we looked at had Cs, and this has got an M. Does
10 that denote something different?

11 A. I'm not sure why it has an M.

12 Q. Would you have prepared this or someone
13 in your office?

14 A. Probably someone in my office.

15 Q. What were you given to prepare or have
16 someone in your office prepare this proposal?

17 A. So this was to modify the existing
18 recycling corral.

19 Q. How was it to be modified?

20 A. If I remember correctly, we were going
21 to cut the left side off and expand it.

22 Q. And what would that involve, just
23 putting in a new slab, or would you have to add
24 another oil separator, drain, anything like that?

25 A. No. I think that would involve just

1 adding on to the slab or cutting a chain wall.

2 Q. Were you given any plans for this
3 proposal?

4 A. No.

5 Q. And was anyone -- So were you given any
6 documentation to make this proposal or just --

7 A. No. It was based on discussions of what
8 they wanted.

9 Q. And in those discussions did they tell
10 you why they wanted the pad enlarged?

11 MS. THORNTON:

12 Object to form.

13 THE WITNESS:

14 I don't recall.

15 EXAMINATION BY MR. MCGOEY:

16 Q. Did you do this work?

17 A. We didn't.

18 Q. Why not?

19 A. We weren't asked to.

20 Q. Well, after you submitted the proposal,
21 did you talk to Mr. Torres about it?

22 A. I'm sure I did.

23 Q. And what do you recall him saying?

24 A. I don't recall anything of the
25 conversation, but we often submit proposals to

1 customers and they don't move forward with them.

2 Q. So you don't understand why he didn't
3 move forward with it?

4 A. I don't know why he didn't.

5 Q. Thea Fryes --

6 A. Uh-huh.

7 Q. -- she works for Carimi?

8 A. She did.

9 Q. Does she still?

10 A. She does not.

11 Q. What does she -- What did she do for
12 Carimi?

13 A. She was assistant project manager.

14 Q. What role did she have in the City of
15 Kenner transfer station?

16 A. She worked on it like the rest of my
17 staff. I think she had some involvement with it.

18 THE COURT REPORTER:

19 Patrick, what was the name again?

20 MR. MCGOEY:

21 Thea Fryes, F-R-I -- F-R-Y-E-S.

22 EXAMINATION BY MR. MCGOEY:

23 Q. When did she stop working for Carimi?

24 A. I don't recall.

25 Q. What was the last project you did for IV

1 Waste?

2 A. The last project we did?

3 Q. Uh-huh.

4 A. We did improvements at 4040 South Pierce
5 Street -- Or, I'm sorry, 4040 Tulane.

6 Q. And what is that building?

7 A. It's a building that where they store
8 trucks that have gates and parking bumpers,
9 lights, things like this.

10 Q. Did you do any work on Knox Road for IV?

11 A. I did.

12 Q. What did you do at Knox Road?

13 A. That is one we just finished as well.
14 We did a recycling corral.

15 Q. Similar to the recycling corral you
16 built at the Kenner drop site?

17 A. In theory.

18 Q. Okay. Bigger or smaller than the one
19 you built in Kenner?

20 A. Bigger.

21 Q. What were the dimensions?

22 A. I don't know off the top of my head.

23 Q. When did you start that work?

24 A. I don't recall exactly, but we were out
25 there for at least a month.

1 Q. Did you install an oil separator like
2 you did in Kenner?

3 A. Similar.

4 Q. Did Mr. Nicolosi assist in getting a
5 permit for that recycle pad?

6 A. No.

7 Q. You took care of that permit on your
8 own?

9 A. No. The architect took care of that.

10 Q. Who was the architect?

11 A. Smith.

12 Q. Is that the last name or that's the name
13 of the --

14 A. Smith Consulting.

15 Q. Smith Consulting. And is that permit
16 through Jefferson Parish or Orleans?

17 A. Jefferson.

18 Q. Jefferson. What about LDEQ, was there a
19 permit issued by LDEQ?

20 A. I believe Smith handled that as well.

21 Q. Okay. Did you have anybody oversee the
22 construction of that recycle pad?

23 A. Knox Road?

24 Q. Yes.

25 A. Yeah, I oversaw a good bit of it and

1 Josh in my office oversaw a good bit of it.

2 Q. All right. So other than the work on
3 Knox Road and on Tulane, those are the last two
4 projects you did for IV?

5 A. I mean going back?

6 Q. Yeah. Going from today going backwards.

7 A. Yeah. I mean we did stuff prior to
8 that.

9 MR. MCGOEY:

10 If you give me -- Let's take a
11 break. I might be close to wrapping
12 this up.

13 MR. CHESTER:

14 Yep.

15 THE VIDEOGRAPHER:

16 We're now off the record. The time
17 is 11:58.

18 (Break taken.)

19 THE VIDEOGRAPHER:

20 Returning to the record. It's
21 12:10.

22 EXAMINATION BY MR. MCGOEY:

23 Q. Mr. Carimi, just a few follow-ups --
24 So -- questions and then we can get out of here.
25 So in some of the documents you produced in

1 response to the subpoena early on, you produced
2 two different sets of general conditions. Can you
3 tell me what those are?

4 A. I'm not sure what you mean by general
5 conditions.

6 Q. All right. Well, the reason I ask is
7 like on Carimi 00592 there's a page with a break
8 that says General Conditions, and then --

9 A. So General Conditions is a cost code in
10 our accounting system, so there are items that are
11 under each cost code. There's probably another
12 break in here that may say electrical or ground
13 work.

14 Q. Okay.

15 A. I expect that there is.

16 Q. And so there are two different sections
17 of general conditions. Do you know why you had
18 two different ones?

19 A. Probably for two different invoices.

20 Q. Got you. So you would have general
21 conditions for each of the invoices for work you
22 did --

23 A. Yes.

24 Q. -- for IV. Got you. And just to
25 confirm, you didn't code any of NBN Services'

1 costs to any of the invoices?

2 A. We did not.

3 Q. Now, I think your testimony earlier was
4 you have invoices from NBN Services through April
5 of 2022?

6 A. Yes.

7 Q. Can you produce a copy of those invoices
8 from September of 2020 through April of 2022 to
9 your counsel?

10 MR. CHESTER:

11 Object to form.

12 THE WITNESS:

13 I can do that.

14 MR. MCGOEY:

15 Will you-all agree to produce it,
16 Matt, or do you want me to issue a
17 subpoena?

18 MR. CHESTER:

19 Let me chat after this deposition,
20 and I'll get back with you on that.

21 MR. MCGOEY:

22 All right. That's all the
23 questions I have. I appreciate your
24 time today.

25 THE WITNESS:

1 Sure.

2 EXAMINATION BY MS. THORNTON:

3 Q. This is Jennifer Thornton. Mr. Carimi,
4 I just have one or two follow-up questions.

5 A. Okay.

6 Q. When I first came in -- and I apologize
7 that I was a little late -- you were being asked
8 some questions by Mr. McGoey about work you had
9 done in the past for Mr. Torres, and you listed
10 several different projects over the course of
11 years. And I just wanted to find out am I correct
12 that all of those projects were not for Mr. Torres
13 personally, but also included projects you did for
14 companies that Mr. Torres has an interest in; is
15 that correct?

16 A. That is correct.

17 Q. And if you were doing construction work
18 for one of the companies that Mr. Torres had an
19 interest in, would Carimi Construction be paid by
20 that company?

21 MR. MCGOEY:

22 Object to the form.

23 EXAMINATION BY MS. THORNTON:

24 Q. As opposed to Mr. Torres personally?

25 A. Yes. It would be paid by the company

1 that owned those properties.

2 MS. THORNTON:

3 That's all I have. Thank you.

4 MR. MCGOEY:

5 Just to follow -- Do you have any
6 questions, Matt?

7 MR. CHESTER:

8 I don't think I'm permitted to ask
9 any. Am I?

10 MR. MCGOEY:

11 Sure.

12 MR. CHESTER:

13 Hold on. Give me a second. No, I
14 don't need to ask any questions.

15 EXAMINATION BY MR. MCGOEY:

16 Q. Okay. Just a couple follow-ups on what
17 Ms. Thornton asked you. Exhibit 63 is the
18 invoices that you did for the Kenner transfer
19 station work. All of those invoices are billed
20 directly to Sidney Torres; is that correct?

21 MS. THORNTON:

22 Object to form.

23 THE WITNESS:

24 They would be billed to IV Waste.

25 EXAMINATION BY MR. MCGOEY:

1 Q. Okay. Well, let's look at the first
2 one, Invoice 7002, the invoice says "Bill to
3 Sidney Torres."

4 A. Yeah, but that is the -- That is the
5 customer name that's set up in the accounting
6 system.

7 Q. Okay.

8 A. So we have customer name and then we
9 have customers who own different companies
10 obviously. So under their customer name and then
11 you have company names, and different projects are
12 billed out to different companies. So I'm quite
13 sure that's how this was set up.

14 Q. Okay. But the physical invoice that you
15 sent to Mr. Torres for each of the jobs you did at
16 the Kenner transfer station had a billed to Sidney
17 Torres or a billed to one of his companies?

18 A. It was billed to Sidney Torres as the
19 customer name.

20 Q. Got you.

21 A. Overall customer name.

22 Q. Okay. Do you know who paid the invoices
23 that are contained in Exhibit 63?

24 A. Which companies?

25 Q. Yeah.

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A. I don't recall.

MR. MCGOEY:

Okay. That's all the questions I have. Thank you.

THE WITNESS:

Sure.

THE VIDEOGRAPHER:

This concludes this deposition. We're now off the record. The time is 12:16.

WITNESS' CERTIFICATE

I, DAVID CARIMI, do hereby certify that the foregoing testimony was given by me, and that the transcription of said testimony, with corrections and/or changes, if any, is true and correct as given by me on the aforementioned date.

(Date Signed)

(Witness' Signature)

WITNESS ALSO INITIAL ONE:

_____ Signed with no corrections.

_____ Signed with corrections noted.

Date Taken: November 21, 2022

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REPORTER'S CERTIFICATE

This certification is valid only for a transcript accompanied by my original signature and original required seal on this page.

I, CONNIE M. FINESCHI, Certified Court Reporter, in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that DAVID CARIMI, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinabove set forth in the foregoing 150 pages;

That this testimony was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, and that I am informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services;

That I have acted in compliance with the

1 prohibition on contractual relationships, as
 2 defined by Louisiana Code of Civil Procedure
 3 Article 1434 and in rules and advisory opinions of
 4 the board;

5 That I have no actual knowledge of any
 6 prohibited employment or contractual relationship,
 7 direct or indirect, between a court reporting firm
 8 and any party litigant in this matter, nor is
 9 there any such relationship between myself and a
 10 party litigant in this matter. I am not related
 11 to counsel or the parties herein, nor am I
 12 otherwise interested in the outcome of this
 13 matter.

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 16 CONNIE M. FINESCHI, CCR
 17 CERTIFIED COURT REPORTER
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