In the Matter of:

FTC v. Life Management Services, et al.

November 17, 2016
Melissa M. Deese

Condensed Transcript with Word Index

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FEDERAL TRADE COMMISSION and)
OFFICE OF THE ATTORNEY GENERAL,)
STATE OF FLORIDA,)
Plaintiffs,)
vs.) CASE NO.
LIFE MANAGEMENT SERVICES OF) 6:16-cv-982-Orl-41TBS
ORANGE COUNTY, LLC, et al.,)
Defendants.)
_____)

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The deposition of MELISSA M. DEESE was taken on Thursday, November 17, 2016, commencing at 9:37 a.m., at the offices of Akerman LLP, 420 South Orange Avenue, Suite 1200, Orlando, Florida, before Lorraine Yerdonek, Court Reporter and Notary Public.

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Whereupon--

MELISSA M. DEESE,

called as a witness, having been first duly sworn, was examined and testified as follows:

THE WITNESS: I do.

EXAMINATION

BY MR. DOAN:

Q Good morning, Ms. Deese. Again, my name is Josh Doan. I represent the Federal Trade Commission in a case brought against Life Management Services of Orange County and some other defendants.

To my right is Tej Srimushnam, who also represents the FTC. Next to him is Denise Beamer from the Office of the Florida Attorney General. Next to her is Anna Caplan, an investigator with the Florida Attorney General's Office. And I know you met Mr. Bernet, the court-appointed receiver for the corporate defendants in the case.

I see that you have brought counsel with you today. Is that correct?

A Yes.

Q And that's Mr. Agranoff?

A Yes.

MR. DOAN: Mr. Agranoff, do you have anything you want to add?

MR. AGRANOFF: No. I just want to announce my appearance is for today's deposition purposes only. We have not been presented to continue beyond today as of this time. So at the termination of this deposition, any written communication to my client may be directed to her until further notice.

Additionally, if I could just put on record and make sure that we're clear for my client, that yesterday I was present representing Brandun Anderson. You have signed a conflict waiver. We've discussed what conflicts are.

Are you comfortable with who representing you knowing that I represented Brandun yesterday?

THE WITNESS: Yes.

MR. AGRANOFF: Okay.

MR. DOAN: Great. Thank you.

BY MR. DOAN:

Q Could you please state your full name for the record?

A Melissa Deese.

Q And what is your middle name?

A Mae.

Q M-A-E?

A That is correct.

Q And your maiden name is Ward?

A Yes.

Q Okay. You are originally from Massachusetts?

A Yes.

Q Whereabouts?

A Milford.

Q Milford?

A (Nods head affirmatively.)

Q Okay. How long did you live there?

A Until I was about 16.

Q Okay. So you went to high school in Milford, Massachusetts?

A Yes.

Q And where else?

A That's it.

Q That's it, okay.

And when you lived in Massachusetts, you had relatives down in the Orlando area?

A Uh-huh (yes).

Q And you would come visit them at April?

A Yes.

Q Okay. And you would come to Disney World sometimes?

A Yes.

Q Okay. So when you left Milford at the age of 16, where did you move?

A We left there and went to Wisconsin.

Q Okay.

A We were in Wisconsin, I want to say, for only about three months. My mom traveled with her job, so we moved very often after that.

Q Okay. What year was it when you moved to Wisconsin?

A It was 2012 -- or 2002. And we left in 2003.

Q And let me back up, because I jumped right into asking you questions as soon as you told me your name. Usually I like to go over some ground rules with a deponent.

Have you ever testified at a deposition before?

A No.

Q Have you ever testified in court?

A No.

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A I want to say it was 2000 -- 2004.
Q Okay. And at that time you were living with your mother?
A Correct.
Q Okay. What type of work did your mother do that she kept moving around?
A She was a surgical technologist, and she traveled around the state -- or country to do so.
Q Your husband's name is Steve?
A Steven, yes.
Q Do people call him Steve?
A Yeah.
Q And when did you meet him?
A Oh, gosh. Eight or nine years ago.
Q Okay. Is he your age?
A He's a little older.
Q Okay. How old is he?
A Thirty-five. Thirty-six. He just had a birthday. Thirty-six.
Q Okay. Where did he go to high school?
A I think Boone.
Q Where is that?
A In Orlando.
Q Is he Facebook friends with Chase Jackowski?

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A I don't know.
Q Do you use Facebook?
A I do.
Q Okay. Do you know Chase Jackowski?
A No, I do not.
Q How many children do you have?
A Three.
Q Three. How old are they?
A Thirteen, eleven and five.
Q Okay. You've held a telemarketing license issued by the state of Florida?
A Yes.
Q When did you first get a telemarketing license?
A About three years ago, I would assume.
Q What company were you working for at the time you got a telemarketing license?
A Life Management Service.
Q Of Orange County?
A Yes.
Q Okay. All right.
MR. DOAN: Can we mark this as Exhibit 1, please.
(Exhibit 1 was marked for identification.)
(Exhibit No. 1 was marked for identification.)

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BY MR. DOAN:
Q Okay, Ms. Deese. You've been handed what's been marked Deese Exhibit 1. I can represent to you that this is a document -- it's called "Individual Search Results," from a database maintained by the Florida Department of Agriculture and Consumer Services. Are you familiar with that agency?
A Yes.
Q Okay. And so you know that they license telemarketers, both individuals and companies that conduct telemarketing within the state of Florida?
A Yes.
Q And so you can see there are two entries here for you, and they are Life Management of Orange County, LLC and Higher Goals Marketing, LLC. Do you see that there?
A Yes.
Q Okay. And so for a start date for Life Management Services of Orange County, it lists July 21st, 2014. Do you see that there?
A Oh, yeah.
Q Okay. And does that seem like a fair representation of when you started at Life Management Services of Orange County?

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A Yes.
Q Okay. So when you said maybe three years ago, it could have been July 2014?
A Correct.
Q Okay. You don't have any reason to think, as you sit here today, that you started working there before that?
A No.
Q Who hired you to work at Life Management Services of Orange County?
A John.
Q John Kunz?
A Yes.
Q That's K-U-N-Z? Is that right?
A Yes.
Q How did you find out about the job at Life Management Services?
A I was referred by a friend.
Q And who was that friend?
A Wayne Norris.
Q Okay. How did you know Wayne?
A My husband knew him.
Q Okay. Were they friends from high school or ...
A I believe so.

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Q Okay. Had you personally met Wayne before he referred you there?
A One time, yes.
Q Okay. When was that?
A It's -- I mean, I don't know exactly -- or exactly when it was, but it was at a car race down Bradenton, and it was just in passing.
Q Is your husband into car racing?
A Yes.
Q Okay. Was he racing or was Wayne racing, or were they both spectating?
A I believe they were both just watching.
Q Okay. Okay. So Wayne Norris referred you, John interviewed you. And how long after your interview did you start working at Life Management Services?
A Probably the following Monday.
Q Okay. And what positions did you hold at Life Management Services of Orange County?
A I choose to take the Fifth on that.
Q Okay.
MR. BERNET: I think there's going to be a waiver issue, but that's fine.
BY MR. DOAN:
Q And so one thing I had hoped to clarify,

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just because you've now started invoking your Fifth Amendment privilege against self-incrimination, is that it's only appropriate to invoke the Fifth Amendment when you are concerned with your own potential criminal liability. Do you understand that?
A Yes, I do.
Q Okay. Thus you cannot invoke the Fifth Amendment to protect somebody else. Do you understand that?
A Yep.
Q Okay. Now, were you in Life Management Services of Orange County's offices on June 9th, 2016, when Mr. Bernet and some of the rest of us arrived at the premises?
A Yes.
Q Okay. And did Mr. Bernet interview you on June 9th?
A That same day?
Q Yes, that same day.
A No.
Q Okay. And, in fact, you came back the day after, on June 10th, Friday, correct?
A Correct.
Q Okay. And before you went to the offices,

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you went to Dunkin' Donuts, as I see you did today; is that right?
A That's correct.
Q And you saw Reeve Tyndall, an investigator from the Federal Trade Commission, in Dunkin' Donuts, right?
A If that's their name, yes.
Q Okay. You recall seeing an investigator from the FTC?
A Yes.
Q And you approached the FTC investigator?
A I did.
Q And you asked him if he was the person from the LI room from yesterday?
A Correct.
Q Okay. In fact, Mr. Srimushnam and I were there too; is that right?
A I don't recall.
Q Okay. I guess we're not as memorable as Mr. Tyndall, but I won't take any offense at that. And then after you went to Dunkin' Donuts, you went to Life Management Services of Orange County's offices, right?
A Correct.
Q And those offices were at 12001 Science

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Drive?
A Correct.
Q Suites 125 and 180?
A Yes.
Q Okay. And you entered through the 180 side?
A In the back.
Q By Nikki McNealy's desk?
A Yes.
Q Okay. And at some point on June 10th you then conducted an interview with Mr. Bernet, correct?
A I wouldn't call it an interview.
Q Okay. You spoke with Mr. Bernet? Would you -- do you at least agree to that?
A Yes.
Q Mr. Bernet asked you some questions?
A Yes.
Q You answered Mr. Bernet's questions?
A To the best of my knowledge, yes.
Q Okay. And Ms. Caplan, who's sitting here, was there as well, right?
A I believe so.
Q Okay. And you showed Mr. Bernet and Ms. Caplan where your desk was at the Science Drive

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551 nationwide lenders, sent out the automated message, so when you pressed 1, you were transferred over to the first representative in the qualifications department available to speak to you." Do you see that there, Ms. Deese?

A Yes.

Q Okay. And so that's something that you told consumers on the phone when you worked at Life Management Services at Orange County, correct?

A I take the Fifth.

Q Okay. If you go down to the fourth paragraph on the first page of Deese Exhibit 6, which has a handwritten numeral "3" next to it, even though it's the fourth paragraph, it says, "How much is this going to cost?" Do you see that, Ms. Deese?

A Yes.

Q Okay. And then it says, "As long as you come back in excellent standings with one of your lenders and do qualify, there is absolutely no out-of-pocket expense." And "absolutely no out-of-pocket expense" is underlined. Do you see that there, Ms. Deese?

A Yes.

Q And that too is something that you would tell consumers over the phone when you worked at

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Life Management Services of Orange County, correct?

A I take the Fifth.

Q Okay. If you turn to page 2 of Deese Exhibit 6, please. The first paragraph, which has a handwritten numeral "4" next to it. "Who are you," it says. And the rebuttal is, "We are Credit Assistance Program," parentheses, "(CAP)," close parentheses. Do you see that there, Ms. Deese?

A Yes.

Q And that's something you told consumers when you worked at Life Management Services of Orange County, correct?

A I take the Fifth.

Q Okay. And it continues, after a semi-colon, "we work directly with the corporate office of Visa, MasterCard, American Express and Discover, which are the merchants of the 551 nationwide lenders, like Chase, Bank of America, Capital 1, etc." Do you see that there, Ms. Deese?

A Yes.

Q Okay. And that too is something that you told consumers over the phone when you worked at Life Management Services of Orange County, correct?

A I take the Fifth.

Q Okay. The next paragraph down, page 2 of

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Deese Exhibit 6 says, "Refuse To Give Card Over The Phone." And then the rebuttal is, "I completely understand. I'm a card holder myself. Are you familiar with the Consumer Protection Act?" Do you see that there, Ms. Deese?

A Yes.

Q What do you know about the Consumer Protection Act?

A I don't know anything about it.

Q Okay. But you would talk to consumers about the Consumer Protection Act when you worked at Life Management Services of Orange County, correct?

A I take the Fifth.

Q Okay. And Deese Exhibit 6 was a document that you had at your desk at Science Drive, correct?

A I've already taken the Fifth on that question.

Q Okay. All right. It's 10:29. We've been going about an hour. Do you want to take a short break?

A I'm fine as long as you guys are.

Q Okay, then we will keep going. I anticipate what we're about to move into is going to take 20-plus minutes at least. Does that change your thinking, or do you want to keep going?

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A No, I'm okay.

MS. TALISMAN: Josh, it's Amy. Are you hearing anything from my phone?

MR. SRIMUSHNAM: No.

MR. DOAN: Teg says no. I haven't been paying attention, so, yeah, I'll take that as a no. Thank you, though.

MS. TALISMAN: All right.

BY MR. DOAN:

Q All right. So I'm going to move my computer a little closer to the phone and to you and Mr. Agranoff, and I'm going to play something for you. And I'm going to hope that you can hear it. Got it up to 11. All right.

(Audio recording plays.)

BY MR. DOAN:

Q I'm going to fast-forward this a little bit so we don't have to listen to hold music, okay?

A Uh-huh (yes).

(Audio recording plays.)

BY MR. DOAN:

Q All right, Ms. Deese. I have played for you, as you heard Mr. Tyndall say, a recording of a call that you received on November 12th, 2015 from a telephone number 248-215-0437. You heard the

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representative say that her name was Melissa, that she was from Massachusetts and that she used to come down to Orlando during April breaks as a child. Do you recognize the voice of Melissa that you heard in the recording I just played for you?

A I take the Fifth.

Q Okay. I'll play for you another short recording.

MR. AGRANOFF: Counsel, if I may ask a quick question.

MR. DOAN: Sure.

MR. AGRANOFF: What state was the caller recording the call in?

MR. DOAN: The District of Columbia.

MR. AGRANOFF: Is that a one-party or two-party recording state?

MR. DOAN: Well, I'm not hear to answer legal questions. You can research that yourself, Counsel.

MR. AGRANOFF: I'll just -- I'm not sure how far the objection will go, but I will -- I'll object to her being questioned on anything that could potentially have been illegally recorded by the department, agency, state or federal government.

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MR. DOAN: Okay.

BY MR. DOAN:

Q Short recording.

(Audio recording plays.)

BY MR. DOAN:

Q All right. That was a call that Mr. Tyndall recorded on November 13th, 2015 from the telephone number 361-271-4848. Do you recognize the voice of the person who called Mr. Tyndall?

A I take the Fifth.

(Exhibit No. 7 was marked for identification.)

BY MR. DOAN:

Q Okay. I'm going to hand you what's been marked Deese Exhibit 7.

MR. AGRANOFF: Thank you.

BY MR. DOAN:

Q All right, Ms. Deese. Deese Exhibit 7, I'll represent to you, is a transcript prepared for the Federal Trade Commission of the recording that you just heard from November 12th, 2015. So the first two recordings that I just played for you.

It says on here, "Telephone conversation with Melissa, 2482150437, Call No. 1." You can see it also is marked down at the bottom of the page "PX 51." Do you see that, Ms. Deese?

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A Yes.

Q Okay. This was an exhibit, Plaintiffs' Exhibit 51, in support of our memorandum -- sorry, Plaintiffs' Exhibit 51 to Plaintiffs' Memorandum in Support of Their Motion for a Temporary Restraining Order in the case of Life Management Services of Orange County and the other defendants.

Could you turn to page 8 of the transcript, please, Ms. Deese?

A Okay.

Q All right. And so you'll see at the bottom of that page, line 24, Melissa says, "The name of our company is the Credit Assistance Program. We're a licensed enrollment center for Visa, MasterCard, American Express and Discover." Do you see that there?

A Yes.

Q Okay. That is a statement that you made to Mr. Tyndall on November 12, 2015, isn't it?

A I take the Fifth.

Q Okay. Moving down, on page 9, we just finished at the top of page 9, Mr. Tyndall says, on line 2, "So do you work directly with my bank?"

Melissa replies, "Yes, sir."

Mr. Tyndall says, "Okay."

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Melissa says, "We have a business relationship with your bank. We work with the merchant, which would be Visa, that logo on your card." Do you see that there, Ms. Deese?

A Yes.

Q Okay. That's a statement that you made to Mr. Tyndall on November 12, 2015, isn't it?

MR. AGRANOFF: Objection; misstates -- misstates testimony. She never mentioned that it was her.

BY MR. DOAN:

Q Go ahead and answer the question, Ms. Deese.

A I take the Fifth.

Q Okay. Page 14 of the transcript, which is PX 51 in Deese Exhibit 7, line 11. Do you see that there, Ms. Deese?

A Yes.

Q Okay. "The next step would be to contact Citibank with you on the line and negotiate a substantially lower rate." That's a statement that you made to Mr. Tyndall on November 12, 2015, isn't it, Ms. Deese?

A I take the Fifth.

Q Okay. Page 15 of Deese Exhibit 7,

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Plaintiffs' Exhibit 51, line 4, you'll see Melissa says to Mr. Tyndall, "Right. And the rate that we get you is a fixed rate, so it's for the whole life of the account." Do you see that there, Ms. Deese?

A Yep.

Q That's a statement that you made to Mr. Tyndall on November 12, 2015, isn't it?

A I take the Fifth.

Q Okay. Continuing on that page, starting at line 8, you'll see that Melissa says to Mr. Tyndall, "It's not just a 12- or 18-month promotional rate. It's forever as long as you continue making your payments on time." Do you see that, Ms. Deese?

A Yes.

Q Okay. That's a statement that you made to Mr. Tyndall on November 12, 2015, isn't it?

A I take the Fifth.

Q All right. Let's go to page 20 of Deese Exhibit 7, Plaintiffs' Exhibit 51, line 13. Are you there, Ms. Deese?

A Yep.

Q Okay, thank you. You'll see that Melissa says to Mr. Tyndall, "But as a child, I was actually from Massachusetts, so we would come down here to

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visit family members every April vacation." Do you see that there, Ms. Deese?

A Yes, I do.

Q That's a statement that you made to Mr. Tyndall on November 12, 2015, isn't it?

A I take the Fifth.

Q Okay. Page 22 of Deese Exhibit 7, Plaintiffs' Exhibit 51, line 15. Are you there, Ms. Deese?

A Uh-huh (yes).

Q Thank you. Melissa says to Mr. Tyndall, in response to a question about whether there's a customer service number, in case Melissa doesn't call him back the next day at 10:30, Melissa says, "I don't have one because all of my calls get transferred to me, transferred to me by Visa, MasterCard, American Express and Discover." Do you see that there, Ms. Deese?

A Yes, I do.

Q Okay. That's a statement that you made to Mr. Tyndall on November 12, 2015, isn't it?

A I take the Fifth.

Q Okay. Would you like to take a break, Ms. Deese, or would you like to keep going?

A I'm fine.

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Q Okay.

MR. AGRANOFF: I'm going to at least ask Melissa to stand up and stretch.

MR. DOAN: Madam Court Reporter, would you like to have a break, or are you okay?

THE COURT REPORTER: We could take a minute.

MR. DOAN: Okay. Why don't we take a two-minute break. We'll go off the record for two minutes, Amy, and anybody else on the phone.

MS. TALISMAN: Okay. Thank you.

MR. DOAN: Thanks.

(Recess taken.)

MR. DOAN: All right, Amy, we are back from our brief break. Mr. Agranoff has requested a 15-minute break at noon, so we will do our best to give him that.

MR. AGRANOFF: Or within a couple minutes, I'm fine.

MR. DOAN: Okay.

Q All right. I'm going to hit "play" again. This time I'm going to do my best to really skip all of the hold music and stuff and just get right to the meat of the call. So with that in mind, I'll

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try not to screw it up.

(Audio recording plays.)

BY MR. DOAN:

Q Okay, Ms. Deese. I have played for you a recording made by an FTC investigator on November 19, 2015 of a call that he received from 248-215-0437 from someone named Melissa, who listed her employee ID as 1016. Do you recognize the voice of Melissa in that call with Mr. Tyndall?

A I take the Fifth.

(Exhibit No. 8 was marked for identification.)

BY MR. DOAN:

Q Okay. I'm going to hand you what's been marked Deese Exhibit 8.

A (Witness reviews document.)

Q Have you had a chance to look at Deese Exhibit 8, Ms. Deese?

A Uh-huh (yes).

Q Okay. So this, I will represent to you, is a transcript of the call that we just listened to between Mr. Tyndall and Melissa, which was from November 19th, 2015. You'll see at the bottom it's stamped PX 52. That's because it was an exhibit submitted by the plaintiffs in support of their motion for a temporary restraining order.

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Could you turn to page 6 of Deese Exhibit 8 for me, please. Down at the bottom, line 22, you'll see that Melissa says to Mr. Tyndall: "Customer service. Thank you for holding." Do you see that there, Ms. Deese?

A Yes.

Q That's a statement that you made to Mr. Tyndall on November 19th, 2015, isn't it?

A I take the Fifth.

Q Okay. If you could turn to page 7 of Deese Exhibit 8, please, line 10, you'll see that Melissa says to Mr. Tyndall: "You were selected and put up for review to see if you qualify to have all of your current interest rates reduced." Do you see that, Ms. Deese?

A Yes.

Q That's a statement that you made to Mr. Tyndall on November 19th, 2015, isn't it?

A I take the Fifth.

Q Okay. Moving down on page 7 of Deese Exhibit 8, line 19, Ms. Deese says -- I'm sorry, strike that. Melissa says to Mr. Tyndall: "The name of our company is the Credit Assistance Program. We are a licensed enrollment center with Visa, MasterCard, American Express and Discover."

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Do you see that, Ms. Deese?

A Yes.

Q That's a statement that you made to Mr. Tyndall on November 19th, 2015, isn't it?

A I take the Fifth.

Q Okay. Turn to page 8, please. You'll see at the top, Mr. Tyndall says, "And so you're associated with a credit card company?"

And Melissa says in response: "The credit merchants, yes, sir. Those are the merchants of 551 nationwide lending institutions. The lending institutions are the banks and credit card companies that issue credit cards." Do you see that there, Ms. Deese?

A Yes.

Q That's a statement that you made to Mr. Tyndall on November 19th, 2015, isn't it?

A I take the Fifth.

Q Okay. Page 10 of Deese Exhibit 8, please. The very top, Melissa says to Mr. Tyndall when asked "What's the name of your company," "It's called the Credit Assistance Program." Do you see that there, Ms. Deese?

A Yes.

Q That's a statement that you made to Mr. Tyndall on November 19th, 2015?

A I take the Fifth.

Q Okay. And at the bottom of page 10 on Deese Exhibit 8, line 20: "So the Consumer Protection Act is a law that was passed in 1981 for all credit card holders," dash, dash, "or all consumers that hold credit card accounts. And it does specifically state that you're fully protected against any loss, theft, fraud, unauthorized use or services not rendered to you." Do you see that there, Ms. Deese?

A Yes.

Q That's a statement you made to Mr. Tyndall on November 19, 2015?

A I take the Fifth.

Q Okay. Page 11, line 7 on Deese Exhibit 8. Melissa says to Mr. Tyndall: "As long as you -- as long" -- I'm sorry, strike that.

Melissa says to Mr. Tyndall: "As long as," dash, dash, "as long as you qualify, there's no out of pocket expense to you."

Mr. Tyndall says, "What?"

Melissa says, "Your financial obligation is just to make your monthly payments on time." Do you see that, Ms. Deese?

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A Yes.

Q That's a statement you made to Mr. Tyndall on November 19th, 2015?

A I take the Fifth.

Q Okay. All right, on page 12 of Deese Exhibit 8, line 14, Mr. Tyndall says again: "And this won't cost me any money?"

And Melissa says, "As long as you qualify, there's no out-of-pocket expense, that's correct." Do you see that there, Ms. Deese?

A Yes.

Q That's a statement you made to Mr. Tyndall on November 19th, 2015?

A I take the Fifth.

Q Okay. Page 13 of Deese Exhibit 8 down at the bottom, line 24, Melissa says to Mr. Tyndall, in response to the question "And what company are you calling from," "The name of our company, again, is the Credit Assistance Program." Do you see that, Ms. Deese?

A Yes.

Q That's a statement you made to Mr. Tyndall on November 19th, 2015?

A I take the Fifth.

Q And then on page 14 of Deese Exhibit 8,

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line 11, Mr. Tyndall asks Melissa whether she has an ID number or anything. And Melissa replies, "Yes. My employee ID is 1016." Do you see that, Ms. Deese?
A Yes.
Q That's a statement you made to Mr. Tyndall on November 19th, 2015?
A I take the Fifth.
Q Okay. You're currently employed by a company called Higher Goals Marketing, LLC?
A Yes.
Q Okay. When did you start working there?
A I believe it was June.
Q In June?
A Or August. I don't know. I don't know. This year.
Q Okay.
A A few months back.
Q Okay. It was after you worked at Life Management Services?
A Yes.
Q Did you work anywhere else between Life Management Services and Higher Goals Marketing?
A No.
Q Okay. And so you worked at Life

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Management Services from July 2014 until June 2016; is that right?
A Correct.
Q And then you started at Higher Goals Marketing, you think, in -- sometime this year, maybe June, maybe August?
A It was the end of August.
Q The end of August, okay.
What position do you hold at Higher Goals Marketing?
A I take the Fifth.
Q Okay. You understand, do you not, that Higher Goals Marketing is not a party to the lawsuit in connection with your deposition that's being taken today?
A Yes, I do.
Q Okay. And you nonetheless are taking the Fifth as to what your position is at Higher Goals Marketing?
A Yes.
MR. DOAN: Do you want to consult on that, or no, Mr. Agranoff?
MR. AGRANOFF: Can we take a couple minutes? Can we take a two-minute break?
MR. DOAN: Of course.

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Amy, we're going to go off the record for a couple minutes.
MS. TALISMAN: All righty. Thanks.
MR. DOAN: And if you need a slightly longer break too, Ms. Deese, that's fine, because we've been going for about two hours. Just let me know.
(Recess taken.)
MR. DOAN: All right, we're back on the record.
BY MR. DOAN:
Q Ms. Deese, you've had an opportunity to consult with counsel; is that correct?
A Yes.
Q Okay. And having had the opportunity to consult with counsel, are you able to answer my question about what role you play at Higher Goals Marketing?
A I take the Fifth.
Q You still take the Fifth, okay.
Is Higher Goals Marketing still operating?
A I believe so.
Q Okay. You plan to go there today after you get done here?
A I take the Fifth.

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Q Okay. All right. Let's step back then and talk a little bit more about Life Management Services of Orange County.
What was your impression of Kevin Guice as a boss?
A Can I speak freely?
Q I would love if you would, Ms. Deese.
A I found him to be an arrogant prick, to be honest.
Q Okay. Was there any particular reason?
A The fact that you own a company, and I was there roughly a year and a half, seen him twice, and then the first time face to face meeting him at his sister's birthday party, alls he can talk about is his money this and his money that and he's going here to this game and going and doing this, to me it's just sickening.
Q Okay.
A It's just my opinion.
Q Okay. You talk about him going to a game. Is there a particular game that you're referring to?
A Probably football.
Q He's a Cowboys fan?
A Yes.
Q Okay. And do you know anything about him

more questions at the moment, Ms. Deese. I appreciate your coming in today. Again, I appreciate your accepting service of the subpoena by e-mail. And I know this went a little longer than I had anticipated, so I appreciate your sticking with us through all of that.

I don't have any other questions at the moment. If I think of any other questions, I have your phone number, is it okay if I call you?

THE WITNESS: I guess.

MR. DOAN: Okay. Well, thank you very much. I think that concludes today's deposition.

Your counsel can explain to you that you have the right to read and sign the transcript, if you'd like, and I'll let him do that now on the record.

MR. AGRANOFF: The short version is, the court reporter is going to likely be making a transcript of the proceedings today, and I believe they may have already ordered a copy. You have the right to read it and sign and annotate if you believe something is misstated

or inaccurately reflected. It doesn't mean you get to change it, but you have the opportunity to review it.

Would you like the opportunity to review the transcript if one is provided to you? I would say yes.

THE WITNESS: Okay.

MR. AGRANOFF: There's no charge for her to come in and read, right?

THE COURT REPORTER: Yeah, I guess we could arrange for her to come in and read it.

THE WITNESS: Okay.

MR. DOAN: I don't normally have anything to do with that. That magic all happens somewhere else.

And I should say, I said that we were concluded, but for something that may be a formality, I just need to make sure.

Ms. Talisman, do you have any questions for the witness before we end here today?

MS. TALISMAN: I do not have any questions.

MR. DOAN: Okay. And did anybody else ever join us on the phone, Mr. Hill or anybody?

MS. TALISMAN: I don't think so.

MR. DOAN: Okay.

THE COURT REPORTER: I have a question for Amy.

MR. DOAN: Okay. And, Ms. Talisman, the court reporter has a question for you.

MS. TALISMAN: Okay.

THE COURT REPORTER: Would you like a copy of the transcript, Ms. Talisman? Would you like a copy --

MS. TALISMAN: No, thank you.

THE COURT REPORTER: Okay.

Did anybody else want to order a copy? No? All right, thank you.

MR. DOAN: All right. I think that concludes our proceedings today.

Thank you again, Ms. Deese, for coming in.

THE WITNESS: Thank you.

(At 3:26 p.m., the deposition concluded.)

CERTIFICATE OF OATH

STATE OF FLORIDA:
COUNTY OF CITRUS:

I, the undersigned authority, certify that MELISSA M. DEESE personally appeared before me on November 17, 2016, in Orlando, Florida, and was duly sworn.

WITNESS MY HAND AND SEAL this 25th day of November 2016.

_____
Lorraine Yerdonek
Notary Public

Commission No.: FF 897252
Expiration: 07/08/2019

CERTIFICATE OF REPORTER

CASE NO.: 6:16-CV-982-ORL-41TBS

CASE TITLE: FTC v. LIFE MANAGEMENT SERVICES OF ORANGE COUNTY, LLC., ET AL.

I HEREBY CERTIFY that the transcript contained herein is a full and accurate transcript of the steno notes transcribed by me on the above cause before the FEDERAL TRADE COMMISSION to the best of my knowledge and belief.

DATED: NOVEMBER 25, 2016

_____

LORRAINE YERDONEK

CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me.

Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

_____

MELISSA M. DEESE

I hereby certify that the individual representing herself to be the above-named individual appeared before me this _____ day of _____ 2016, and executed the above certificate in my presence.

_____

NOTARY PUBLIC IN AND FOR

_____

MY COMMISSION EXPIRES:

_____

WITNESS: MELISSA M. DEESE
DATE: NOVEMBER 17, 2016
CASE: FTC v. LIFE MANAGEMENT SERVICES OF ORANGE COUNTY, LLC, et al.

Please note any errors and the corrections thereof on this errata sheet. The rules require a reason for any change or correction. It may be general, such as "To correct stenographic error," or "To clarify the record," or "To conform with the facts."

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