

1 Q So he was ready -- already made so to speak to
2 hit the ground running when he was hired.
3 A As it related to sales knowledge, yes.
4 Q I'd like you in paragraph one and 14, you
5 refer to Save On's confidential information.
6 A What exhibit?
7 Q The Amended Complaint, paragraph 14, and I
8 guess you could refer to. You referenced Save On's
9 confidential information includes prospects,
10 opportunities, programs, including advertising, et
11 cetera, et cetera. My first question is you're not
12 making a claim that Mr. took any of this
13 information, correct?
14 A Correct.
15 Q Okay. My second question is, the claim that
16 you are making is that he breached the contract,
17 correct?
18 A Correct.
19 Q So why is it -- why is this information in
20 here about the confidential information? How does it
21 relate to your lawsuit?
22 A It's to prevent.
23 Q Prevent what.
24 A It from taking place.
25 Q But you've already told me that he didn't take

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1 it. You have no evidence that he took it. Your
2 attorney said so as much.
3 A Through today, yes.
4 Q How would he go back and get the information
5 if he's no longer employed?
6 A I'm not sure.
7 Q Is there any feasible way other than breaking
8 and entering into the facility of --
9 A No. I mean, if he's kept this information
10 that we're not aware of and again, you know, five, six
11 years' worth of business knowledge which is why these
12 agreements exist.
13 Q Okay. Let's take the first part. If he took
14 it without your knowledge, you represented that you
15 investigated extensively his employment from beginning
16 before he was terminated through at least November,
17 correct?
18 A We investigated the misconduct is what -- Yes.
19 Q And so you didn't -- you're saying you didn't
20 investigate whether he took any company information?
21 A At the time what was requested he -- we have.
22 Q Sitting here today, what would you need to do
23 to determine if he took any information that you haven't
24 already done? Ms. Uballe, I apologize. I'm not sure if
25 you're thinking or if you're just not answering.

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1 A No, I'm thinking.
2 Q Okay.
3 A Could you ask the question again?
4 Q Yes. Sitting here today, what would you need
5 to do that you have not already done to be able to
6 unequivocally say, Mr. has not taken any company
7 information? Who would you need to talk to? What would
8 you need to investigate? What computers would you need
9 to look at?
10 A At this point more due diligence into his
11 computer.
12 Q Okay. More due diligence. What due diligence
13 is more? What is required?
14 A Verifying.
15 Q And sitting here today, you have not verified
16 that?
17 A No, we've not been able to access.
18 Q The computer that was left at his office --
19 A Correct.
20 Q -- before he was terminated.
21 A It was encrypted with a password that we don't
22 have access to.
23 Q And are you going to get around to maybe
24 investigating that computer sometime in the near future?
25 A We have been.

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1 Q And what's the status of that investigation.
2 A It's under investigation and trying to get
3 access to the encrypted.
4 Q And when you say investigation, what -- who's
5 leading up that investigation?
6 A My attorney.
7 Q Your attorney is --
8 A Counsel.
9 Q -- a computer forensic person? He's
10 conducting the forensic examination?
11 A It's his responsibility to. He's managing
12 that.
13 Q Okay. Is there a forensic?
14 A Yes.
15 Q And what's the name of the forensics person?
16 A I don't recall.
17 MR. BOUTROUS: If you know.
18 MS. UBALLE: Yeah, I don't recall.
19 BY MR. SHINN:
20 Q And when did this forensic person get access
21 to the computer?
22 A I don't recall the date.
23 Q Was it before or after you investigated Mr.
24 back in August?
25 A After.

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