

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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SAVINO FALCO,	}	No. 12 C 10350
Plaintiff,		
vs.		Chicago, Illinois
BRINSON COMPANY, INC., and BRINSON COMPANY-MIDWEST, INC.,	}	February 21, 2018
Defendants.		10:25 a.m.

EXCERPT OF THE TRANSCRIPT OF TRIAL PROCEEDINGS  
BEFORE THE HON. SARA L. ELLIS

APPEARANCES:

For the Plaintiff: MR. JEFFREY M. JACOBSON  
MS. MARY E. SPARROW  
Law Offices of Jeffrey M. Jacobson, P.C.,  
430 West Roosevelt Avenue,  
Wheaton, Illinois 60187

For the Defendants: MR. JOHN P. MORRISON  
MS. MEGAN M. KOKONTIS  
Akerman LLP,  
71 South Wacker Drive, 46th Floor,  
Chicago, Illinois 60606

PATRICK J. MULLEN  
Official Court Reporter  
United States District Court  
219 South Dearborn Street, Room 1412  
Chicago, Illinois 60604

1 (Proceedings in open court.)

2 THE COURT: Okay. Are the parties ready to proceed?

3 MR. JACOBSON: We are.

4 THE COURT: All right.

10:25:01

5 MR. JACOBSON: Judge, if I can, there's just a couple  
6 housekeeping things.

7 THE COURT: Hold on a second, Mr. Jacobson.

8 MR. JACOBSON: Okay.

10:25:16

9 THE COURT: So we're here on 12 C 10350, Falco versus  
10 Brinson Company, Inc., and Brinson Company Midwest. All right.  
11 State your name and the party you represent for the record.

12 MR. JACOBSON: Jeff Jacobson for Savino Falco.

13 THE COURT: Mr. Morrison?

10:25:29

14 MR. MORRISON: John P. Morrison representing the  
15 defendants, and with me is Megan Kokontis.

16 MR. JACOBSON: And I'm along with attorney Mary  
17 Sparrow.

18 THE COURT: All right.

10:25:44

19 MR. JACOBSON: So, Judge, a couple things. As I  
20 numbered the notebook yesterday, I also went and printed off  
21 the phone records. I found a good copy. I made one for  
22 everyone, and I hole-punched them. This is Exhibit 23, and  
23 Mr. Morrison stipulates that this could be admitted.

10:26:02

24 THE COURT: All right. Do you agree to the admission  
25 of Plaintiff's Exhibit 23?

1 MR. MORRISON: I believe it was previously admitted,  
2 so I agree that that can replace the previous copy.

3 THE COURT: It wasn't admitted.

4 MR. JACOBSON: No, I don't have it as admitted.

5 THE COURT: All right.

6 (Plaintiff's Exhibit 23 received in evidence.)

7 MR. JACOBSON: And then there's a second document. I  
8 don't know if you recall, but we had a hearing a little while  
9 ago. We had to continue the trial. It's the Holiday Inn fax.  
10 So we're going to ask that that be put in the booklet as  
11 Exhibit No. 34.

12 THE COURT: Any objection, Mr. Morrison?

13 MR. MORRISON: I don't object to the authenticity of  
14 the document. I have relevance objections to the document.

15 THE COURT: Okay.

16 MR. JACOBSON: Okay. Then just one other thing,  
17 Judge. Because I'm a diabetic, is it okay if I have a Diet  
18 Coke at the table?

19 THE COURT: That's fine.

20 MR. JACOBSON: Okay. We're going to call then FBI  
21 Agent Sundanah Parsons.

22 THE COURT: All right.

23 THE WITNESS: Good morning, Your Honor.

24 THE COURT: Good morning.

25 (Witness duly sworn.)

1 MS. SPARROW: Good morning, Your Honor. I'm Mary  
2 Sparrow on behalf of Sam Falco.

3 THE COURT: Good morning.

4 SUNDANAH PARSONS,

10:27:35

5 PLAINTIFF'S WITNESS, DULY SWORN,

6 DIRECT EXAMINATION

7 BY MS. SPARROW:

8 Q. Good morning, Mr. Parsons.

9 A. Good morning.

10:27:38

10 Q. Thank you for being here today. My first question is this.  
11 Yesterday there was testimony as to \$5,000 the FBI paid to --

12 Well, first of all, let me go over your position with  
13 the FBI. Can you explain your position with the FBI to us?

14 THE COURT: Well, counsel, first why don't we ask him  
15 who he is.

10:27:57

16 MS. SPARROW: I'm sorry?

17 THE COURT: Why don't we ask him who he is.

18 MS. SPARROW: Okay.

19 BY MS. SPARROW:

10:28:05

20 Q. Can you tell us your name, please?

21 A. Yes. Sundanah Parsons.

22 Q. And what do you do for a living, Mr. Parsons?

23 A. I'm a special agent with the Federal Bureau of  
24 Investigation.

10:28:14

25 Q. And can you explain a little bit about what that means?

1 A. We're tasked with investigating federal crimes in the  
2 United States pretty much.

3 Q. Okay. Were you the agent that had contact with Mr. Falco  
4 in the investigation of the Brinson Company?

10:28:40

5 A. Yes.

6 Q. Okay. There was a question yesterday on a payment of  
7 \$5,000 to Mr. Falco. Can you explain that, that payment to  
8 Mr. Falco?

10:29:03

9 A. Yes. So during investigations sometimes we have the leeway  
10 either as agents, but also we have multiple approval processes  
11 that we have to go through at our discretion to pay people for  
12 their time or services or expenditures that they've done in  
13 order to help us with certain things.

10:29:27

14 So in Mr. Falco's case, you know, he reported  
15 information to us originally and then on several other  
16 occasions. Then I followed up with him on multiple other  
17 occasions for follow-up information and asked, you know, him to  
18 get whatever information he could for us on certain things.

10:29:48

19 So in doing so, at my discretion and with the approval  
20 of the U.S. Attorney's office and my chain of command, we were  
21 able to use some discretionary funds to pay Mr. Falco.

22 Q. Thank you. I also want -- I would like to refer to Exhibit  
23 No. 23, page 1 of that exhibit. Those are the AT&T phone  
24 records that are in evidence. On that page, there's a March  
25 15, 2010 --

10:30:16

1 MS. SPARROW: You know, if I may approach the witness.

2 Oh, no. Actually, he won't need to be approached on this.

3 BY MS. SPARROW:

10:30:33

4 Q. On that page, there's a March 15, 2010 entry, and the phone  
5 connected to that is (504) 816-3000. Does that phone record  
6 reflect in March of 2010 the number of the New Orleans FBI  
7 unit?

8 A. Yeah, that phone number is the main telephone number for  
9 the FBI New Orleans field office, yes.

10:30:54

10 Q. So that would indicate that there was communication in 2010  
11 between Sam Falco and the FBI in New Orleans?

12 MR. MORRISON: Objection, Your Honor. It indicates  
13 there's a phone number.

10:31:09

14 THE COURT: The objection is sustained. You're  
15 leading, Ms. Sparrow. So why don't you ask him if he  
16 recognizes that phone number.

17 BY MS. SPARROW:

18 Q. Do you recognize that phone number, Mr. Parsons?

19 A. Yes.

10:31:20

20 THE COURT: And then ask him what it is.

21 BY MS. SPARROW:

22 Q. And can you tell me what that phone number is again?

23 A. That phone number is the main telephone number for the FBI  
24 New Orleans field office.

10:31:30

25 Q. Thank you so much. When you met with Mr. Falco, did he

1 have records he was able to present to you that he collected  
2 during his employment with Brinson that were useful in the  
3 investigation?

4 A. Yes.

10:31:46

5 Q. A various amount of them?

6 A. Yes. I mean, it's so long ago, I would have to see what  
7 those were. But I remember he provided some documentation to  
8 substantiate what he was, you know, telling us.

10:32:14

9 Q. Okay. At the time that -- first of all, did you find  
10 Mr. Falco credible?

11 A. Yes.

12 Q. And at the time of your initial contact with Mr. Falco, did  
13 your notes indicate or did he tell you at that time that he had  
14 previously had contact with any government entity and reported  
15 his findings --

10:32:33

16 MR. MORRISON: Objection, hearsay.

17 BY MS. SPARROW:

18 Q. -- and suspicions?

19 MR. MORRISON: Objection, hearsay.

10:32:42

20 THE COURT: Well, also it's leading. So why don't you  
21 ask him what he knew about any contact that Mr. Falco had with  
22 any other government agencies.

23 MS. SPARROW: Thank you, Your Honor.

24 BY MS. SPARROW:

10:32:55

25 Q. Can you tell us your knowledge of any other contact that

1 Mr. Falco had with a government agency?

2 A. My first contact with Mr. Falco, he told me he had --

3 MR. MORRISON: Objection, hearsay.

10:33:22

4 THE COURT: So, agent, were you aware of any contact  
5 that Mr. Falco had with any other government agency?

6 THE WITNESS: Just from what he had told me and then  
7 later what we verified. So my first contact with Mr. Falco, he  
8 advised he reported -- he went to the IRS. The line was too  
9 long, and so he left. Then he went to the Treasury Department  
10 and filed a complaint.

10:33:43

11 MR. MORRISON: Objection, move to strike.

12 THE WITNESS: So those are government agencies.

13 THE COURT: All right. So your answer is that  
14 Mr. Falco -- you were aware that Mr. Falco went to the Treasury  
15 Department and made a complaint.

10:33:58

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Okay.

18 BY MS. SPARROW:

19 Q. And did you later have contact with that Treasury  
20 Department agent?

10:34:06

21 A. Yes.

22 Q. In your investigation on this matter, are you aware of any  
23 FBI determination that Mr. Falco was guilty of any crime?

24 A. Not to my knowledge, no, no.

10:34:30

25 Q. In your investigation, did Mercedes-Benz report to the FBI



1 that before the initiation of your investigation and their, I  
2 think it was, July 2011 contact initiating the investigation,  
3 they previously knew that Brinson was selling the SDS and that  
4 they had approved that?

10:35:02

5 MR. MORRISON: Objection, leading.

6 THE COURT: Sustained.

7 BY MS. SPARROW:

8 Q. Did the FBI determine that Mercedes-Benz had licensed  
9 Brinson in selling that SDS device?

10:35:29

10 A. No.

11 Q. Was Sam's information the initiating information that led  
12 to the investigation and the eventual pleading guilty, Brinson  
13 eventually pleading guilty?

10:35:57

14 A. From my perspective, that was the beginning point of our  
15 investigation. A complaint came into our headquarters unit  
16 which came down to New Orleans. It then was assigned to me,  
17 and then we opened an investigation, so yes.

18 Q. Thank you. I'd like to show you what's in evidence as  
19 Exhibit No. 34.

10:36:21

20 (Discussion off the record.)

21 MS. SPARROW: May I approach the witness, Your Honor?

22 THE COURT: You may.

23 BY MS. SPARROW:

24 Q. If you could take a look at that document, just look it  
25 over a second and tell me this. Are you aware of this

10:36:37

1 document? Have you previously seen this document?

2 A. Yes, I've previously seen this document, yes.

3 Q. And can you tell me what this document is?

4 A. I would have to -- it's been a little while. I just

10:36:59

5 remember Mr. Wittich sent it to -- I forgot who it was sent to,

6 but then it was provided to us after the fact.

7 THE COURT: So wait. I have Plaintiff's Exhibit 34 as  
8 the IDES unemployment application, the first two pages. What  
9 is this document that you are showing him?

10:37:29

10 MS. SPARROW: This is -- what number is it?

11 MR. JACOBSON: 35.

12 MS. SPARROW: Oh, I'm sorry. It's 35. This is the  
13 Holiday Inn fax that just a few moments ago was entered.

10:37:50

14 THE COURT: Do I have a copy of the fax? Do I have a  
15 copy of this document?

16 MS. SPARROW: I have a copy I can give to you. I'm  
17 sorry. I thought you had a copy of it. Here you go. May I  
18 approach, Your Honor?

19 THE COURT: You may.

10:38:05

20 MS. SPARROW: Thank you.

21 THE COURT: Okay.

22 BY MS. SPARROW:

23 Q. And could you read that document for me? Are you able to  
24 read it?

10:38:13

25 A. Read the whole thing?

1 Q. Yeah.

2 A. All right. "Destroy this fax after you read it. It is for  
3 your information."

4 MR. MORRISON: Objection to the relevance of this.

10:38:22

5 THE COURT: What is the relevance, Ms. Sparrow?

6 MS. SPARROW: The relevance is that prior to this  
7 investigation or when this investigation was filed, Rainer  
8 Wittich knew and tried to cover up the fact that he always had  
9 knowledge that they were never to be selling the SDS.

10:38:46

10 THE COURT: How is that relevant?

11 MS. SPARROW: Because the way we understand it,  
12 Mr. Falco was always arguing that it was illegal. He was told  
13 that it was legal, that they could sell it, and he said he  
14 never would because it's illegal and that he was reporting  
15 them.

10:39:10

16 THE COURT: This doesn't show that. This document  
17 doesn't show that Mr. Wittich was aware that Mr. Falco had  
18 reported him to the FBI prior to the date that Mr. Falco left  
19 employment.

10:39:30

20 MS. SPARROW: No, I think it shows that they were  
21 aware, always aware that they were not to be selling it, that  
22 it was an illegal device.

23 THE COURT: Again, tell me how that is relevant to the  
24 two claims in this case.

10:39:45

25 MS. SPARROW: Just that Mr. Falco was reporting

1 them --

2 THE COURT: How?

3 MS. SPARROW: -- and this was always --

10:40:02

4 THE COURT: You're not making the link. In order to  
5 succeed on these claims, it is Mr. Falco's burden to prove that  
6 the management at Brinson knew that he had reported them to the  
7 FBI. How does this document show that?

8 MS. SPARROW: It doesn't specifically show that.

9 THE COURT: Okay. So then let's move on.

10:40:31

10 MS. SPARROW: Okay. Thank you. I think that's all  
11 the questions I have for this witness.

12 THE COURT: All right. Mr. Morrison?

13 MS. SPARROW: Thank you, Your Honor.

14 (Discussion off the record.)

10:41:28

15 CROSS-EXAMINATION

16 BY MR. MORRISON:

17 Q. Hello, Mr. Parsons. My name is Pete Morrison. It's John  
18 P. Morrison, but I go by Pete. I represent the defendants in  
19 this case.

10:41:45

20 A. Okay.

21 Q. You also received a subpoena from me, correct?

22 A. When was that sent?

23 Q. It was sent before the last trial date in November or  
24 December. Well, November 15th, 2017.

10:41:56

25 A. Okay. I believe so then, yeah.

1 Q. Okay. Now, you were the FBI agent in charge of the  
2 investigation against Brinson Company, correct?

3 A. Yes, sir.

10:42:14

4 Q. You were in what was known as the intellectual property  
5 rights unit, also named the cyber squad?

6 A. So just for clarification, the intellectual property rights  
7 unit is the headquarters unit. I was on our cyber squad, but  
8 at the time we investigated intellectual property rights.

10:42:34

9 Q. Okay. So you began the investigation informally after you  
10 received a phone call from two officials at Mercedes-Benz,  
11 correct?

12 A. I did not. Mercedes-Benz called our -- I'm separating  
13 myself from our headquarters unit.

14 Q. Okay.

10:42:49

15 A. They called our headquarters unit, and they put together a  
16 complaint and sent it to the New Orleans field office, to my  
17 supervisor, who then assigned it to me. So I'm kind of down  
18 the chain.

10:43:02

19 Q. Okay. Do you have an understanding as to when the first  
20 communication was from Mercedes-Benz to the FBI?

21 A. To my knowledge, it was around June of 2011.

22 Q. Okay. When did you first get involved?

23 A. After it went to them and came to us, I opened -- my case  
24 officially opened on July 20th, 2011.

10:43:30

25 Q. Okay. Now, you had never talked to Mr. Falco before that

1 time, correct?

2 A. Correct.

3 Q. And nobody to your knowledge at the FBI had, is that  
4 correct?

10:43:38

5 A. Not my knowledge, no.

6 Q. And you didn't learn that anybody had, correct?

7 A. I did not.

8 Q. Okay. Now, you were told by security folks at  
9 Mercedes-Benz -- well, did you ever talk to the security folks

10:43:55

10 at Mercedes-Benz?

11 A. Yes, sir.

12 Q. And who were they?

13 A. Tom Meyer and Dennis Andre.

14 Q. They told you that Mr. Falco had told them that Brinson's  
15 owners and employees were stealing trade secrets from --

10:44:11

16 MS. SPARROW: Objection, Your Honor, hearsay.

17 MR. MORRISON: This is an admission of Mr. Falco.

18 MS. SPARROW: And that would be double-hearsay.

19 THE COURT: You can just ask him. With regard to what  
20 they told him, that would be hearsay. You can ask him what his  
21 understanding was of what Brinson was doing.

10:44:50

22 MR. MORRISON: Sure.

23 BY MR. MORRISON:

24 Q. Mr. Parsons, was it your understanding that Mr. Falco was  
25 claiming that Brinson had hacked into computers in Stuttgart,

10:45:14

1 Germany, of Mercedes-Benz and that he was compromising  
2 proprietary and trade secret information?

3 A. I believe that was the original complaint.

4 Q. Okay. Mr. Falco later told you that as well, correct?

10:45:30

5 A. Yeah, I believe so.

6 Q. So you opened up an investigation in July of 2011. Now,  
7 this is three and a half months after Sam Falco was terminated,  
8 correct, or do you know?

9 A. I don't know.

10:45:53

10 Q. Well, after his employment ended.

11 A. Yeah. I don't know his exact termination date.

12 Q. Okay. By the time you heard anything about this, Mr. Falco  
13 had already been terminated from employment, correct?

14 A. Yes, sir.

10:46:04

15 Q. And he told you he voluntarily quit, correct?

16 A. Yes.

17 Q. Okay. Now, the investigation you opened up was premised on  
18 a theft of trade secrets, correct?

19 A. That's our case classification, but yes.

10:46:23

20 Q. Well, that was the title of the investigation, wasn't it?

21 A. Yes.

22 THE COURT: Hold on, Mr. Morrison. I want to go back.

23 So, Agent Parsons, you had a conversation with

24 Mr. Falco about his employment, is that right, about the end of

10:46:42

25 his employment, the termination of his employment?

1 THE WITNESS: I was aware that he had left his job,  
2 yes.

3 THE COURT: Okay. When you were talking to him about  
4 that, he told you that he voluntarily quit?

10:46:56

5 THE WITNESS: Yes, because of reasons for not wanting  
6 to sell something that he thought was illegal. That's why he  
7 reported it and the case opened, et cetera, but yes.

8 THE COURT: Right. Okay. But when he was talking to  
9 you about it, he said that he voluntarily quit.

10:47:13

10 THE WITNESS: Yes.

11 THE COURT: Okay.

12 BY MR. MORRISON:

13 Q. Again, this is now four months after he quit, correct?

14 A. If that's when, I mean.

10:47:23

15 Q. Okay. I'll represent to you that April 15th, 2011 is the  
16 date that he quit. Neither you nor the FBI to your knowledge  
17 had contact with him before then, correct?

18 A. To my knowledge, no.

19 Q. Okay. Am I correct in what I said? We've got a  
20 double-negative in there.

10:47:41

21 A. Say that again. Can you clarify what you mean?

22 Q. Sure. To your knowledge, nobody at the FBI had  
23 communicated with Falco before April 15, 2011, correct?

24 A. To my knowledge, the FBI had not communicated with

10:47:58

25 Mr. Falco before then.



1 Q. Thank you.

2 A. Yes.

3 Q. So on July 13th, 2012, the FBI conducted a raid on the  
4 Brinson premises, correct?

10:48:16 5 A. We conducted a search warrant, yes.

6 Q. You executed a search warrant. Okay. How many times had  
7 you talked to Mr. Falco before then, you or agents under your  
8 control?

9 A. I couldn't say. I would have to look. I don't --

10:48:31 10 Q. Approximately?

11 A. I couldn't say. I would have to look.

12 Q. A dozen?

13 A. I don't know. It's been so long. It was several.

14 Q. Several? Well --

10:48:45 15 A. I'm sorry. I don't know what you --

16 Q. Okay. Well, that's fine. I can only ask you what you  
17 know.

18 A. Yes.

19 Q. As of the time that you authorized the payment of \$5,000 to  
20 Mr. Falco, how many times had you or your staff met with  
21 Mr. Falco or communicated with him?

22 A. It was -- I couldn't tell you an exact number, but it  
23 was -- I don't have a number for you, but we had talked on  
24 multiple occasions.

10:49:12 25 Q. More than five? Less than five?

1 A. Once again, I would have to look back at the records.

2 Q. Okay. Did Mr. Falco ask the FBI to be paid?

3 A. No.

4 Q. You just volunteered it?

10:49:27

5 A. Yes.

6 Q. Okay. Now, by the way, you're aware that the payment to

7 Mr. Falco was never disclosed to Brinson Company or Mr. Wittich

8 in the criminal proceedings, correct?

9 A. I was not aware of that.

10:49:42

10 Q. You're not aware that they weren't? Do you believe that

11 they were informed that Mr. Falco was paid \$5,000?

12 A. I don't know.

13 Q. Do you know if -- did you ever look at any of the Brady,

14 Giglio, or Jencks materials that were submitted to Brinson

10:50:00

15 Company or Mr. Wittich?

16 A. It's so long ago, but I'm sure I did.

17 Q. So you would have seen those, correct?

18 A. Yeah, I believe so.

19 Q. And you're aware that Mr. Falco was not listed as a witness

10:50:14

20 by the Government, correct?

21 A. He was not listed as a witness, I believe.

22 Q. And that was because, among other things, you would have

23 had to have disclosed that he was paid \$5,000, correct?

24 A. That's not a reason, no.

10:50:26

25 Q. Okay. Well, if he was disclosed as a witness, you would

1 have had to have disclosed the fact that he was paid, correct?

2 A. Yeah, that makes sense.

3 Q. Now going back to the search warrant that was executed on  
4 July 13th, 2012, on that day you also conducted simultaneous  
10:50:55 5 raids on two other businesses in other parts of the country,  
6 correct?

7 A. Yes, sir.

8 Q. Every FBI agent was armed during the execution of the  
9 warrants, correct?

10:51:07 10 MR. JACOBSON: Judge, I'd just object to the relevancy  
11 of this.

12 THE COURT: Let's have the same lawyer that's handling  
13 the witness do the objections, but that's sustained. Where are  
14 we going with this? I've given you some leeway, Mr. Morrison,  
10:51:22 15 but where are we going with this?

16 MR. MORRISON: I'll be very brief with this, Your  
17 Honor.

18 THE COURT: Tell me where you're going.

19 MR. MORRISON: He later takes a statement from  
10:51:29 20 Mr. Wittich. He gets a statement from him, and I wanted to go  
21 into that, the context.

22 THE COURT: Okay. Then just go to the statement.

23 MR. MORRISON: Okay.

24 BY MR. MORRISON:

10:51:35 25 Q. You took a statement from Mr. Wittich that day, correct?

1 A. Yes, sir.

2 Q. Now, that later was later thrown out of court because it  
3 violated Mr. Wittich's Miranda rights, correct?

4 A. They ruled that, yes.

10:51:48

5 Q. A federal judge ruled that after a hearing at which you  
6 testified, correct?

7 A. Yes, yes.

8 THE COURT: Okay. So where are we going with this?

9 MR. MORRISON: I'm done with that inquiry, Your Honor.

10:51:59

10 THE COURT: Then how is that relevant to anything,  
11 Mr. Morrison?

12 BY MR. MORRISON:

13 Q. Did Mr. Wittich --

10:52:07

14 MR. MORRISON: I'm getting to what Mr. Wittich told  
15 him.

16 BY MR. MORRISON:

17 Q. Mr. Wittich made it clear that he never hid the fact that  
18 he was selling SDS's, correct?

10:52:20

19 A. To me, that's a complex statement. When you say "never  
20 hid," they didn't put it on their website. They didn't -- I  
21 mean, I could go into a lot of things --

22 Q. But he informed you about it.

10:52:33

23 A. -- a lot of reasons why they were technically hiding it in  
24 my opinion. But yeah, he didn't hide it during our interview  
25 that was thrown out, as you're saying.

1 Q. Okay. Right. He told the FBI: I'm selling SDS's.

2 Correct?

3 A. During that interview, yes.

10:52:44

4 Q. Okay. You got the impression from him that he thought the  
5 whole thing would blow over because Mercedes-Benz had looked at  
6 it and approved it, correct?

7 A. I believe that's a statement he made. I don't know about  
8 any impressions I got.

9 Q. Okay. That's a statement he made at least.

10:53:01

10 A. Yeah.

11 Q. Now, you had to submit an affidavit in connection with  
12 obtaining a search warrant, correct?

13 A. Yes.

10:53:19

14 Q. And your affidavit stressed that the investigation  
15 concerned alleged violations of the federal law dealing with  
16 trade secrets, correct?

17 A. Yes.

10:53:39

18 Q. I'll just cut to the chase. There was never a charge of  
19 trade secret theft against Brinson or Brinson-Midwest or  
20 Wittich, correct?

21 A. Trade secrets? I don't believe so, because as the  
22 investigation went on we learned more facts, et cetera.

23 Q. Right. You learned there were no trade secrets.

10:53:52

24 THE COURT: It was actually copyright infringement.  
25 I'm not sure why this is relevant to anything.

1 MR. MORRISON: All right.

2 BY MR. MORRISON:

3 Q. Now, you also state in your affidavit that all software is  
4 licensed or copyrighted by Dimlar Mercedes-Benz, the parent  
5 company of Mercedes-Benz U.S.A., correct?  
10:54:09

6 A. If that's in there, then yeah. I don't have a copy in  
7 front of me, but yes.

8 Q. Okay. Did you get that from Falco?

9 A. No, not to my knowledge.

10 Q. Do you know who you got it from?  
10:54:20

11 A. By looking at the software and talking with Mercedes.

12 Q. Well, you corresponded with the general counsel of  
13 Mercedes-Benz on this subject, didn't you?

14 A. Yeah.

15 Q. And a week before the trial was scheduled to begin, you  
16 inquired of her whether there were any copyright registration,  
17 copyright information, patent information, or recorded filings  
18 for the SDS, correct?  
10:54:37

19 A. I would have to see, but I believe I remember doing that.

20 Q. Does that sound accurate?  
10:54:57

21 A. It sounds accurate.

22 THE COURT: Mr. Morrison, where are we going with  
23 this? Where are we going with this line of questioning?

24 MR. MORRISON: This goes to Rainer Wittich's state of  
25 mind as to whether there was an issue and whether there were  
10:55:14

1 copyright violations -- excuse me -- whether in his mind he  
2 believed there were copyright violations sufficient for him to  
3 care about whether Mr. Falco went to the FBI.

10:55:29

4 THE COURT: How is that relevant to where we are right  
5 now? How is any of this relevant?

6 MR. MORRISON: It goes to Mr. Wittich's state of mind.

7 THE COURT: Okay. Again, how is Mr. Wittich's state  
8 of mind relevant?

9 MR. MORRISON: He's alleged --

10:55:46

10 THE COURT: So what I've seen so far is we've had  
11 Mr. Falco testify. We've had Agent Parsons now come in and  
12 testify. Agent Parsons has testified about events that  
13 occurred after April 15th when Mr. Falco left Brinson, and we  
14 are talking about copyright infringement. We are talking about  
15 what Mercedes-Benz either provided or didn't provide to Agent  
16 Parsons that he put in his affidavit. None of this is relevant  
17 to the elements of retaliatory discharge or under the Illinois  
18 Whistleblower Act.

10:56:28

19 MR. MORRISON: I agree. I'll move on.

10:56:53

20 THE COURT: If you can get to something that's  
21 relevant, I'm happy to hear about it.

22 MR. MORRISON: Okay.

10:57:06

23 THE COURT: But what I don't want to hear about is  
24 this criminal investigation. I'm well aware that Brinson and  
25 Mr. Wittich both were convicted of violations of the copyright

1 law arising from the sales of these SDS units.

2 MR. MORRISON: Okay.

3 THE COURT: What I'm interested in hearing and would  
4 need to hear to decide this case is, for example: Agent  
10:57:34 5 Parsons, when you took that statement from Mr. Wittich in July,  
6 was it, of 2012?

7 THE WITNESS: Sounds right. It's been awhile.

8 MR. MORRISON: If I can assist, I believe the raid was  
9 July 13th, 2012.

10:57:51 10 THE WITNESS: That sounds right.

11 THE COURT: All right, so when you executed the search  
12 warrant. We won't call it a raid. When you executed the  
13 search warrant in July of 2012, you spoke to Mr. Wittich,  
14 right?

10:58:01 15 THE WITNESS: Yes.

16 THE COURT: Okay. During the statement that you got  
17 from Mr. Wittich, did he ever tell you Mr. Falco had said to  
18 him that Mr. Falco had gone to the FBI --

19 THE WITNESS: I can't --

10:58:22 20 THE COURT: -- or any other government agency?

21 THE WITNESS: I would have to review that interview.  
22 Honestly, I don't --

23 THE COURT: All right. Does anybody have the 302?  
24 Does anybody have that 302?

10:58:35 25 THE WITNESS: I'm not comfortable making any



1 statement.

2 MR. MORRISON: I can represent that it's not in there.

3 THE COURT: Does anybody have that 302, Mr. Wittich's  
4 302?

10:58:45

5 MR. MORRISON: I don't have it up here. I've seen it,  
6 Your Honor, but I was not going to use that so I don't have it.

7 THE COURT: So as you sit here today, you don't recall  
8 Mr. Wittich saying to you that he knew Mr. Falco had reported  
9 Brinson to the FBI as you sit here today?

10:59:11

10 THE WITNESS: Yeah, I don't recall, no.

11 THE COURT: All right.

12 BY MR. MORRISON:

13 Q. I will ask you about some of your conversations with  
14 Mr. Falco. Did Mr. Falco tell you he had never sold an SDS?

10:59:25

15 A. I honestly can't remember. I know he -- I just don't want  
16 to get it wrong, but I know he claimed that he was forced to  
17 sell them. So at some point he had sold them, yeah.

18 Q. So at some point he told you he had sold them?

19 A. Yes.

10:59:54

20 Q. Okay. Then he also told you, didn't he, that he put the  
21 term "computer update" as the designation on the invoices and  
22 that other Brinson employees copied his designation, correct?

23 A. That sounds correct.

24 Q. That's correct?

11:00:09

25 A. That sounds correct, yes.

1 Q. Okay. Mr. Falco provided you with 10 or 11 invoices that  
2 listed his name as the sales representative, and you saw at  
3 least two of those that used the designation "computer update,"  
4 correct?

11:00:28 5 A. That sounds correct if I remember right.

6 Q. Now, on September 29, 2011, Mr. Falco told you he notified  
7 John Golembiewski that he planned to report Brinson to the IRS,  
8 Treasury Department and FBI before leaving his job, right?

9 A. That sounds correct.

11:00:54 10 Q. You used the term "planned to"?

11 A. Okay. If that's what I wrote down, yeah.

12 Q. By that, you were insinuating that he had not done it but  
13 he planned to do it, correct?

14 A. That's what I wrote down.

11:01:07 15 Q. That's what you wrote down, and you agree?

16 A. Yes.

17 Q. Okay. Let's talk about taxes. Mr. Falco told you that he  
18 thought Brinson was not paying income taxes on the sale of  
19 SDS's, correct?

11:01:20 20 A. Yes.

21 Q. Okay. Do you --

22 MS. SPARROW: Objection, Your Honor, to the relevance.

23 MR. MORRISON: It goes to Mr. Falco's credibility, and  
24 these are admissions by Mr. Falco.

11:01:32 25 MS. SPARROW: Admissions on whether Brinson reported

1 taxes?

2 MR. MORRISON: On Mr. Falco's accusations.

3 THE COURT: Hold on. Stop arguing with each other.

4 MR. MORRISON: Sorry.

11:02:03

5 THE COURT: Overruled. You can answer the  
6 question. So the question is: Mr. Falco told you he thought  
7 that Brinson wasn't paying income taxes on the sale of the  
8 SDS's, is that right?

9 THE WITNESS: Yes.

11:02:13

10 BY MR. MORRISON:

11 Q. Did he tell you that?

12 A. Yes.

13 Q. Did he say he had no evidence of that?

14 A. Yes, yeah.

11:02:18

15 Q. Okay. In fact, you've obtained tax filings for Brinson and  
16 Wittich from the IRS, and your folks have looked at that,  
17 correct?

18 A. Yes.

19 Q. And they have not been charged with income tax evasion,  
20 correct?

11:02:32

21 A. Not through the FBI, they have not.

22 Q. Okay. Mr. Falco also told you on November 6th, 2011, that  
23 his lawyer was trying to file a qui tam lawsuit based on  
24 Brinson allegedly evading taxes, is that correct?

11:02:53

25 A. That sounds correct, yes.

1 Q. And you contacted the assistant United States Attorney in  
2 Chicago who confirmed that a qui tam suit had been filed but  
3 that it would have to be withdrawn or dismissed and unsealed  
4 because it lacked merit, correct?

11:03:09

5 A. That sounds correct. Like I said, I haven't looked at any  
6 of these documents in so long. But I do remember, and that  
7 does sound correct, yes.

11:03:27

8 Q. Okay. Now, you assisted Mr. Jacobson in having multiple  
9 conversations with administrative law judges for the  
10 unemployment compensation office to continue hearings, correct?

11 A. Say that again.

11:03:42

12 Q. Did you and Mr. Jacobson contact the unemployment referee  
13 that was to determine the issue of unemployment compensation  
14 for Mr. Falco and continue hearings by telling him that you had  
15 an FBI investigation?

16 A. Yes.

17 Q. Did you provide notice to Brinson about that?

18 A. No.

11:03:54

19 Q. Are you aware if they were notified that there were these  
20 conversations?

21 A. I am not aware.

22 Q. So as a result the hearings --

23 THE COURT: What's the relevance of this?

24 MR. MORRISON: I'm done with that line of questioning.

11:04:08

25 THE COURT: Then move on.

1 MR. MORRISON: Okay.

2 BY MR. MORRISON:

11:04:36

3 Q. You learned through your investigation that Mr. Wittich and  
4 Brinson had provided Armin Nickel, who was in charge of the SDS  
5 at Mercedes-Benz, an actual SDS machine back when Brinson first  
6 started selling it, correct?

7 A. Yes, I was.

8 MS. SPARROW: Objection as to relevance.

9 THE COURT: Sustained.

11:05:03

10 MR. MORRISON: I'm waiting on Your Honor on my  
11 previous question.

12 THE COURT: I sustained the objection.

13 MR. MORRISON: Oh, I'm sorry. I didn't hear that. I  
14 couldn't hear you.

11:06:06

15 BY MR. MORRISON:

16 Q. Are you aware that a Mercedes engineer aside from  
17 Mr. Nickel, Will Vetter, had recommended customers to purchase  
18 an SDS from Brinson back in the 2008 time frame?

11:06:37

19 A. I vaguely remember that from the case file. Yes, I believe  
20 that's true.

21 MR. MORRISON: No further questions.

22 THE COURT: All right. Ms. Sparrow, any redirect?

23 MS. SPARROW: Yes, I have a few questions, Your Honor.

24 (Discussion off the record.)

11:07:59

25 THE COURT: All right. Go ahead, Ms. Sparrow.

1 MS. SPARROW: Thank you, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. SPARROW:

11:08:05

4 Q. You previously testified after your initial contact with  
5 Mr. Falco that you did have some contact with Bill Gran of the  
6 Treasury Department, is that correct?

7 A. Yes.

8 Q. Okay. Did Mr. Gran --

11:08:18

9 MR. MORRISON: Objection. This is beyond the scope of  
10 the exam. I don't believe I asked anything about Mr. Gran.

11 THE COURT: No, that's --

12 MS. SPARROW: This goes to the timing of anything  
13 before the July contact.

14 THE COURT: Overruled. Go ahead.

11:08:33

15 BY MS. SPARROW:

16 Q. At the time of your conversations with Mr. Gran, did he  
17 provide you with any of the documents that he had been provided  
18 with from Mr. Falco?

19 MR. MORRISON: Objection, foundation.

11:08:46

20 BY MS. SPARROW:

21 Q. Did Mr. Falco provide --

22 THE COURT: All right. Stop.

23 When did you speak to Bill Gran?

24 THE WITNESS: Oh, man. I would have to look at a  
25 timeline. I'm sorry.

11:08:54

1 THE COURT: Okay. But you spoke to Bill Gran at some  
2 point after you officially opened the investigation.

3 THE WITNESS: Yes, yes.

4 THE COURT: Okay.

11:09:02

5 THE WITNESS: And after speaking with Falco.

6 THE COURT: Okay.

7 THE WITNESS: Mr. Falco, yes.

8 THE COURT: All right. During your conversations --  
9 how many times did you talk to Bill Gran?

11:09:13

10 THE WITNESS: Just a handful of times.

11 THE COURT: Okay. At any time during those  
12 conversations, what did Bill Gran provide you with?

13 THE WITNESS: Oh, man. I believe --

14 THE COURT: If you remember.

11:09:29

15 THE WITNESS: I think he provided a transcript from  
16 one of the hearings, the unemployment hearings. I think that  
17 was Bill Gran, but we --

18 MR. MORRISON: I'm sorry. I can't hear. Could you  
19 talk closer to the microphone?

11:09:41

20 THE WITNESS: Oh, sorry about that. I believe he  
21 provided a transcript from one of the unemployment hearings for  
22 us to look over. Oh, I'm sorry. Bill Gran.

23 THE COURT: Bill Gran from Treasury.

24 THE WITNESS: From Treasury, yeah. Sorry. Wrong

11:09:54

25 person. No, I couldn't. I would have to look back. Sorry. I

1 was thinking of the other gentleman. Sorry.

2 THE COURT: All right. So you don't remember what, if  
3 anything, Bill Gran provided you when you spoke to him.

11:10:12

4 THE WITNESS: No, those were -- we didn't have a whole  
5 lot of contact, no. I would have to honestly look back at what  
6 was written down.

7 THE COURT: Okay.

8 THE WITNESS: Yeah. Sorry.

9 THE COURT: All right. Go ahead, Ms. Sparrow.

11:10:30

10 BY MS. SPARROW:

11 Q. Can you tell me why in the trial, the eventual trial with  
12 Brinson, why Mr. Falco was not disclosed as a witness?

13 A. I don't know the decision of the AUSA's office, you know,  
14 their reasoning behind that, yeah.

11:10:49

15 Q. Okay. Thank you. Referring back again to Exhibit No. 35,  
16 which is that Holiday Inn fax, does your memory -- I know you  
17 said you had seen this document before. Does the language in  
18 this document indicate that Mr. Wittich did know that there was  
19 hiding of the selling of the SDS?

11:11:20

20 MR. MORRISON: Objection, Your Honor. I didn't ask  
21 anything about this. This is beyond the scope.

22 MS. SPARROW: You were asking questions asking him if  
23 he had any information on what Mr. Wittich was hiding.

24 BY MS. SPARROW:

11:11:36

25 Q. Was Mr. Wittich hiding the fact that he sold the SDS's?



1 THE COURT: Counsel, this is not --

2 MS. SPARROW: Oh, I'm so sorry.

3 THE COURT: -- a discussion back and forth with each  
4 other.

11:11:45

5 MS. SPARROW: Okay. I'm so sorry, Your Honor.

6 THE COURT: Mr. Morrison, you did bring up  
7 Mr. Wittich's state of mind.

8 MR. MORRISON: I did.

11:11:58

9 THE COURT: So the agent can testify as to  
10 Mr. Wittich's state of mind on redirect.

11 BY MS. SPARROW:

12 Q. So the question was --

13 MS. SPARROW: May I approach the witness? I'll show  
14 him the document again.

11:12:10

15 THE COURT: Just ask him.

16 MS. SPARROW: Pardon me?

17 THE COURT: Just ask him if there's anything that he  
18 knows that --

19 BY MS. SPARROW:

11:12:16

20 Q. Do you know of anything in the Holiday Inn document that  
21 indicated that Mr. Wittich was hiding the fact that he had been  
22 selling the SDS's and that it was illegal?

23 A. I'm sorry. I apologize. I would --

24 THE COURT: He doesn't need to look at the fax.

11:12:34

25 THE WITNESS: Okay.

1 THE COURT: So, agent, during this investigation you  
2 learned a variety of things, right?

3 THE WITNESS: Yes, ma'am.

11:12:46

4 THE COURT: All right. Is there anything that you  
5 learned during this investigation that would lead you to  
6 believe that Mr. Wittich thought what he was doing in selling  
7 the SDS's was illegal?

8 THE WITNESS: Yes.

9 THE COURT: Okay. What were those things?

11:13:03

10 THE WITNESS: This is the best of my recollection.

11 THE COURT: Yes, the best of your recollection.

11:13:23

12 THE WITNESS: They had a website where his legitimate  
13 business -- they sold auto parts and diagnostics units and the  
14 various types of things, but they did not advertise directly  
15 that particular product. That product was not labeled in their  
16 billing system as a Star Diagnostic System of Mercedes. It was  
17 vague. It changed at different times with different  
18 descriptions.

11:13:45

19 There was many things that indicated that. When they  
20 sold it at seminars across the country, it was in the back of  
21 the room. It wasn't advertised with signs or anything. Many  
22 different things indicated that they knew it was not -- that  
23 they should not be selling it.

24 THE COURT: Okay.

11:14:08

25 MS. SPARROW: Thank you, Your Honor.

1 BY MS. SPARROW:

2 Q. When you met with Mr. Falco initially, did you -- were you  
3 provided and did you see invoices that he produced from the  
4 sale of SDS's?

11:14:38

5 A. Yes. In the original documents he provided, there were  
6 several invoices, yes.

7 Q. Did he ever tell you at that time or was it your  
8 understanding that the salesperson on those documents had been  
9 altered from the actual salesperson to himself?

11:15:03

10 MR. MORRISON: Objection, hearsay. It's a conclusion  
11 that she's made, and it's leading.

12 THE COURT: Overruled as to hearsay.

13 So, agent, were you ever aware that the person listed  
14 as the salesperson on an invoice was not the person who  
15 actually sold the unit?

11:15:37

16 THE WITNESS: That was what was reported to us I  
17 believe by Mr. Falco, that that had been changed. I don't know  
18 if we ever forensically, you know, proved that things were  
19 changed in the system unknowingly or whatever, but that was  
20 what was reported.

11:15:59

21 THE COURT: Okay.

22 BY MS. SPARROW:

23 Q. And when you intervened in the IDES hearings and let them  
24 know of your investigation, when you made -- was that by a  
25 phone call?

11:16:21

1 A. In which hearings? I'm sorry.

2 Q. IDES, the employment hearings.

3 A. Oh, okay. Sorry.

4 Q. Was that by phone call? Did you place a phone call to  
5 speak to them?

11:16:33

6 A. Oh, yes. I did not travel anywhere, yeah, to meet with  
7 them.

8 Q. And was Mr. Jacobson part of that phone call? Was he in  
9 that phone call or in that phone conversation?

11:16:47

10 A. I can't recall Mr. Jacobson.

11 Q. You don't remember if it was a conference call of some  
12 kind?

13 A. I honestly don't. I apologize.

14 Q. Okay.

11:17:03

15 A. Yeah, I would have to look back at that.

16 MS. SPARROW: All right. Thank you very much. That's  
17 all the questions I have.

18 THE COURT: Mr. Morrison, any recross?

19 MR. MORRISON: No further questions, Your Honor.

11:17:13

20 THE COURT: All right. Thank you, Agent Parsons. You  
21 can step down.

22 THE WITNESS: Thank you, ma'am.

23 THE COURT: Oh, you know, agent, actually come back.  
24 Sorry. I have one follow-up question.

11:17:31

25 All right. So you testified that Mr. Falco said that

1 he had informed Mr. Golembiewski, I think?

2 THE WITNESS: Golembiewski, I think that's how you say  
3 it, yeah.

11:17:58

4 THE COURT: Okay. He said that he planned to report  
5 Brinson to Treasury and the FBI before he left.

6 THE WITNESS: Uh-huh.

11:18:29

7 THE COURT: In the course of your investigation, were  
8 you aware or were you ever aware that the management of Brinson  
9 or anybody at Brinson knew before Mr. Falco left his job that  
10 he had reported them to Treasury or the FBI?

11 THE WITNESS: Whether they had knowledge that he  
12 reported it?

13 THE COURT: Yes.

11:18:46

14 THE WITNESS: I don't know. Yeah, it's only from  
15 interviews with Mr. Falco, I believe. But, yeah, that's a very  
16 specific question that I can't 100 percent recall.

17 THE COURT: Okay. If you don't, that's fine.

18 THE WITNESS: I don't.

19 THE COURT: So you don't know one way or the other --

11:19:02

20 THE WITNESS: I don't know, no.

21 THE COURT: -- through the course of your action if  
22 they knew that.

23 THE WITNESS: I believe they did, but I can't say what  
24 date or what directly that points to. So, yeah, I don't want  
25 to misstate.

11:19:15

11:19:44

1 THE COURT: So you don't know. I just need to be  
2 clear. So before Mr. Falco left his job in April of 2011,  
3 before that point, in the course of your investigation did you  
4 learn that anybody before that point at Brinson knew that he  
5 had gone to Treasury or the FBI?

11:20:03

6 THE WITNESS: That's what I'm saying. I believe they  
7 did know, but I believe that's based on testimony from or an  
8 interview with Mr. Falco. I think that's -- I'm trying to  
9 recall.

11:20:30

10 THE COURT: Okay. So other than Mr. Falco saying the  
11 statement that "I told John I planned to go," other than that,  
12 do you have any independent recollection of anything else?

13 THE WITNESS: I want to say yes. It's just I'm very  
14 fact-based, so I would hate to say something that, you know,  
15 was not 100 percent accurate. So I would want to point back to  
16 a document or something, but I believe that they were made  
17 aware, yeah.

11:20:47

18 THE COURT: But you don't know when, and you don't  
19 know how.

20 THE WITNESS: No, I would have to look.

21 THE COURT: All right. So you can't tell me that they  
22 knew. You can't tell me definitively, yes, they knew, or they  
23 didn't know.

11:21:02

24 THE WITNESS: Not without, yeah, going back through  
25 the entire --

1 THE COURT: Okay.

2 THE WITNESS: I wouldn't recall, yeah.

3 THE COURT: All right. Thank you.

4 THE WITNESS: Sorry. Thank you, Your Honor.

11:21:09

5 THE COURT: Anybody have any follow-up questions after  
6 that?

7 MR. MORRISON: No further questions.

8 (Discussion off the record.)

9 MS. SPARROW: Yes, may I?

11:21:19

10 THE COURT: Go ahead.

11 THE WITNESS: Oh, okay.

12 MS. SPARROW: Sorry.

13 THE WITNESS: That's okay.

14 REDIRECT EXAMINATION

11:21:25

15 BY MS. SPARROW:

16 Q. So you have testified, though, that you did have contact  
17 with Bill Gran from the Treasury Department.

18 A. Yes.

19 Q. And he's testified or he indicated to you that he had  
20 previous contact with Mr. Falco.

11:21:36

21 A. Yes.

22 Q. And you did testify that the phone records reflect before  
23 Mr. Falco leaves Brinson that there was communication of some  
24 kind between FBI New Orleans and Mr. Falco?

11:22:00

25 MR. MORRISON: The same objection as before, it's a

1 record of a phone number, not a communication.

2 THE COURT: Well, but there's a record of a phone call  
3 coming from the New Orleans field office general number to  
4 Mr. Falco's cell phone.

11:22:17

5 MS. SPARROW: Yes.

6 BY MS. SPARROW:

7 Q. Mr. Parsons, you're verifying that that is the phone number  
8 from the New Orleans --

9 A. That is, yes.

11:22:30

10 Q. -- FBI office.

11 A. Yes.

12 Q. But you have no recollection yourself about Bill Gran  
13 giving you any type of time for the time that they spoke or  
14 they began to speak?

11:22:46

15 A. No. Yeah, that may be somewhere written down. I don't  
16 know. But, yeah, I don't recall.

17 Q. But it was your understanding that they were previously  
18 contacted. Did he ever -- did Mr. Parsons ever report to you  
19 that he had called the FBI?

11:23:07

20 THE COURT: That would be Mr. Gran.

21 MR. MORRISON: Objection. He is Mr. Parsons.

22 THE COURT: She meant Mr. Gran.

23 MS. SPARROW: Oh, excuse me. I'm sorry.

24 BY MS. SPARROW:

11:23:16

25 Q. Did Mr. Gran ever report to you?



1 A. That he had contacted the FBI?

2 Q. That he had contact about this matter.

3 A. I'm not -- I don't know if Mr. Gran himself called the FBI.  
4 I know the complaint came in to us, from my point of view, from  
5 Mercedes to our headquarters, to New Orleans, to me. That's  
6 the flow that I recall. Then through subsequent interviews, I  
7 discovered that, you know, Mr. Grant was contacted before us as  
8 well and before Mercedes by Mr. Falco.

11:23:31

9 Q. So it was before Mercedes.

11:23:51

10 A. To my knowledge, yes.

11 MS. SPARROW: Okay. Thank you very much. No further  
12 questions.

13 THE COURT: Anything else, Mr. Morrison?

14 MR. MORRISON: No further questions.

11:24:06

15 THE COURT: And I am done, too. Thank you, agent.

16 THE WITNESS: Thank you.

17 (Witness excused.)

18 \* \* \* \* \*

19 C E R T I F I C A T E

20 I, Patrick J. Mullen, do hereby certify that the  
21 foregoing is a complete, true, and accurate transcript of an  
22 excerpt of the trial proceedings had in the above-entitled case  
before the Honorable SARA L. ELLIS, one of the judges of said  
court, at Chicago, Illinois, on February 21, 2018.

23 /s/ Patrick J. Mullen  
24 Official Court Reporter  
25 United States District Court  
Northern District of Illinois  
Eastern Division