

ONTARIO

Court File No. FC-16-056454-00

Superior Court of Justice Family Court Branch

at 50 Eagle Street, Newmarket, Ontario L3Y 6B1

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This is the Continuation of the Questioning of SHEIDA ALETRATIKHOSROSHAHI, the Applicant named herein, taken at the offices of Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, on the 9th day of November, 2018.

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**APPEARANCES:**

INGRID VAN WEERT for the Applicant

MICHAEL BURY for the Respondent

**ALSO PRESENT:**

VANESSA APOSTOLI  
MAHYAR RADMEHR

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**PLEASE NOTE:** The above list of undertakings and refusals is provided as a service to counsel and does not purport to be complete or binding upon the parties herein.

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**SHEIDA ALETRATIKHOSROSHAHI, Previously Sworn**

**CONTINUED EXAMINATION BY MR. BURY:**

1226. Q. We're back. Good morning.

A. Good morning.

1227. Q. I have a few. . .I may jump around a bit today because we covered so many areas. I have just follow-up questions in assorted areas.

First of all, I want to talk about a little bit of technology in your home prior to the separation. What was the computer arrangement? How many computers were there in your house, printers, etcetera?

A. I have my laptop and the kids has their tablets and there is a printer which it's, since I came back from Iran I never can use it because it's never matched my laptop.

1228. Q. And what about my client? Do you remember the computer arrangements prior to the separation, or was it just the one laptop in the house? The whole household, everybody, what did everybody--

A. Before separation?

1229. Q. Yes, yes.

A. Before separation he had his laptop, but before that there was like three computers, desktop computers.

1230. Q. Okay, and where were they located?

1           A. It was one in our master bedroom, one it was  
2 in Maana's room and one it was in. . .before Melina born  
3 it was in Melina's room, like was like office work room.

4 1231.           Q. And there was a printer you said, as well?

5           A. There is a printer.

6 1232.           Q. And a scanner, I understand?

7           A. The printer has a scanner.

8 1233.           Q. Okay, so it's a multi-function unit?

9           A. Yes.

10 1234.           Q. And in terms of the computers, you had access  
11 to all of the computers?

12           A. I never had access to Mahyar's computer. He  
13 had a password.

14 1235.           Q. Okay, well that's where I was headed to next.  
15 So what was the password arrangement at home? Were you  
16 familiar with his passwords?

17           A. No.

18 1236.           Q. Was he familiar with your passwords?

19           A. He knew my passwords for like my bank  
20 accounts and stuff, yeah, and my laptop never had a  
21 password.

22 1237.           Q. I see. And what about his computer, his  
23 laptop? Did you access his laptop at any time?

24           A. His laptop has the password so I never access  
25 his laptop.

1 1238. Q. Well do you know what the password is?

2 A. I don't know.

3 1239. Q. So do you know any of his passwords?

4 A. I don't. . .the only thing, he wrote it for  
5 kids, it was the. . .what is they watching the movie. .  
6 .that channel they watch the movie? It's. . .the kids  
7 watch the. . .like I believe he was paying monthly. I  
8 don't know how--

9 1240. Q. Netflix?

10 A. Netflix.

11 1241. Q. I've got teenagers so I know what that's all  
12 about.

13 A. Yeah, Netflix, so he put. . .because  
14 sometimes in the kids' tablet it was just going away. He  
15 put the Netflix ID and the password on the fridge, he  
16 wrote there.

17 1242. Q. And so just to summarize then, you did not  
18 know any of his passwords?

19 A. I never knew any of his passwords.

20 1243. Q. We talked about kijiji the last time we were  
21 here. Did you have access to his kijiji account?

22 A. No, I didn't have access to his kijiji  
23 account. It's very simple. If you put his phone number  
24 in Google, all the kijiji's on that phone numbers come  
25 up.

1 1244. Q. Well that wasn't my question. It was access  
2 to the kijiji account.

3 A. I never had any access to any of his  
4 accounts.

5 1245. Q. Okay, so if since the last time we were here,  
6 between the last appearance and today, his kijiji account  
7 has been locked out and someone has changed the password,  
8 you had nothing to do with that?

9 A. No, sir.

10 1246. Q. Okay, so you had nothing to do with changing  
11 the password to that account?

12 A. I never knew his passwords and I never did  
13 anything.

14 1247. Q. Have you ever sent emails from his accounts?

15 A. I never sent emails from his accounts.

16 1248. Q. So you have never, your evidence, you've  
17 never sent out resumes on his behalf from his account?

18 A. Never.

19 1249. Q. You've never sent job descriptions from his  
20 account?

21 A. I never had access from his account.

22 1250. Q. Moving on then to a different area, Costco.  
23 Last week we talked a lot about Costco, we'll talk about  
24 a new topic today, but an old topic we discussed was the  
25 bikes. You said that he sold your bike. Is that

1 correct?

2 A. Yes, I had a bike and then I realized that  
3 it's not in garage.

4 1251. Q. Sorry? Oh, not in the garage. Sorry, I  
5 didn't hear you.

6 A. Yes.

7 1252. Q. And that was one of the two bikes he had  
8 purchased from Costco. Correct?

9 A. Yes.

10 1253. Q. So he bought the bikes?

11 A. Yes.

12 1254. Q. And I understand there was a third bike that  
13 he had used in Montreal, his own bike?

14 A. No, there wasn't a third bike.

15 1255. Q. So just the two bikes?

16 A. Just the two bikes.

17 1256. Q. That he bought from Costco?

18 A. Yes.

19 1257. Q. Okay, and continuing with Costco I want to  
20 take you back to 2011. You were a member of Costco at  
21 that time?

22 A. Remember what?

23 1258. Q. Member, you were a member of Costco at that  
24 time?

25 A. Yes, we were member in Costco. I don't know

1 it was under whose name, but when I got first married we  
2 were using his mom's card and then we got the membership,  
3 so I don't know exact date where we got the membership  
4 card of ours.

5 1259. Q. In 2011 though you were purchasing products  
6 from Costco?

7 A. Yes.

8 1260. Q. And do you remember getting an automated call  
9 from Costco in 2011 regarding a recall for some cake  
10 product?

11 A. Yes, I remember that.

12 1261. Q. And apparently it was some product recall  
13 because there were date seeds or something?

14 A. Yes. Actually that one, it's . . .I was  
15 pregnant for Melina and I love those date cakes from  
16 Costco and like I was . . .like I was craving for those  
17 cakes and once when I was having that cake it had a seed  
18 inside and it broke my crown tooth. And then, I don't  
19 know, one day or how long after he called me and he said  
20 he got the like the voicemail for the recall of the cakes  
21 and he's going to sue the Costco.

22 1262. Q. Well let's backtrack a bit. So you purchased  
23 this cake at Costco?

24 A. Yes, I believe, yeah.

25 1263. Q. And I understand you decided to file a claim



1 with Costco regarding your tooth?

2 A. I didn't decided to file the claim about the  
3 Costco. He filed the claim. He said he's going to sue  
4 the Costco so he filed the claim.

5 1264. Q. But I'm not talking about suing, I'm talking  
6 about just a complaint. Did you make a complaint to  
7 Costco?

8 A. No, he made it. As I remember, he made it.

9 1265. Q. So you had no contact with Costco regarding  
10 this?

11 A. I had no contact.

12 1266. Q. Okay. Some time after. . . and to be clear,  
13 can you describe what happened to your tooth as a result  
14 of this?

15 A. When I was eating the cake it had a, like it  
16 had a. . .like it looks like a stone or something, it  
17 broke my crown and it broke a bit off like the. . .my own  
18 tooth under, so--

19 1267. Q. So you didn't tell Costco then that it was  
20 just a chipped tooth?

21 A. It. . .like it's a chipped tooth. I don't  
22 know, like it's broke my crown.

23 1268. Q. Okay, but do you know the difference between  
24 a chipped tooth and a broken crown, a cracked, broken  
25 crown, or no?

1 A. For me the broken is broken.

2 1269. Q. Okay. Now I understand you obtained an  
3 estimate for this dental work?

4 A. Yes, I did.

5 1270. Q. Okay, and let me show you that, one for my  
6 friend and one for you. If you could have a look at it.

7 A. Yes, okay.

8 1271. Q. And do you recognize this document?

9 A. Yes, I do.

10 1272. Q. April 27, 2011?

11 A. Yes, I do.

12 1273. Q. Okay. If we could make it an exhibit?

13 MS. VAN WEERT: I think it's 3, isn't it?

14 1274. MR. BURY: I think so, yeah.

15 MS. APOSTOLI: Exhibit C. We're doing A, B, C,  
16 the last one.

17 **EXHIBIT NO. C:** Estimate dated April 27, 2011.

18 BY MR. BURY:

19 1275. Q. Have you had a chance to review it?

20 A. Yes.

21 1276. Q. So just so we understand the sequence, you  
22 obtained this estimate yourself, is that right?

23 A. I don't understand.

24 1277. Q. You got this document?

25 A. Yes. I went to the doctor and she check it

1 and she gave me this estimate.

2 1278. Q. Okay, and then you filed a claim with Costco?

3 A. I didn't file the Costco. . .Mr. Radmehr did  
4 the file with Costco.

5 1279. Q. So what do you say he filed with Costco?

6 A. I don't know. Like he was like in this  
7 stuff. He said he's going to sue the Costco and he did  
8 everything.

9 1280. Q. I'm not talking about suing, we'll get to  
10 that. I'm talking about filing a complaint or a claim  
11 with Costco. Did you file a claim or complaint with  
12 Costco?

13 A. I didn't do it. Whatever it happen, he  
14 suggested and he did on behalf of me.

15 1281. Q. So you had no knowledge of what happened with  
16 Costco in terms of filing a complaint?

17 A. I broke my tooth. He got the recall message  
18 and he said he's going to sue the Costco, and if he file  
19 the complaint, whatever he did, he did it.

20 1282. Q. Okay.

21 MS. VAN WEERT: But he's asking if you had  
22 knowledge that he was doing it?

23 THE DEPONENT: Yes, I had the knowledge he was  
24 doing it.

25 BY MR. BURY:

1 1283. Q. Okay, thanks. So this estimate was for  
2 \$1,939.42. Correct?

3 A. Yes.

4 1284. Q. And then I understand you proceeded to file a  
5 Small Claims Court case against Costco for precisely that  
6 amount, is that right?

7 MS. VAN WEERT: Okay. She has said repeatedly  
8 that everything that was done with respect to the  
9 broken tooth was done by your client, so she did  
10 not file the Small Claims Court.

11 1285. MR. BURY: Well we're going to get to that.

12 MS. VAN WEERT: Am I correct, Sheida?

13 THE DEPONENT: Yes. He. . .like as I remember,  
14 he was dealing with Costco, he filed in the court  
15 so--

16 BY MR. BURY:

17 1286. Q. Okay. Well, I'm showing you the endorsement  
18 record from that case dated May 10, 2011, and you'd agree  
19 with me that you're listed as Plaintiff?

20 MS. VAN WEERT: That doesn't mean she filed it.

21 BY MR. BURY:

22 1287. Q. We'll get there. Do you see your name there  
23 as Plaintiff?

24 A. Yes, it's my name.

25 1288. Q. Were you aware that you were Plaintiff in

1 this case?

2 A. What's Plaintiff?

3 1289. Q. Plaintiff is the person suing.

4 MS. VAN WEERT: The person suing. You're the  
5 Plaintiff in this.

6 THE DEPONENT: Yeah.

7 BY MR. BURY:

8 1290. Q. So you were aware of that?

9 A. Yes, I was aware of that because I broke my  
10 tooth.

11 1291. Q. Right. And did you appear in court?

12 A. Yes, I did.

13 1292. Q. And did you give evidence in court? You  
14 testified in front of a judge?

15 A. Yes. I just told them what happened.

16 1293. Q. So based on that testimony you obtained a  
17 judgment, as it appears from this document which. . .if  
18 it could be marked as an exhibit.

19 **EXHIBIT NO. D:** Copy of Endorsement Record dated May  
20 10, 2011.

21 BY MR. BURY:

22 1294. Q. You obtained a judgment in the amount of  
23 \$1,939.42. Correct?

24 A. Yes. Whatever doctor told me it's going to  
25 like cost.

1 1295. Q. And that's the judgment you collected from  
2 Costco. Did you get that money?

3 A. Yes, I did.

4 1296. Q. Okay, and it was made out to you?

5 A. Yes.

6 1297. Q. And you, I assume, you can tell me, you  
7 received a cheque?

8 A. As I remember, yes.

9 1298. Q. And you deposited the cheque somewhere?

10 A. Yes, I deposited the cheque.

11 1299. Q. And where did you deposit that cheque?

12 A. In my bank account.

13 1300. Q. And which bank account?

14 A. As I remember, I was always like using RBC  
15 but I had at that time, I believe, I still have, TD. I  
16 believe it was to TD account.

17 1301. **R** Q. So can we find out where it was deposited,  
18 please? Maybe you can get back to us?

19 MS. VAN WEERT: How is it relevant to anything?

20 1302. MR. BURY: I'm getting there.

21 MS. VAN WEERT: Well we've had this discussion  
22 before. I'm not giving undertakings for  
23 something that I don't understand the relevance  
24 of.

25 BY MR. BURY:

1 1303. Q. Okay. In addition to the funds that you  
2 received from Costco, I understand you also collected the  
3 exact same amount from Costco's insurer, Crawford and  
4 Company, Montreal. Do you remember that?

5 A. I remember when I had the . . .like when I  
6 had Melina, I give birth to Melina, I received a cheque  
7 for this amount and after like few months I received  
8 another cheque, because he was. . .like I was going to  
9 the. . .like I went to Dr. Giemen and then I went to  
10 another surgeon like for my tooth, and then . . .and he  
11 was like emailing them and talking to them. I didn't  
12 know how much it cost. Another cheque it came under my  
13 name after few months and I deposit that cheque also and  
14 after, honestly, I don't remember it was few days or few  
15 weeks, we got the voicemail that saying that cheque it's  
16 sent like by mistake, and I let him know about that and  
17 he said don't worry about it, I am. . .like I'm taking  
18 care of it, so. . .because he was like emailing and  
19 talking to them, and the only thing I get from them it  
20 was the voicemail. And after like few weeks I asked him  
21 what happen and he said he took care of it.

22 1304. Q. You cashed the second cheque. Correct?

23 A. Yes, I did.

24 1305. Q. Where did you deposit that cheque?

25 A. I believe the same, the same account.

1 1306. Q. So you collected the same amount twice for  
2 the work that was supposed to be done by the dentist.  
3 Correct?

4 A. Yes. I. . .like they send one cheque when I  
5 had Melina, and after, I don't know, five months, six  
6 months, I don't remember exactly, they send another one.  
7 Because I was going to the dentist and he was taking care  
8 of the money of dentist I didn't know what he was. .  
9 .what kind of contact he has with them. So they send  
10 another cheque and I deposited it but then I got that  
11 voicemail. He listened too and he said like, don't  
12 worry, I take care of it.

13 1307. Q. Well he couldn't take care of it because it  
14 was your claim, I'm going to suggest. It was up to you  
15 to take care of it.

16 A. He said he's going to take care of it because  
17 that time I wasn't working and he said don't worry, I'm  
18 going to take care of it. It was my claim but he did  
19 everything. He filed to Costco, he filed to the court,  
20 so it's. . .I don't know this stuff.

21 1308. Q. Well you do know this stuff. You testified  
22 in court about this stuff, right?

23 A. I testified whatever happen. I just went  
24 there and explain to them.

25 1309. Q. And you got two cheques for the same claim



1 basically, right?

2 A. I got two cheques for the same claim but I  
3 didn't know how much money cost my tooth, so it's--

4 1310. Q. Well you knew how much money it cost because  
5 you had the estimate from your dentist. You got the two  
6 same amounts you got twice, right?

7 A. I got estimate like when I was pregnant.  
8 After that two other doctors like the surgeon checked me.

9 1311. Q. That's fine. All I'm saying is -- it's very  
10 simple -- you got an estimate, you got paid twice for the  
11 same issue, right?

12 A. I got the estimate but after. . .I don't know  
13 how can I explain?

14 1312. Q. Well it's simple, yes or no?

15 MS. VAN WEERT: Let her finish, just--

16 1313. MR. BURY: Yes or no?

17 MS. VAN WEERT: Let her explain.

18 THE DEPONENT: I got estimate when I was  
19 pregnant, right? They said probably you're going  
20 to need the root canal. If it gets the infection  
21 for being this long it's going to need the  
22 surgery. They give me like. . .like it probably  
23 happen something else. This is estimate for the  
24 broken crown. Can I explain?

25 BY MR. BURY:

1 1314. Q. I'm not asking about that. I'm simply asking  
2 you got paid twice, right?

3 A. I got paid twice.

4 1315. Q. That's all I'm asking about.

5 A. And I got the automated voice and I. . .and  
6 he heard it, I told him, and he said don't worry about  
7 it, I take care of it, because he was the one emailing  
8 with the person.

9 1316. Q. You were also copied on those emails.  
10 Correct? Do you remember a name Ms. Nancy Delare  
11 (phonetic)?

12 A. I remember the Nancy name. I don't remember  
13 the last name.

14 1317. Q. And you also received emails from her. You  
15 were copied on emails.

16 A. I . . .the only thing I remember, like the  
17 only thing I remember it's about like how is like the  
18 pregnancy going and stuff, the only thing I remember from  
19 the Nancy. And he answered on behalf of me. He answered  
20 in my email like my wife is pregnant and like he explain.  
21 This is the only thing I remember. The rest of the email  
22 was going to his email.

23 1318. Q. Did you ever have the procedure done, the  
24 dental work?

25 A. Yes.

1 1319. Q. When did you have that done?

2 A. In that year, 2012, after I had Melina. For  
3 few months I was going to the dentist. I went to Dr.  
4 Giemen and the Dr. Giemen I don't remember if they did  
5 the root canal and in the end they said this is infected,  
6 your gum, and you have to do the surgery and to cut the  
7 tooth.

8 1320. Q. Sorry, who is Dr. Modiri?

9 A. Dr. Modiri was the person who gave me  
10 estimate.

11 1321. Q. But wasn't he your family dentist as well?

12 A. She was but what happened, when I went to her  
13 and when she did the check-up she charge me for \$250.00.  
14 When I came back home he made a big, big fight like what  
15 she did. Just for the checking, you broke your tooth and  
16 giving estimate she charge you \$250.00? That's  
17 ridiculous. And it was a big fight. He took the phone,  
18 he called the office and he gave me phone and he said you  
19 have to tell them this is rip off. And I just talk to  
20 the secretary and I told them it's my husband saying like  
21 why you guys charge me for \$250.00, it's too much. And  
22 since that day like I never go back there.

23 1322. Q. This was a family friend, this dentist?

24 A. It's not a . . .like her husband used to be  
25 like my brother's classmate when they were in like in the

1 school in Iran.

2 1323. Q. So you were familiar with her, the dentist?  
3 You were familiar with her obviously.

4 A. It was just like my first time. I just went  
5 to her like just to check it and after that I never go  
6 back there because of that incident happen I called the  
7 secretary and I was embarrassed.

8 1324. Q. Would you be willing to consent to the  
9 release of your dental records to verify the surgery?

10 A. Sure. The surgery did, I don't remember the  
11 doctor name but it was in Yonge and Clark. I can find  
12 out the name.

13 1325. **U/T** Q. Okay.

14 A. It was in Yonge and Clark. It was a very  
15 nice. . .I remember Jewish gentleman, doctor. I don't  
16 remember the name but it was in Yonge and Clark.

17 1326. Q. Okay. Did you sign any documents in relation  
18 to this case?

19 A. I don't understand your question.

20 1327. Q. We're talking about the Costco claim?

21 A. Okay.

22 1328. Q. Did you sign any documents? I know you're  
23 looking over so I'll show you in a minute but did you  
24 sign any documents?

25 A. Probably I signed it because I went to the

1 court. I don't remember.

2 1329. Q. With the insurance people did you sign any  
3 documents, forms?

4 A. I don't remember.

5 1330. Q. Well I'll show you a Final Release, if you  
6 could have a look at it. This is a document that you  
7 would have received, I assume, at some point when you  
8 received the second cheque from the insurer, just saying  
9 you wouldn't basically pursue any further matters. So do  
10 you recognize this document? Let me know once you've  
11 finished looking at it, to be fair.

12 A. I don't remember.

13 1331. Q. Do you remember. . .what don't you remember  
14 about the document? You remember the numbers, correct,  
15 the numbers are right?

16 MS. VAN WEERT: Well your question was do you  
17 recognize the document? Do you recognize this  
18 document?

19 THE DEPONENT: I don't remember. It's long time  
20 ago and there was. . .like the only thing I  
21 remember I went to the court and I talked to the  
22 judge and all the paperworks and stuff he was  
23 doing.

24 BY MR. BURY:

25 1332. Q. Well I'm not talking. . .this isn't about the

1 Costco, not about the Small Claims Court. This is about.  
2 . .this is in relation to the insurance claim.

3 A. I don't know. I don't. . .I didn't do  
4 anything with the papers so I don't remember.

5 1333. Q. At the bottom of the page you see the  
6 signature?

7 A. Yes.

8 1334. Q. Is that your signature?

9 A. No, that's not my signature.

10 1335. Q. Okay. So your evidence is that's not your  
11 signature and you don't remember this document?

12 A. No, I don't remember this document.

13 BY MR. BURY:

14 1336. Q. The surgery that ultimately was performed on  
15 your tooth in relation to Costco, was it the crown  
16 surgery? What's the surgery that happened?

17 A. My crown was broken, and under the crown was  
18 a little bit of my own tooth, and I don't remember if  
19 they did the root canal or whatever. Like the Dr.  
20 Giemen told. . .like send me to the surgeon and he said  
21 like you have to. . .because after this while you have to  
22 remove the tooth.

23 1337. Q. So this had nothing to do with wisdom tooth?

24 A. This is not a wisdom tooth.

25 1338. Q. Right, that's what I'm saying. This surgery

1 in relation to the Costco issue had nothing to do with  
2 your wisdom tooth. Correct?

3 A. Wisdom tooth is. . .it's in the back.

4 MS. VAN WEERT: Just say yes or no.

5 1339. MR. BURY: Yes, it's a simple--

6 MS. VAN WEERT: Yeah, wisdom teeth are in the  
7 back so it wasn't a wisdom tooth that they took  
8 out?

9 THE DEPONENT: No, this is not a wisdom tooth.

10 BY MR. BURY:

11 1340. Q. Okay, that's just what I was going for. So  
12 we've covered off that area, thank you. So I want to  
13 jump back to Michel Germain.

14 A. Sure.

15 1341. Q. Some questions there. Sorry if I repeat any  
16 but how many different Bay locations have you worked at  
17 in total now over the--

18 A. Since I started?

19 1342. Q. Yes.

20 A. I don't know if I can remember all of them  
21 but it's . . .it was Woodbine Mall, Yorkdale, downtown--

22 MS. VAN WEERT: Hillcrest.

23 THE DEPONENT: Hillcrest, Centre Point, Fairview  
24 Mall, in Mississauga it's Sherway Garden. This  
25 is as much as I remember.

1 BY MR. BURY:

2 1343. Q. That's fine. And again, I may have covered  
3 this, but what kind of employment relationship do you  
4 have with the Bay staff, people working in the same area  
5 as you work? Is there any connection between you and Bay  
6 staff?

7 A. Like in all the Bays?

8 1344. Q. No, no. For example, Hillcrest, do you have  
9 any connection to any other staff in any way or you guys  
10 are totally separate in terms of your functions, your  
11 duties?

12 A. I don't understand the connection. What kind  
13 of connection?

14 MS. VAN WEERT: Let me. She has no employment  
15 connection with the Bay.

16 1345. MR. BURY: Right.

17 MS. VAN WEERT: The Bay does not employ her.

18 1346. MR. BURY: Yes, we covered that.

19 MS. VAN WEERT: So what he, I believe what he's  
20 asking is on a daily basis do you interact with  
21 Bay staff? Do they cover for you if you're busy  
22 with one client and someone else wants Michel  
23 Germain perfume, etcetera? Like how does the Bay  
24 staff interact with you?

25 THE DEPONENT: If I have a customer--



1 MS. VAN WEERT: Is that your question?

2 BY MR. BURY:

3 1347. Q. Basically.

4 A. If I have a customer and they ask for Michel  
5 Germain, yes, Bay staff can show like because they can  
6 show all the brands. Like they are in the fragrances,  
7 yes.

8 1348. Q. So that's basically the extent of the  
9 relationship you have with other staff?

10 A. Yeah.

11 1349. Q. Now I understand you submit time sheets to  
12 Michel Germain, is that right?

13 A. Yeah.

14 1350. Q. And I think one of them, you attached a  
15 sample to your affidavit of October 10<sup>th</sup>. Do we have an  
16 extra we can show her, of October 10th? If not, I'll  
17 share it.

18 MS. VAN WEERT: Sorry?

19 1351. MR. BURY: I just don't have a duplicate. If you  
20 can dig it out, just to make it easier.

21 MS. VAN WEERT: We have it here.

22 1352. MR. BURY: Okay. It's your weekly sales invoice  
23 attached. I think it's one global exhibit.

24 MS. VAN WEERT: It must be labelled as an  
25 exhibit.

1 1353. MR. BURY: Yeah, it looks like it's all Exhibit  
2 A.

3 MS. VAN WEERT: Yeah, it's B. No, I mean it's  
4 supposed to be marked as Exhibit B, it just  
5 wasn't. The copy wasn't marked. It is in the--

6 1354. MR. BURY: Oh no, actually. . .sorry, I did find  
7 it. It's Exhibit B which starts with the email.

8 MS. VAN WEERT: Oh, right.

9 BY MR. BURY:

10 1355. Q. Okay, so can you explain to us what this  
11 document represents?

12 A. This is my. . .like the weekly sales invoice.  
13 When I'm going to the store, every shift I have to put my  
14 time in and time out, and the cosmetic manager or the Bay  
15 employee who see me, like my time in and time out, she  
16 had to sign in when I'm exiting.

17 1356. Q. What do you mean time in, time out? Do you  
18 check in with someone when you arrive at the Bay?

19 A. Yeah, when I start. . .when I start, like for  
20 example at 1:00 o'clock, 12:00 o'clock, and when I finish  
21 it's somebody who is there, like see me like I time in  
22 and time out and they have to sign it, and in every  
23 shift.

24 1357. Q. I understand that part.

25 A. Okay.

1 1358. Q. But I'm saying, what I'm asking you, when you  
2 arrive for work someone doesn't sign this or initial this  
3 right away, correct, it's at the end of the shift?

4 A. Yes, it's end of the shift.

5 1359. Q. Right. So you don't. . .you're not required,  
6 for example, when you show up for work to go check in  
7 with the person who signs, right?

8 A. Oh, they are. . .I'm not just only vendor.  
9 There is lots of company and lots of vendor and this is  
10 the Hudson Bay. It's the biggest Canadian retail store.  
11 There is securities. There is like head security, there  
12 is management. They check like. . .we have to follow all  
13 the Bay Rules, even for--

14 1360. Q. I understand.

15 A. Let me finish, please, Mr. Bury. Even they  
16 check our . . .like the breaks, everything. When we  
17 going to the break, how long it takes, everything, so  
18 they know like which vendor what time they came in, what  
19 time they go out. So they know that.

20 1361. Q. That's not my question. My question is when  
21 you arrive at work are you required to go to someone and  
22 say, hello, I'm here for work, I'm checking in, this is  
23 my time--

24 A. Yes, the Bay employees is right there and I'm  
25 saying, hello, I'm here.

1 1362. Q. No, that's not what I mean. I'll try again.

2 Are you required--

3 A. To write it?

4 1363. Q. No, let me finish now. Are you required when  
5 you arrive to work to officially check in with anybody?

6 A. No, like what--

7 1364. Q. That's all I'm asking.

8 A. Officially? What do you mean by officially?

9 1365. Q. Well you know. I'll give you a simple  
10 example. You know at some companies when you show up for  
11 work they have punch cards, for example, you have to  
12 punch in and punch out?

13 A. That is the Bay employees. All the vendors  
14 is the same. Like all the vendors for all the company is  
15 like me.

16 1366. Q. So I'm confused.

17 MS. VAN WEERT: Okay, so -- if you're confused --  
18 so how do they know that you're not lying about  
19 your hours? How do they know you didn't show up  
20 at--

21 THE DEPONENT: Because it is their job.

22 MS. VAN WEERT: He's trying to figure out if  
23 there's any way that they know that you don't  
24 just make hours up. That's what he's trying to  
25 figure out. Am I correct?

1 1367. MR. BURY: Eventually.

2 THE DEPONENT: Okay, I explain that.

3 MS. VAN WEERT: No, you haven't because who. .  
4 .how does anybody know, anybody important,  
5 anybody who can verify this, know when you  
6 arrived at the Bay?

7 THE DEPONENT: Okay.

8 MS. VAN WEERT: Somebody signs when you leave but  
9 what happens when you arrive to verify you've  
10 arrived?

11 THE DEPONENT: That person. . .that person is  
12 there, the Bay employee is there and she sees  
13 which vendor came for which company and what  
14 time. They know that. They check because it's  
15 not just me, it's all the vendors, so they know  
16 like okay, which vendor came, for example, at  
17 1:00 o'clock. They know that.

18 MS. VAN WEERT: How?

19 THE DEPONENT: This is their job. This is the  
20 Bay employee's job. When the vendors coming they  
21 know, like it's--

22 BY MR. BURY:

23 1368. Q. Okay. How about we do this? Are you  
24 agreeable with us contacting the Bay to find out how this  
25 works? I know previously there was a consent for Michel

1 Germain but someone crossed off the Bay.

2 MS. VAN WEERT: Well the reason we crossed off  
3 the Bay is she doesn't want the Bay to cause  
4 trouble for Michel Germain. Right?

5 THE DEPONENT: Yeah. If you want, I can give  
6 their cosmetic manager number.

7 MS. VAN WEERT: Is the cosmetic manager the  
8 person who verifies that you arrive?

9 THE DEPONENT: Cosmetic manager is like. .  
10 .Ingrid, I'm not the only vendor and it's for  
11 years like that for the Bay. It's not like that  
12 everybody comes at 1:00 o'clock and 11:00  
13 o'clock. They can't do that.

14 MS. VAN WEERT: But why can't they do that? Who  
15 at the Bay would know that's a lie?

16 THE DEPONENT: The Bay employees for the  
17 fragrances they. . .like they watch, they check  
18 because their reps find out, and the management  
19 watch, the securities watch.

20 MS. VAN WEERT: But the security and the  
21 management, do they know what hours you submit?

22 THE DEPONENT: If, for example, I submit the  
23 wrong time, Bay employee, it's their job to tell  
24 to the management and security and to the company  
25 right away.

1 MS. VAN WEERT: So do you have to show your time  
2 sheet to a Bay employee so that they'll know what  
3 hours you submit?

4 THE DEPONENT: Like every shift I get the  
5 signature and they check. They check my timing--

6 MS. VAN WEERT: Okay, so when. . .okay, maybe  
7 this is what happens. Object if I'm interfering,  
8 okay? When you sign out on any given day, do  
9 they ask when you came in?

10 THE DEPONENT: No, they know. They see that when  
11 I came in.

12 MS. VAN WEERT: Well how. . .if they weren't  
13 there when you came in, how do they know?

14 THE DEPONENT: Normally full timers, it's like. .  
15 .if I'm working six hours they are there eight  
16 hours. If it is like, for example, if they  
17 leaving--

18 MS. VAN WEERT: Yes?

19 THE DEPONENT: Okay, and they saw me what time I  
20 came in and the other person like start the  
21 working, they talk. If somebody do the. .  
22 .Ingrid, like this is time fraud, and I see, my  
23 experience, so many demos they lost their jobs  
24 because of that.

25 MS. VAN WEERT: Because of time fraud?

1 THE DEPONENT: Exactly.

2 MS. VAN WEERT: Can the cosmetic manager that you  
3 offered to give the number to Mr. Bury, can that  
4 person explain that to him?

5 THE DEPONENT: Yeah. Probably, yeah.

6 1369. **U/T** MR. BURY: We may have to do that, with  
7 discretion.

8 MS. VAN WEERT: Okay, so we'll provide. . .what's  
9 the name of the cosmetic manager?

10 THE DEPONENT: Her name is Ria. I don't remember  
11 her last name.

12 MS. VAN WEERT: How do you spell it?

13 THE DEPONENT: R-i-a.

14 MS. VAN WEERT: Do you have her phone number with  
15 you?

16 THE DEPONENT: Just one second. Sorry.

17 MS. VAN WEERT: Okay, we'll undertake. Don't  
18 worry about it, Sheida. If you can't get it  
19 immediately we'll just give it to him. Don't  
20 worry about it, we'll give it to him later.

21 BY MR. BURY:

22 1370. Q. Okay. After having listened to the two of  
23 you now having this discussion, is it fair to say there's  
24 no official check-in system? It's not like at some  
25 places you arrive at work you have to sign in and sign



1 out. There's no official system.

2 A. It's for all the vendors the same, in all the  
3 Bays, for all the companies, and that's why I mentioned,  
4 the Bay is one of the biggest retailers, store in. .  
5 .Canadian store, and they know what they do. We have to  
6 follow their rules.

7 1371. Q. I know. I'm struggling with your answer.  
8 There's no official system for you, a rep--

9 A. Not just for me, not any other vendor.

10 1372. Q. Right. What I mean is you come. You set  
11 your hours, you've testified previously, as you like.  
12 You get thirty hours, say, assigned for you--

13 A. My hours is flexible. That's why I choose  
14 these hours.

15 1373. Q. Exactly.

16 A. Shuttling two kids. (phonetic)

17 1374. Q. Exactly. So what is also flexible is when  
18 you come and go, right?

19 A. Mm hmm.

20 1375. Q. And what I'm saying is when you come and go,  
21 it's not really monitored precisely by anyone?

22 MS. VAN WEERT: That's not been her evidence.

23 I'm sorry. You can--

24 BY MR. BURY:

25 1376. Q. Well I'm suggesting it to her. It's not

1 monitored by anyone.

2 A. Mr. Bury--

3 1377. Q. On a daily basis--

4 A. Can I tell you something?

5 1378. Q. No, can you answer my question?

6 A. Okay, I'm answering your question. It is . .

7 .if I came. . .I am in one company for this many years.

8 That is because of my honesty, my hard working, and they

9 know. If I was like dishonest I would change the

10 companies or my job every six month or a year. The

11 companies know and the Bay know. In my experience, I saw

12 so many people, Bay employees and vendor, because of time

13 fraud they lost their job. They have their own way.

14 1379. Q. Well the opposite of what you just explained

15 is if you're very good at time fraud then you also

16 wouldn't get caught, right?

17 A. Sorry?

18 1380. **R** Q. If you're very good at time fraud you also

19 wouldn't get caught.

20 MS. VAN WEERT: Well let's not. . .what are we

21 speculating about? Don't answer that. That's

22 just speculation.

23 BY MR. BURY:

24 1381. Q. So again, you don't sign in officially with

25 anyone? That's as simply as I can put it. You don't--

1 MS. VAN WEERT: She doesn't sign a physical piece  
2 of paper, no.

3 BY MR. BURY:

4 1382. Q. Right. Right?

5 A. I sign my time sheet.

6 1383. Q. That's not. . .when you arrive at work you do  
7 not sign any document?

8 A. No.

9 1384. Q. Okay. Moving on then, so who signs off on  
10 these time sheets? Sorry, my copy is kind of fuzzy. It  
11 says signature of manager or full-time beauty advisor.  
12 Is that right?

13 A. Yes. That means it's the cosmetic manager or  
14 any fragrances advisor.

15 1385. Q. So on this sheet there are a number of  
16 signatures. Can you please tell us who each signature  
17 represents, starting I guess on. . .I can't read the  
18 dates very clearly here but the first signature under--

19 A. It's the first and second one, if I'm not  
20 making mistake, it's Rita's signature. She's with the  
21 Bay, if I'm not making mistake, over thirty-five years.

22 1386. Q. Okay, so is Rita the person you referred to  
23 earlier?

24 A. No, Rita is working in the fragrances, the  
25 full-timer for the fragrances.

1 1387. Q. Okay, so Rita is Bay staff?

2 A. Yes, fragrances full-timer staff.

3 1388. Q. And is she. . .it says signature of  
4 management or full-timer staff. So she's not management,  
5 she's just another full-time staff member. Correct?

6 A. It's the fragrances line person. So the  
7 fragrances. . .beauty advisor means fragrances line  
8 person.

9 1389. Q. Okay, so she's not management, she's not a  
10 manager, she's--

11 A. She's the one, she's always in the fragrances  
12 and she sees who is coming in and who is going out.

13 1390. Q. Two people are permitted to sign, manager or  
14 full-time beauty advisor. So she's not a manager.  
15 Correct?

16 A. She's not a manager.

17 1391. Q. So she's this beauty advisor you told us  
18 about?

19 A. She's fragrances full-timer, yes.

20 1392. Q. And what's the difference between that and a  
21 beauty advisor? Is it the same thing?

22 A. Probably.

23 1393. Q. I don't want you to guess.

24 A. Beauty advisor, as I know, it's like the  
25 beauty advisor, yeah.

1 MS. VAN WEERT: She's not responsible for the  
2 wording on the form. Apparently that person has  
3 the authority to sign the form.

4 BY MR. BURY:

5 1394. Q. Okay, and what are the next two signatures?  
6 Who are the next two signatures?

7 A. If Friday 27. . .I don't recall. The Rita  
8 is the three of them. I believe the Sunday one, 29, is  
9 Gina.

10 1395. Q. Hang on. Sorry, I'm still on Friday. Did  
11 you say you don't know who that is?

12 A. I don't remember.

13 MS. VAN WEERT: And you don't recognize it?

14 THE DEPONENT: I don't recognize but I can find  
15 out from the Bay. It's--

16 MS. VAN WEERT: Why is Friday the 27<sup>th</sup> relevant?

17 1396. MR. BURY: No, I'm just going through all of the  
18 signatures.

19 MS. VAN WEERT: Here's a clearer copy. Does that  
20 help you?

21 THE DEPONENT: Probably this is Diana, the  
22 previous manager but I cannot. . .if I don't know  
23 I cannot say.

24 MS. VAN WEERT: Well you can say . . .she thinks  
25 it might be Diana, previous manager.

1 THE DEPONENT: Cosmetic manager.

2 MS. VAN WEERT: Previous cosmetic manager. She's  
3 not sure. That person seems to have signed on  
4 Friday, October 3<sup>rd</sup>, as well.

5 BY MR. BURY:

6 1397. Q. So are we able to move on now? So the next  
7 one, the 28<sup>th</sup>, and it looks like the same--

8 A. Rita.

9 1398. Q. Rita, okay. Moving down the list--

10 A. Sunday the 29<sup>th</sup>?

11 1399. Q. Yes.

12 A. I believe this is the Gina signature.

13 1400. Q. Okay, and who is Gina?

14 A. Gina is the fragrances advisor, the part-  
15 timer.

16 1401. Q. Is she part time or full time?

17 A. We have two full time, Rita and Lucy, and we  
18 have two part time, Gina and June.

19 1402. Q. Okay, but correct me if I'm wrong, but did  
20 you not indicate that only a full-time advisor is allowed  
21 to sign this?

22 A. Part-time advisor allowed to sign it too.  
23 Part time probably it works in one shift eight hours,  
24 probably work in six hours, but they don't work thirty-  
25 eight and half hours as a full timer for week.

1 MS. VAN WEERT: It doesn't matter. He just says  
2 can somebody who is working part time sign?

3 THE DEPONENT: Yeah.

4 MS. VAN WEERT: Okay.

5 BY MR. BURY:

6 1403. Q. So the next signature, I think they're  
7 getting fuzzier and fuzzier for me.

8 MS. VAN WEERT: I have a clearer copy if you  
9 want. Here you go. This is the clearest copy we  
10 have.

11 1404. MR. BURY: Okay, so perhaps she should be  
12 referring to that, if she can figure out who the  
13 people are.

14 THE DEPONENT: I don't figure out but I can find  
15 out. I can go to the Bay and ask.

16 MS. VAN WEERT: I'm not sure why that's relevant  
17 anyway.

18 BY MR. BURY:

19 1405. Q. Well I'd like to know who is signing off on  
20 these in terms of staff. So none of these signatures you  
21 recognize or able to tell us who these people are?

22 A. I just recognize Rita's signature.

23 1406. Q. Okay.

24 A. And Gina.

25 1407. Q. And this is all. . .this time sheet is from

1 Hillcrest. Correct?

2 A. Yes.

3 1408. Q. Is there any reason why these time sheets are  
4 not submitted by the Bay to Michel Germain? You submit  
5 them or the Bay that submits them?

6 A. I submit them.

7 1409. Q. Why is that?

8 A. Because that's the rules.

9 1410. Q. Okay. So after you get the signature of  
10 these people in this column do they ever see the time  
11 sheet again?

12 MS. VAN WEERT: Do you know?

13 THE DEPONENT: No. I take a picture Sunday  
14 night or before I used to fax it. I scan picture  
15 and then send it to Wendy to get paid.

16 BY MR. BURY:

17 1411. Q. No, I understand that, but does anyone. .  
18 .after the person at the Bay signs this. . .

19 A. Okay.

20 1412. Q. . . .does anyone see it ever again, the  
21 document?

22 A. After the second week is done, no.

23 1413. Q. Okay. I think you've answered the next few  
24 questions. So after it's signed at the end of this pay  
25 period, you said you originally, or previously faxed



1 these, correct, to Michel Germain?

2 A. Years ago, yeah, I used to fax it, and now I  
3 have to like with my camera, scan picture and email it to  
4 her.

5 1414. Q. So when did you stop faxing, approximately?

6 A. I don't remember. When. . .because sometimes  
7 on Sunday night everybody was faxing and fax was busy, in  
8 the Bay, when I was keep trying, so it's. . .I don't  
9 remember which one of my reps, it was probably Toni or  
10 Wendy, I don't remember, like they said if it's scan  
11 picture it's okay too.

12 1415. Q. But you're not able to assist us when the  
13 transition happened from fax to phone?

14 A. No, I don't remember.

15 1416. Q. And the picture you take currently of the  
16 document, like this one, for example, here. . .

17 A. Okay.

18 1417. Q. . . .would this have been photographed on the  
19 phone and then sent, this particular one?

20 A. I don't remember. I don't remember. Every  
21 week I'm giving the papers so I don't remember if I take  
22 a picture or I faxed it.

23 1418. Q. Well you said you stopped faxing and moved to  
24 the phone system, using the phone.

25 A. Yes, exactly, but for example, if Wendy go

1 for vacation, even now, so I have to. . .I cannot send it  
2 as an email because she's on vacation and I have to fax  
3 it to head office.

4 1419. Q. Okay. When you send it by phone, by  
5 photograph, is the picture you send a picture of the  
6 original document, the original time sheet?

7 A. Yeah, the original. I just take a picture  
8 and email it.

9 1420. Q. And that picture I guess would be a colour  
10 photograph of the document, right? You'd see different  
11 coloured ink?

12 A. Whenever I get the signature, I take a  
13 picture every Sunday night and I email it to Wendy.

14 1421. Q. Okay, so you don't send a black and white  
15 photocopy, you send a colour photo?

16 A. Yeah.

17 1422. Q. Okay, and where are the original time sheets  
18 kept?

19 A. When I get my cheque, I don't collect them.

20 1423. Q. Well I'm not quite understanding that.  
21 Obviously this one you collected for some reason.

22 A. I didn't collect it. I asked from company  
23 because I didn't have it.

24 1424. Q. From the company, okay.

25 MS. VAN WEERT: Well Exhibit B is an email from

1 the company saying--

2 THE DEPONENT: Because I didn't have it. That's  
3 why I ask from company.

4 BY MR. BURY:

5 1425. Q. So your time sheets. . .each time you submit  
6 a time sheet do you keep the original?

7 A. No, I don't. . .when I get my cheque and I  
8 make sure I get the cheque for that invoice, so I don't  
9 keep them.

10 1426. Q. So what happens to them?

11 A. I put in the garbage.

12 1427. Q. So you destroy the documents?

13 MS. VAN WEERT: She destroys her time sheets,  
14 yes.

15 BY MR. BURY:

16 1428. Q. Yes, is that right?

17 A. Yeah.

18 1429. Q. Is there any requirement by Michel Germain  
19 for you to keep them?

20 A. No.

21 1430. Q. Okay.

22 A. They have it in their system, so--

23 1431. Q. Are there any employment review procedures in  
24 place? Does anyone, for example, from Michel Germain  
25 attend at the Bay from head office just to do like a spot

1 check on you, performance review, spot check, anything  
2 like that?

3 A. I don't understand.

4 MS. VAN WEERT: Does Michel Germain send people  
5 to check on you when you're in the store, ever?

6 THE DEPONENT: No. Why they have to send me--

7 MS. VAN WEERT: Well that's the answer then, no.

8 THE DEPONENT: No.

9 BY MR. BURY:

10 1432. Q. And I'm just curious, you say you destroy  
11 these time sheets, but you consider yourself self-  
12 employed. Correct?

13 A. Yeah.

14 1433. Q. So would you not think it important to keep  
15 the time sheets for CRA purposes?

16 A. Why I have to keep the time sheets for CRA  
17 when I have the cheque slip?

18 1434. Q. Well they're back up in terms of you doing  
19 the work.

20 A. In this many years I never like keep them.

21 1435. Q. Have you ever corrected the time sheets  
22 before submitting them to Michel Germain?

23 A. Correct what?

24 1436. Q. Numbers, dates, changed any information on  
25 them before submitting them, after they were signed?

1 A. No, not after they sign.

2 1437. Q. So you've made no corrections to these  
3 documents after them being signed?

4 A. Not after they sign but sometimes, for  
5 example, I'm in the store and I am leaving. I get the  
6 customer, okay. It's like 7:00 o'clock and I'm leaving,  
7 they sign it. I get the customer and in front of the  
8 person who signed it I just fix that and they just  
9 initial it.

10 1438. Q. So any changes in the document would have to  
11 be initialled by someone. Is that your evidence?

12 A. Yes, exactly.

13 1439. Q. Okay.

14 A. Or if it's my sales, like for example it's  
15 \$200.00 I sold to that customer, so I change that sales,  
16 right?

17 1440. Q. Right. And are you required to have that  
18 change initialled? I think you said that someone has to  
19 initial it.

20 A. No, I. . .yeah, because when I am signing out  
21 at 7:00 o'clock and I stay another like half an hour or  
22 one hour, so I have to change my time and I have to  
23 change my sales because I have like probably to one  
24 customer two sales, so--

25 1441. Q. I know you have to but does anyone. . .you

1 just said someone has to initial that or no?

2 A. The person. . .for example, I am leaving the  
3 store, okay, and they sign it, but I got the. . .like  
4 when I'm leaving I see a customer and I'm going to just  
5 serve her.

6 1442. Q. Sure, understood.

7 A. Okay? So I just serve them and if it take  
8 time and I have more sales, so I just fix it, this is my  
9 sales, and if I stayed more, and they just like initial  
10 it.

11 1443. Q. And when you say "they", that's one of the  
12 two people, the cosmetic manager or the advisor?

13 A. Whoever signed my. . .no, no, whoever signed  
14 my paper.

15 1444. Q. But if they've left for the day--

16 A. They don't left for the day, no, they are  
17 there. Like when I'm leaving they normally there. It  
18 never happened to me they left before me.

19 1445. Q. Okay, so when you make these changes, how do  
20 you make the changes? Do you use liquid paper, for  
21 example, or do you cross it out? How do you make the  
22 changes?

23 A. I use the white out in the Bay.

24 1446. Q. Okay.

25 A. In front of them.

1 Q. And then they initial?

2 A. Yeah.

3 1447. Q. Now has this always been the time sheet that  
4 you've used?

5 A. No, they. . .since I start probably two,  
6 three times, four times, they change their time sheets.  
7 Michel Germain, they make a new time sheet. They send me  
8 the new time sheet and they say this is the new time  
9 sheet.

10 1448. Q. But the procedures remain the same that  
11 you've just described?

12 A. Yeah. You used to, like years ago, to write  
13 it down. Now we write it down the total. I remember we  
14 used to write it down like every fragrance how much we  
15 sold, so it's. . .that change.

16 1449. MR. BURY: Right. Maybe a good time for a brief  
17 break?

18 MS. VAN WEERT: Sure.

19 **(DISCUSSION OFF THE RECORD)**

20 **... upon resuming**

21 1450. MR. BURY: So we are marking as an exhibit Final  
22 Release of March 15, 2011, as Exhibit E.

23 **EXHIBIT NO. E:** Final Release dated March 15, 2011.

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**ADJOURNED**