

In The Matter Of:
Rhode Island Economic Development Corporation vs
Wells Fargo Securities, LLC

Michael D. Corso
July 24, 2014



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2	PROVIDENCE, SC. SUPERIOR COURT
3	
4	RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION
5	VS. C.A. NO. PB-12-5616
6	WELLS FARGO SECURITIES, LLC; BARCLAYS CAPITAL, INC.; FIRST SOUTHWEST COMPANY; STARR INDEMNITY and LIABILITY COMPANY; CURT SCHILLING; THOMAS ZACCAGNINO; RICHARD WESTER; JENNIFER MACLEAN; ROBERT I. STOLZMAN; ADLER POLLOCK & SHEEHAN, P.C.; MOSES AFONSO RYAN, LTD.; ANTONIO AFONSO, JR.; KEITH STOKES; and J. MICHAEL SAUL
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16	DEPOSITION OF MICHAEL D. CORSO, a Witness in the above entitled cause, taken on behalf of the Defendants, before Linda L. Guglielmo, RPR-RMR, a Notary Public in and for the State of Rhode Island, at the offices of Hinckley, Allen & Snyder, Inc., 1500 Fleet Center, Providence, Rhode Island, on Friday, July 24, 2014, at 9:30 A.M.
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1	APPEARANCES:
2	Wistow, Baryllick, Sheehan & Loveley, PC BY: STEPHEN P. SHEEHAN, ESQ. BENJAMIN LEDSHAM, ESQ. Counsel for Plaintiff
4	K&L Gates, LLP BY: TIMOTHY J. GRIMES, ESQ. Counsel for Defendant, Wells Fargo Securities, LLC
7	Hinckley, Allen & Snyder, LLP BY: ADAM M. RAMOS, ESQ. Counsel for Defendant, First Southwest Company
9	Present Via Telephone: Goodwin Procter, LLP BY: SARAH HEATON CONCANNON, ESQ. DANIELLE BART, ESQ. Counsel for Defendant Curt Schilling
13	Present Via Telephone: Brown Rudnick, LLP BY: WILLIAM M. DOLAN, III, ESQ. Counsel for Defendants, Adler Pollock & Sheehan, PC; and Robert Stolzman
16	Present Via Telephone: Silva, Thomas, Martland & Offenberg, Ltd. BY: DAVID P. MARTLAND, ESQ. Counsel for Defendant, Keith Stokes
19	Law office of Anthony Traini BY: ANTHONY M. TRAINI, ESQ. -and- Lepizzera Laprocina BY: MICHAEL J. LEPIZZERA, JR., ESQ. Counsel for the Witness
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24	
25	

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1	(COMMENCED AT 9:37 A.M.)
2	MR. RAMOS: Subject to everybody else
3	on the phone and in the room agreeing to this as
4	well, Mr. Traini and I have agreed that because we
5	understand that Mr. Corso will be asserting his
6	Fifth Amendment privilege against
7	self-incrimination as to the majority, if not all,
8	of the questions we ask today, he will give a full
9	recitation of that privilege the first time that
10	he gives that response, and we'll allow him to use
11	the shorthand of simply asserting Fifth Amendment
12	privilege thereafter, with the understanding that
13	that is the full assertion of his Fifth Amendment
14	privilege with respect to those privileges.
15	MR. SHEEHAN: That's fine with the
16	plaintiff.
17	MR. TRAINI: Just to be clear about
18	it, Adam, the original assertion will be to his
19	federal and state privileges against
20	self-incrimination. So when he says Fifth
21	Amendment privilege, that will include state
22	privileges as well as his federal privileges. As
23	long as everybody understands that, it will make
24	it faster if he can just say Fifth Amendment after
25	his full invocation.

<p style="text-align: right;">Page 5</p> <p>1 MR. RAMOS: Is that okay with 2 everybody on the phone? 3 MR. DOLAN: No objection, Bill 4 Dolan. 5 MS. CONCANNON: No objection, Sarah 6 Concannon. 7 MR. MARTLAND: No objection, David 8 Martland. 9 MR. GRIMES: No objection, Tim 10 Grimes. 11 MR. RAMOS: Secondly, in light of 12 the likely invocation of the privilege against 13 self-incrimination to most questions, Mr. Traini 14 and I discussed that there may be some questions 15 that could potentially impact or raise 16 attorney/client privileges issues and potential 17 attorney/client objections, and rather that, 18 again, subject to everybody else's agreement, 19 rather than have them parse out between those, 20 we're going to agree with a caveat that I'll 21 explain in just a minute, that there's no 22 requirement that any assertions of the 23 attorney/client privilege be made in response to 24 questions today and that objections on the basis 25 of attorney/client privilege are preserved in the</p>	<p style="text-align: right;">Page 7</p> <p>1 of Wells Fargo. 2 Mr. MARTLAND: No objection, Keith 3 Stokes. 4 MS. CONCANNON: No objection, 5 Mr. Schilling. 6 MR. RAMOS: I guess the last thing 7 that I would say is that at the conclusion of 8 today, it's First Southwest's intent to suspend 9 rather than close the deposition in light of a 10 number of things, first, the potential there might 11 be a motion to compel to challenge the assertions 12 of the Fifth Amendment privilege, also in light of 13 the fact that the issues with the attorney/client 14 privilege that exists and some questions as to its 15 applicability. There's an understanding there may 16 be some more documents produced in this case, and 17 then finally, there's a number of documents that 18 due to the timing of when they were ultimately 19 produced may not have been reviewed, and to the 20 extent that there are documents that were produced 21 and not yet been reviewed, we reserve the right to 22 recall Mr. Corso with respect to those. Is there 23 anything else you needed to put on the record? 24 MR. TRAINI: I don't think, Adam, 25 other than with respect to the attorney/client</p>
<p style="text-align: right;">Page 6</p> <p>1 event that the deposition is reconvened at a time 2 when Mr. Corso will no longer be asserting his 3 privileges against self-incrimination. And the 4 caveat is to the extent that First Southwest or 5 any of the other parties through this case seek -- 6 pursue a motion to compel to challenge the 7 assertions of the Fifth Amendment privileges and 8 seek to have the judge require Mr. Corso to answer 9 those questions, if any of the questions for which 10 answers are sought in a motion to compel, 11 Mr. Corso or his attorneys believe that the 12 attorney/client privilege applies to those 13 questions, that he will raise the attorney/client 14 privilege objection in the opposition to the 15 motion to compel rather than requiring the more 16 cumbersome process of potentially having him come 17 back for a deposition after being compelled to 18 respond to a question, asserting attorney/client 19 privilege, and then leading to another motion to 20 compel. Any objections to that procedure? 21 MR. SHEEHAN: Plaintiff is fine with 22 that procedure. 23 MR. DOLAN: No objection on behalf 24 of Adler, Pollock and Rob Stolzman. 25 MR. GRIMES: No objection on behalf</p>	<p style="text-align: right;">Page 8</p> <p>1 privilege document issue, in the productions that 2 were made, there were some privilege documents 3 that were already withheld for which we gave you a 4 privilege log. I believe those were what we 5 characterized as 2009 privilege documents. Then 6 there's a separate set of 2010 privilege documents 7 that have also been withheld, and as you know from 8 our correspondence, the privilege log for those 9 documents is still in process, so you don't have 10 that yet, and we discussed in our correspondence 11 whether or not the privilege may have been waived 12 by the bankruptcy trustee for 38 Studios in 13 Delaware, and that issue hasn't been resolved, so 14 your request was that we continue with preparation 15 of the privilege log, which we will do, but given 16 the volume of those documents, that will take us a 17 little time. That hasn't been completed, we'll 18 give you that log when it's done, and at some 19 point the issue of whether the privilege has been 20 waived will have to be resolved, and we just 21 haven't gotten to that yet, correct? 22 MR. RAMOS: That's correct. 23 MR. SHEEHAN: Just for the record, 24 plaintiff does not agree to your keeping the 25 deposition open.</p>

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<p>1 MR. RAMOS: Okay.</p> <p>2 MR. SHEEHAN: I don't want you to</p> <p>3 proceed under a false objection.</p> <p>4 MR. RAMOS: So you object -- to the</p> <p>5 extent that we seek to recall Mr. Corso, plaintiff</p> <p>6 objects?</p> <p>7 MR. SHEEHAN: Right. Not necessarily</p> <p>8 if you seek to recall him, we're objecting to your</p> <p>9 suggestion that you're going to suspend rather</p> <p>10 than complete the deposition.</p> <p>11 MR. RAMOS: Fair enough. I guess you</p> <p>12 can swear in the witness.</p> <p>13 MICHAEL D. CORSO</p> <p>14 Being duly sworn, deposes and testifies as follows:</p> <p>15 THE REPORTER: State your name for</p> <p>16 the record.</p> <p>17 THE WITNESS: Michael D. Corso.</p> <p>18 EXAMINATION BY MR. RAMOS</p> <p>19 Q. Good morning, Mr. Corso. I'm just going to jump</p> <p>20 right into it. I'm sorry, I know you already</p> <p>21 stated your name. Could you state your name and</p> <p>22 address, please?</p> <p>23 A. Michael D. Corso, 155 Chestnut Street,</p> <p>24 Providence, Rhode Island 02903.</p> <p>25 Q. Where did you go to school, Mr. Corso?</p>	<p>1 Q. How long has Kingston Capital been in operation?</p> <p>2 A. First Amendment privileges.</p> <p>3 Q. Are you the sole owner of Kingston Capital?</p> <p>4 A. Fifth Amendment privileges.</p> <p>5 Q. What is your role with Kingston Capital?</p> <p>6 A. Fifth Amendment privileges.</p> <p>7 Q. What are your duties with Kingston Capital?</p> <p>8 A. Fifth Amendment privileges.</p> <p>9 Q. Are you affiliated with a business that goes by</p> <p>10 the name of Preservation Credit Fund?</p> <p>11 A. Fifth Amendment privileges.</p> <p>12 Q. What is the business of Preservation Credit Fund?</p> <p>13 A. Fifth Amendment privileges.</p> <p>14 Q. How long has Preservation Credit Fund been in</p> <p>15 operation?</p> <p>16 A. Fifth Amendment privileges.</p> <p>17 Q. Are you the sole owner of Preservation Credit</p> <p>18 Fund?</p> <p>19 A. Fifth Amendment privileges.</p> <p>20 Q. What is your title with Preservation Credit Fund?</p> <p>21 A. Fifth Amendment privileges.</p> <p>22 Q. What are your duties in connection with</p> <p>23 Preservation Credit Fund?</p> <p>24 A. Fifth Amendment privileges.</p> <p>25 Q. Are you affiliated with any other business</p>
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<p>1 A. On the advice of counsel, I decline to answer</p> <p>2 in reliance on my state and federal privileges</p> <p>3 against self-incrimination.</p> <p>4 Q. And where are you currently employed, Mr. Corso?</p> <p>5 A. Fifth Amendment privileges.</p> <p>6 Q. Do you own any businesses?</p> <p>7 A. Fifth Amendment privileges.</p> <p>8 Q. Do you own a business that goes by the name of Orb</p> <p>9 Development?</p> <p>10 A. Fifth Amendment privileges.</p> <p>11 Q. What is the business of Orb Development?</p> <p>12 A. Fifth Amendment privileges.</p> <p>13 Q. How long has Orb Development been in operation?</p> <p>14 A. Fifth Amendment privileges.</p> <p>15 Q. Are you the sole owner of Orb Development?</p> <p>16 A. Fifth Amendment privileges.</p> <p>17 Q. What is your title with Orb Development?</p> <p>18 A. Fifth Amendment privileges.</p> <p>19 Q. What are your duties with Orb Development?</p> <p>20 A. Fifth Amendment privileges.</p> <p>21 Q. Are you affiliated with a business that goes by</p> <p>22 the name of Kingston Capital?</p> <p>23 A. Fifth Amendment privileges.</p> <p>24 Q. What is Kingston Capital's business?</p> <p>25 A. Fifth Amendment privileges.</p>	<p>1 entities?</p> <p>2 A. Fifth Amendment privileges.</p> <p>3 Q. Are you an owner of any other business entities?</p> <p>4 A. Fifth Amendment privileges.</p> <p>5 Q. Before -- at some point in 2009 did you become</p> <p>6 involved with a company by the name of 38 Studios?</p> <p>7 A. Fifth Amendment privileges.</p> <p>8 Q. Before you became involved with 38 Studios did you</p> <p>9 have a previous business relationship with Curt</p> <p>10 Schilling?</p> <p>11 A. Fifth Amendment privileges.</p> <p>12 Q. Before you became involved with 38 Studios did you</p> <p>13 have a previous business relationship with Thomas</p> <p>14 Zaccagnino?</p> <p>15 A. Fifth Amendment privileges.</p> <p>16 Q. Before you became involved with 38 Studios did you</p> <p>17 have a previous business relationship with</p> <p>18 Jennifer MacLean?</p> <p>19 A. Fifth Amendment privileges.</p> <p>20 Q. Before you became involved with 38 Studios did you</p> <p>21 have a previous business relationship with Rick</p> <p>22 Wester?</p> <p>23 A. Fifth Amendment privileges.</p> <p>24 Q. Before you became involved with 38 Studios did you</p> <p>25 have a previous business relationship with Bill</p>

<p style="text-align: right;">Page 13</p> <p>1 Thomas?</p> <p>2 A. Fifth Amendment privileges.</p> <p>3 Q. Did you -- were you involved in any particular</p> <p>4 business transactions with any of Mr. Schilling,</p> <p>5 Mr. Zaccagnino, Ms. MacLean, Mr. Wester or</p> <p>6 Mr. Thomas before you were involved with 38</p> <p>7 Studios?</p> <p>8 A. Fifth Amendment privileges.</p> <p>9 MS. CONCANNON: Objection to form and</p> <p>10 objection to form of all five of the previous</p> <p>11 questions. Sarah Concannon.</p> <p>12 Q. In any of the business transactions that you were</p> <p>13 involved in with Mr. Schilling before your</p> <p>14 involvement with 38 Studios, what was your role in</p> <p>15 those transactions?</p> <p>16 A. Fifth Amendment privileges.</p> <p>17 MS. CONCANNON: Objection. Form.</p> <p>18 Q. Before you were involvement with 38 Studios what</p> <p>19 was your role in any of your prior business</p> <p>20 transactions with Thomas Zaccagnino?</p> <p>21 MS. CONCANNON: Objection to form.</p> <p>22 Andy, if I can have a continuing objection to</p> <p>23 form, and that might be helpful and avoid my</p> <p>24 needing to interrupt.</p> <p>25 MR. RAMOS: It's okay with me. It's</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. Before you were involved with 38 Studios did you</p> <p>2 have a personal friendship with Curt Schilling?</p> <p>3 A. Fifth Amendment privilege.</p> <p>4 MS. CONCANNON: Objection.</p> <p>5 Q. Before your involvement with 38 Studios did you</p> <p>6 have a personal friendship with Thomas Zaccagnino?</p> <p>7 A. Fifth Amendment privilege.</p> <p>8 MS. CONCANNON: Objection.</p> <p>9 Q. Before your involvement with 38 Studios did you</p> <p>10 have a personal friendship with Jennifer MacLean?</p> <p>11 MS. CONCANNON: Objection.</p> <p>12 A. Fifth Amendment privilege.</p> <p>13 Q. Before your involvement with 38 Studios did you</p> <p>14 have a personal friendship with Rick Wester?</p> <p>15 MS. CONCANNON: Objection.</p> <p>16 A. Fifth Amendment privilege.</p> <p>17 Q. Before your involvement with 38 Studios did you</p> <p>18 have a personal friendship with Bill Thomas?</p> <p>19 MS. CONCANNON: Objection.</p> <p>20 A. Fifth Amendment privilege.</p> <p>21 Q. To the extent I ask you questions about any</p> <p>22 particulars regarding your personal friendships</p> <p>23 with Mr. Schilling, Mr. Zaccagnino, Mr. MacLean,</p> <p>24 Mr. Wester and Mr. Thomas, would you assert your</p> <p>25 Fifth Amendment privilege to those questions?</p>
<p style="text-align: right;">Page 14</p> <p>1 Adam, though, Sarah.</p> <p>2 MS. CONCANNON: Sorry. Is that</p> <p>3 acceptable to you, Steve?</p> <p>4 MR. SHEEHAN: No, no. No.</p> <p>5 A. Fifth Amendment privileges.</p> <p>6 MR. RAMOS: Off the record for just a</p> <p>7 second.</p> <p>8 (OFF THE RECORD)</p> <p>9 MR. RAMOS: We can go back on.</p> <p>10 Q. Before your involvement 38 Studios, in previous</p> <p>11 business transactions you had with Jennifer</p> <p>12 MacLean, What was your role in those transactions?</p> <p>13 MS. CONCANNON: Objection.</p> <p>14 A. Fifth Amendment privilege.</p> <p>15 Q. Before your involvement with 38 Studios and any</p> <p>16 previous business transactions you had with Rick</p> <p>17 Wester, what was your role in those transactions?</p> <p>18 A. Fifth Amendment privilege.</p> <p>19 MS. CONCANNON: Objection.</p> <p>20 Q. Before your involvement with 38 Studios and any</p> <p>21 previous business transactions you were involved</p> <p>22 in with Bill Thomas, what was your role in those</p> <p>23 transactions?</p> <p>24 MS. CONCANNON: Objection.</p> <p>25 A. Fifth Amendment privilege.</p>	<p style="text-align: right;">Page 16</p> <p>1 MR. TRAINI: His answer would be yes.</p> <p>2 Q. When did you first become involved with 38</p> <p>3 Studios?</p> <p>4 MS. CONCANNON: Objection.</p> <p>5 A. Fifth Amendment privilege.</p> <p>6 Q. Who is the first person that contacted you about</p> <p>7 being involved with 38 Studios?</p> <p>8 MS. CONCANNON: Objection.</p> <p>9 A. Fifth Amendment privilege.</p> <p>10 Q. What did that person ask you to do in connection</p> <p>11 with 38 Studios the first time you were contacted?</p> <p>12 MS. CONCANNON: Objection.</p> <p>13 A. Fifth Amendment privilege.</p> <p>14 Q. What was your understanding of why you were asked</p> <p>15 to do what you were asked to do in that first</p> <p>16 contact?</p> <p>17 MS. CONCANNON: Objection.</p> <p>18 A. Fifth Amendment privilege.</p> <p>19 Q. Did you have previous experience doing the type of</p> <p>20 work that you were asked to do during that first</p> <p>21 contact?</p> <p>22 MS. CONCANNON: Objection.</p> <p>23 A. Fifth Amendment privilege.</p> <p>24 Q. Before your first contact regarding your</p> <p>25 involvement with 38 Studios, had you done any work</p>

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<p>1 for video game development companies previously?</p> <p>2 MS. CONCANNON: Objection.</p> <p>3 A. Fifth Amendment privilege.</p> <p>4 Q. How did 38 Studios or any individual at 38 Studios</p> <p>5 first become aware of you?</p> <p>6 MS. CONCANNON: Objection.</p> <p>7 A. Fifth Amendment privilege.</p> <p>8 Q. Other than Mr. Schilling, Mr. Zaccagnino, Ms.</p> <p>9 MacLean, Mr. Thomas and Mr. Wester, had you met</p> <p>10 any directors, executives or employees of 38</p> <p>11 Studios before you were first contacted about</p> <p>12 being involved with 38 Studios?</p> <p>13 MS. CONCANNON: Objection.</p> <p>14 A. Fifth Amendment privilege.</p> <p>15 Q. What was your role or relationship with 38 Studios</p> <p>16 as of July of 2009?</p> <p>17 MS. CONCANNON: Objection.</p> <p>18 A. Fifth Amendment privilege.</p> <p>19 Q. Were you performing any work for 38 Studios as of</p> <p>20 July of 2009?</p> <p>21 A. Fifth Amendment privilege.</p> <p>22 Q. Were you having conversations with representatives</p> <p>23 of 38 Studios regarding possible projects as of</p> <p>24 July of 2009?</p> <p>25 MS. CONCANNON: Objection.</p>	<p>1 looked at the document.</p> <p>2 MS. CONCANNON: For those of us on</p> <p>3 the phone, can you provide a description?</p> <p>4 MR. RAMOS: Yes, this is -- D-125 has</p> <p>5 got a Bates label of EDCPRE00082485, and that's</p> <p>6 the same label on each page, and the first page is</p> <p>7 an e-mail from Andrew Scott to Tom Zaccagnino</p> <p>8 dated 8-17-2009 at 1:31:02 P.M.</p> <p>9 MS. CONCANNON: Thank you.</p> <p>10 Q. On the sixth page in to this exhibit, there's an</p> <p>11 e-mail on which you were copied; do you recall</p> <p>12 being copied on that e-mail?</p> <p>13 A. Fifth Amendment privilege.</p> <p>14 Q. The e-mail that you were copied on indicates that</p> <p>15 38 Studios was seeking capital -- was searching</p> <p>16 for capital at that time. Do you recall that 38</p> <p>17 Studios was seeking capital investors at that</p> <p>18 time?</p> <p>19 A. Fifth Amendment privilege.</p> <p>20 MS. CONCANNON: Objection to form.</p> <p>21 Q. Do you recall if -- strike that. The date of the</p> <p>22 e-mail that was forwarded to you is July 8th of</p> <p>23 2009, do you recall whether 38 Studios was seeking</p> <p>24 capital investors prior to that date?</p> <p>25 MS. CONCANNON: Objection to form.</p>
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<p>1 A. Fifth Amendment privilege.</p> <p>2 Q. What did you know about 38 Studios as of July of</p> <p>3 2009?</p> <p>4 A. Fifth Amendment privilege.</p> <p>5 Q. Had you already been providing services to 38</p> <p>6 Studios prior to July of 2009?</p> <p>7 MS. CONCANNON: Objection.</p> <p>8 A. Fifth.</p> <p>9 Q. Is there any difference between what your role was</p> <p>10 with 38 Studios prior to July 2009 and what it was</p> <p>11 as of July of 2009?</p> <p>12 MS. CONCANNON: Objection.</p> <p>13 A. Fifth Amendment privilege.</p> <p>14 (DEFENDANTS' EXHIBIT D-125</p> <p>15 MARKED FOR IDENTIFICATION)</p> <p>16 Q. Mr. Corso, I've placed in front of you a document</p> <p>17 that's been marked as Exhibit D-125 for</p> <p>18 identification for purposes of this deposition.</p> <p>19 Do you recall receiving this document?</p> <p>20 A. Fifth Amendment privilege.</p> <p>21 MR. LEPIZZERA: What number was that?</p> <p>22 MR. RAMOS: D-125.</p> <p>23 MR. TRAINI: By the way, the record</p> <p>24 should reflect that upon presentation of the</p> <p>25 document, the witness turned it over, and he's not</p>	<p>1 A. Fifth Amendment privilege.</p> <p>2 Q. Do you know why 38 Studios was seeking capital as</p> <p>3 of July 8 of 2009?</p> <p>4 MS. CONCANNON: Objection.</p> <p>5 A. Fifth Amendment privilege.</p> <p>6 Q. Were you assisting 38 Studios in their search for</p> <p>7 capital?</p> <p>8 A. Fifth Amendment privilege.</p> <p>9 MS. CONCANNON: Objection.</p> <p>10 Q. On the e-mail that you were copied on, it was</p> <p>11 addressed to Chris Fiore. Do you know who Chris</p> <p>12 Fiore is?</p> <p>13 A. Fifth Amendment privilege.</p> <p>14 Q. Were you affiliated with Mr. Fiore?</p> <p>15 A. Fifth Amendment privilege.</p> <p>16 Q. Did you know him before July of 2009?</p> <p>17 A. Fifth Amendment privilege.</p> <p>18 Q. The e-mails that are copied to you also are copied</p> <p>19 to a gentleman by the name of Andrew Scott. Do</p> <p>20 you know who Andrew Scott is?</p> <p>21 A. Fifth Amendment privilege.</p> <p>22 Q. Were you affiliated with Mr. Scott?</p> <p>23 A. Fifth Amendment privilege.</p> <p>24 Q. Did you know him before July 2009?</p> <p>25 A. Fifth Amendment privilege.</p>

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<p>1 Q. How did you know him?</p> <p>2 A. Fifth Amendment privilege.</p> <p>3 Q. How long had you known him?</p> <p>4 A. Fifth Amendment privilege.</p> <p>5 (DEFENDANTS' EXHIBIT D-126</p> <p>6 MARKED FOR IDENTIFICATION)</p> <p>7 Q. Mr. Corso, I've placed before you a document</p> <p>8 that's been marked a Exhibit D-126 for</p> <p>9 identification for purposes of this deposition.</p> <p>10 For the benefit of the people on the phone this is</p> <p>11 an e-mail that is from Michael Corso to an e-mail</p> <p>12 address, decresce@emc.com. It's a two-page e-mail</p> <p>13 with many pages of attachment, and the attachments</p> <p>14 are identified in the e-mail as the 38 Studios --</p> <p>15 as 38 Studios-PPM, 050409, 38 Studios</p> <p>16 investor/presentation, 38 Studios valuation backup</p> <p>17 and then Robert DeAngelis.vcf and Ward Mooney.vcf.</p> <p>18 Mr. Corso, do you recall sending this e-mail?</p> <p>19 A. Fifth Amendment privilege.</p> <p>20 MR. TRAINI: The record should also</p> <p>21 reflect that the witness, upon presentation of the</p> <p>22 document, turned it over and has not looked at the</p> <p>23 document.</p> <p>24 Q. Do you recall why you were forwarding this e-mail</p> <p>25 to the e-mail address decresce@emc.com?</p>	<p>1 A. Fifth Amendment privilege.</p> <p>2 Q. Why was his vCard being sent with this e-mail?</p> <p>3 A. Fifth Amendment privilege.</p> <p>4 Q. What was your role and relationship with 38</p> <p>5 Studios as of October of 2009?</p> <p>6 MS. CONCANNON: Objection.</p> <p>7 A. Fifth Amendment privilege.</p> <p>8 Q. Had you been doing work on behalf of 38 Studios</p> <p>9 between July and October of 2009?</p> <p>10 A. Fifth Amendment privilege.</p> <p>11 Q. Were you working with 38 Studios to try and raise</p> <p>12 equity for the company during that time period?</p> <p>13 A. Fifth Amendment privilege.</p> <p>14 Q. Had you visited 38 Studios location in Maynard,</p> <p>15 Massachusetts, prior to October of 2009?</p> <p>16 A. Fifth Amendment privilege.</p> <p>17 Q. Had you received any compensation from 38 Studios</p> <p>18 prior to October of 2009?</p> <p>19 A. Fifth Amendment privilege.</p> <p>20 Q. How much compensation had you received?</p> <p>21 A. Fifth Amendment privilege.</p> <p>22 MS. CONCANNON: Objection.</p> <p>23 Q. Why were you paid any compensation by 38 Studios</p> <p>24 prior to October of 2009?</p> <p>25 A. Fifth Amendment privilege.</p>
Page 22	Page 24
<p>1 A. Fifth Amendment privilege.</p> <p>2 Q. Do you know whose e-mail address that is?</p> <p>3 A. Fifth Amendment privilege.</p> <p>4 Q. Was the owner of that e-mail address a potential</p> <p>5 capital investor or representative of a potential</p> <p>6 capital investor in 38 Studios?</p> <p>7 A. Fifth Amendment privilege.</p> <p>8 Q. Did you send this e-mail as part of your work in</p> <p>9 helping 38 Studios seek out capital investment?</p> <p>10 A. Fifth Amendment privilege.</p> <p>11 Q. Looking back at Exhibit D-125. On I believe the</p> <p>12 seventh page of the exhibit, would you agree with</p> <p>13 me that the e-mail that you sent to</p> <p>14 decresce@emc.com is a portion of the e-mail that</p> <p>15 was copied to you in Exhibit D-125?</p> <p>16 MS. CONCANNON: Objection.</p> <p>17 A. Fifth Amendment privilege.</p> <p>18 MR. TRAINI: The record should</p> <p>19 reflect that the witness did not look back at the</p> <p>20 earlier exhibit and make any comparison.</p> <p>21 Q. Who was or is Robert DeAngelis?</p> <p>22 A. Fifth Amendment privilege.</p> <p>23 Q. Why was his vCard being sent with this e-mail?</p> <p>24 A. Fifth Amendment privilege.</p> <p>25 Q. Who was or is Ward Mooney?</p>	<p>1 MS. CONCANNON: Objection.</p> <p>2 Q. To whom was any compensation that you were paid</p> <p>3 prior to October of 2009 by 38 Studios paid?</p> <p>4 MS. CONCANNON: Objection.</p> <p>5 A. Fifth Amendment privilege.</p> <p>6 Q. Was that compensation paid to Orb Development?</p> <p>7 MS. CONCANNON: Objection.</p> <p>8 A. Fifth Amendment privilege.</p> <p>9 Q. Was that compensation paid to Kingston Capital?</p> <p>10 MS. CONCANNON: Objection.</p> <p>11 A. Fifth Amendment privilege.</p> <p>12 Q. Was that compensation paid to Preservation Credit?</p> <p>13 MS. CONCANNON: Objection.</p> <p>14 A. Fifth Amendment privilege.</p> <p>15 Q. Was that compensation paid to any other entity</p> <p>16 that you owned or controlled?</p> <p>17 MS. CONCANNON: Objection.</p> <p>18 A. Fifth Amendment privilege.</p> <p>19 MR. TRAINI: Excuse me for one</p> <p>20 second.</p> <p>21 (COUNSEL CONFERRING WITH WITNESS)</p> <p>22 MR. SHEEHAN: Just a question on the</p> <p>23 record, there are a lot of black boxes indicating</p> <p>24 possible redaction of Bates numbers on this</p> <p>25 exhibit. Is that something that First Southwest's</p>

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1 counsel has done?

2 MR. RAMOS: No, it is not.

3 MR. SHEEHAN: Do you happen to know

4 who did that?

5 MR. RAMOS: I do not. I can maybe

6 find out during a break.

7 MR. SHEEHAN: Thank you.

8 Q. When was any compensation that you were paid prior

9 to October of 2009 by 38 Studios paid?

10 MS. CONCANNON: Objection.

11 A. Fifth Amendment privilege.

12 Q. Did you visit 38 Studios location in Maynard,

13 Massachusetts, in October of 2009?

14 A. Fifth Amendment privilege.

15 (DEFENDANTS' EXHIBIT D-127

16 MARKED FOR IDENTIFICATION)

17 Q. Mr. Corso, I've placed before you a document that

18 has been marked as Exhibit D-127 for

19 identification for purposes of this deposition.

20 Have you seen this document before?

21 A. Fifth Amendment privilege.

22 MR. TRAINI: The record should

23 reflect that the witness, upon presentation of the

24 document, turned it over, and has not looked at

25 the document.

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1 MS. CONCANNON: Could you provide a

2 Bates number and description of the document?

3 MR. RAMOS: I don't have a Bates

4 number on this document. This is a spreadsheet

5 identifying or listing individuals who signed NDAs

6 with 38 Studios, individuals and companies that

7 signed NDAs with 38 Studios.

8 MS. CONCANNON: Thank you.

9 Q. Did you go to 38 Studios in Maynard on October 8,

10 2009?

11 A. Fifth Amendment privilege.

12 Q. How was that visit to 38 Studios arranged?

13 MS. CONCANNON: Objection.

14 A. Fifth Amendment privilege.

15 Q. On the sixth page of Exhibit D-127 your name is

16 listed on the left-hand column indicating that you

17 signed an NDA with 38 Studios; do you agree with

18 that?

19 A. Fifth Amendment privilege.

20 Q. It indicates that the date that the NDA was signed

21 was October 8th, 2009, did you in fact sign an NDA

22 with 38 Studios on October 8th of 2009?

23 MS. CONCANNON: Objection.

24 A. Fifth Amendment privileges.

25 Q. What was the purpose of the meeting you had at 38

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1 Studios Maynard location on October 8, 2009?

2 MS. CONCANNON: Objection.

3 A. Fifth Amendment privileges.

4 Q. Were Gordon Fox and William Murphy invited to meet

5 with 38 Studios on that date in Maynard,

6 Massachusetts?

7 MS. CONCANNON: Objection.

8 A. Fifth Amendment privileges.

9 Q. What was your role with 38 Studios at that time?

10 MS. CONCANNON: Objection.

11 A. Fifth Amendment privileges.

12 Q. What did you understand 38 Studios hoped to

13 accomplish at that meeting?

14 MS. CONCANNON: Objection.

15 A. Fifth Amendment privileges.

16 Q. At that time, as of October 8, 2009, had 38

17 Studios already sought financing from the

18 Commonwealth of Massachusetts?

19 MS. CONCANNON: Objection.

20 A. Fifth Amendment privileges.

21 Q. Did Gordon Fox travel to 38 Studios with you on

22 that day?

23 MS. CONCANNON: Objection.

24 A. Fifth Amendment privileges.

25 Q. Did William Murphy travel to 38 Studios with you

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1 on that day?

2 MS. CONCANNON: Objection.

3 A. Fifth Amendment privileges.

4 Q. Which representatives from 38 Studios were present

5 at Maynard on October 8th, 2009?

6 MS. CONCANNON: Objection.

7 A. Fifth Amendment privileges.

8 Q. Was Curt Schilling there?

9 MS. CONCANNON: Objection.

10 A. Fifth Amendment privileges.

11 Q. Was Tom Zaccagnino there?

12 MS. CONCANNON: Action.

13 A. Fifth Amendment privileges.

14 Q. Was Jennifer MacLean there?

15 A. Fifth Amendment privileges.

16 MS. CONCANNON: Objection.

17 Q. Was Bill Thomas there?

18 A. Fifth Amendment privileges.

19 MS. CONCANNON: Objection.

20 Q. Was Rick Wester there?

21 A. Fifth Amendment privileges.

22 MS. CONCANNON: Objection.

23 Q. Was anyone else from 38 Studios present?

24 A. Fifth Amendment privileges.

25 MS. CONCANNON: Objection.

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<p>1 Q. What was the content of the confidentiality 2 agreement that you signed with 38 Studios on 3 October 8, 2009? 4 MS. CONCANNON: Objection. 5 A. Fifth Amendment privileges. 6 Q. Did Gordon Fox also sign a confidentiality 7 agreement with 38 Studios on October 8, 2009? 8 A. Fifth Amendment privileges. 9 MS. CONCANNON: Objection. 10 Q. Was the confidentiality agreement that Gordon Fox 11 signed identical to the one that you signed? 12 MS. CONCANNON: Objection. 13 A. Fifth Amendment privileges. 14 Q. Did William Murphy also sign a confidentiality 15 agreement with 38 Studios on October 8, 2009? 16 A. Fifth Amendment privileges. 17 MS. CONCANNON: Objection. 18 Q. Was the content of the confidentiality agreement 19 that William Murphy signed identical to the one 20 that you signed? 21 MS. CONCANNON: Objection. 22 A. Fifth Amendment privileges. 23 Q. What was the purpose of having Mr. Fox and 24 Mr. Murphy come to 38 Studios on October 8, 2009? 25 MS. CONCANNON: Objection.</p>	<p>1 A. Fifth Amendment privileges. 2 MR. TRAINI: The record should 3 reflect upon presentation, the witness turned the 4 document over and has not looked at the document. 5 Q. Do you recall receiving this e-mail? 6 A. Fifth Amendment privileges. 7 Q. The first sentence of the e-mail says, "Mike, let 8 me know what you think." Would you agree with me 9 that's what it says? 10 A. Fifth Amendment privileges. 11 Q. And the remainder of the e-mail has sections 12 labeled Company Overview, Product Overview, Major 13 Events and Current Fundraising. Would you agree 14 with me that that's the content of the e-mail? 15 A. Fifth Amendment privileges. 16 Q. Can you tell me why Tom Zaccagnino was asking you 17 what you think about the content of this e-mail on 18 October 13, 2009? 19 MS. CONCANNON: Objection. 20 A. Fifth Amendment privileges. 21 Q. Prior to October of 2009 had you had any 22 conversations with any Rhode Island elected 23 officials about 38 Studios? 24 A. Fifth Amendment privileges. 25 MS. CONCANNON: Objection.</p>
Page 30	Page 32
<p>1 A. Fifth Amendment privileges. 2 Q. What information was being shared with Mr. Fox and 3 Mr. Murphy that needed to be kept confidential 4 about 38 Studios? 5 MS. CONCANNON: Objection. 6 A. Fifth Amendment privileges. 7 Q. What was 38 Studios asking Mr. Fox and Mr. Murphy 8 to do as of October 8 of 2009? 9 MS. CONCANNON: Objection. 10 A. Fifth Amendment privileges. 11 Q. To the extent that I ask any further questions 12 about the October 8th, 2009 meeting, will you be 13 asserting the Fifth Amendment privilege in 14 response to all those questions? 15 MR. TRAINI: He would. 16 (DEFENDANTS' EXHIBIT D-128 17 MARKED FOR IDENTIFICATION) 18 Q. Mr. Corso, I've placed before you a document 19 that's been marked as Exhibit D-128 for purposes 20 of this deposition and for identification. For 21 the benefit of the people on the phone, this 22 document has a Bates number EDCPRE001046569, and 23 it is an e-mail from Tom Zaccagnino to Mike Corso 24 dated October 13th, 2009 at 11:40:41 P.M. 25 Mr. Corso, have you seen this document before?</p>	<p>1 Q. Which Rhode Island elected officials had you 2 spoken with? 3 MS. CONCANNON: Objection. 4 A. Fifth Amendment privileges. 5 Q. Had you spoken with Gordon Fox about 38 Studios 6 prior to October of 2009? 7 MS. CONCANNON: Objection. 8 A. Fifth Amendment privileges. 9 Q. Had you spoken with former Governor Donald 10 Carcieri as -- prior to October 2009 about 38 11 Studios? 12 MS. CONCANNON: Objection. 13 A. Fifth Amendment privileges. 14 Q. Any conversations that you had with Gordon Fox 15 about 38 Studios prior to October of 2009, what 16 was the substance of those conversations? 17 MS. CONCANNON: Objection. 18 A. Fifth Amendment privileges. 19 Q. Any conversations that you had with Donald 20 Carcieri about 38 Studios prior to October of 21 2009, what was the substance of those 22 conversations? 23 MS. CONCANNON: Objection. 24 A. Fifth Amendment privileges. 25 Q. Do you know if anyone other than yourself from 38</p>

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<p>1 Studios had any conversations with any Rhode 2 Island elected officials prior to October of 2009? 3 MS. CONCANNON: Objection. 4 A. Fifth Amendment privileges. 5 Q. Who from 38 Studios had had conversations with 6 Rhode Island elected officials prior to October of 7 2009? 8 MS. CONCANNON: Objection. 9 A. Fifth Amendment privileges. 10 Q. Do you know what was discussed between 38 Studios 11 representatives and Rhode Island elected officials 12 about 38 Studios prior to October of 2009? 13 MS. CONCANNON: Objection. 14 A. Fifth Amendment privileges. 15 Q. Had the prospect of legislation to assist 38 16 Studios in relocating to Rhode Island been raised 17 with Rhode Island elected officials by anyone at 18 38 Studios prior to October of 2009? 19 MS. CONCANNON: Objection. 20 A. Fifth Amendment privileges. 21 Q. After the October 8th, 2009 meeting at the Maynard 22 location of 38 Studios at which you, Mr. Fox and 23 Mr. Murphy were present, what did the parties 24 agree to do next? 25 MS. CONCANNON: Objection.</p>	<p>1 Q. Take vacations or travel together? 2 A. Fifth Amendment privileges. 3 Q. Had you worked on any previous legislative 4 programs together? 5 A. Fifth Amendment privileges. 6 Q. Had you engaged in any investment activity 7 together with Mr. Fox? 8 A. Fifth Amendment privileges. 9 Q. Did you have Mr. Fox's personal cell phone number? 10 A. Fifth Amendment privileges. 11 Q. What e-mail address did you have for Mr. Fox? 12 A. Fifth Amendment privileges. 13 Q. How many times had you been to Mr. Fox's home? 14 A. Fifth Amendment privileges. 15 Q. How many times had Mr. Fox been to your home? 16 A. Fifth Amendment privileges. 17 Q. In any business dealings that you had with Mr. Fox 18 prior to your involvement with 38 Studios, was 19 that business done with you personally or through 20 one of your companies? 21 A. Fifth Amendment privileges. 22 MS. CONCANNON: Objection. 23 Q. Did Mr. Fox do any business with Orb Development? 24 A. Fifth Amendment privileges. 25 Q. Did Mr. Fox do any business with Kingston Capital?</p>
Page 34	Page 36
<p>1 A. Fifth Amendment privileges. 2 Q. What did you do next after that meeting in 3 connection with 38 Studios? 4 MS. CONCANNON: Objection. 5 A. Fifth Amendment privileges. 6 Q. Can you describe your relationship with Gordon Fox 7 over the years? 8 A. Fifth Amendment privileges. 9 Q. When and how did you first meet Gordon Fox? 10 A. Fifth Amendment privileges. 11 Q. What business had you done with Gordon Fox over 12 the years prior to your involvement with 38 13 Studios? 14 A. Fifth Amendment privileges. 15 Q. Can you tell me the details about any of those 16 business dealings? 17 A. Fifth Amendment privileges. 18 Q. Did you have a personal friendship with Gordon Fox 19 prior to your involvement with 38 Studios? 20 MS. CONCANNON: Objection. 21 A. Fifth Amendment privileges. 22 Q. Would you have considered Mr. Fox a friend? 23 A. Fifth Amendment privileges. 24 Q. Did you socialize with Mr. Fox? 25 A. Fifth Amendment privileges.</p>	<p>1 A. Fifth Amendment privileges. 2 Q. Did Mr. Fox do any business with Preservation 3 Credit during that time period? 4 A. Fifth Amendment privileges. 5 Q. Did Mr. Fox do any business with any other 6 entities that you owned or controlled during that 7 time period? 8 A. Fifth Amendment privileges. 9 Q. What was the nature of any of the business 10 dealings that you had with Mr. Fox during that 11 time period? 12 A. Fifth Amendment privileges. 13 Q. When and why did you first approach Gordon Fox 14 about 38 Studios? 15 A. Fifth Amendment privileges. 16 Q. Had someone from 38 Studios asked you to approach 17 Mr. Fox? 18 A. Fifth Amendment privileges. 19 Q. Did you discuss with Mr. Fox in October of 2009 20 the possibility of legislation to assist 38 21 Studios in moving to Rhode Island? 22 A. Fifth Amendment privileges. 23 MS. CONCANNON: Objection. 24 Q. Why did you expect Mr. Fox might be able to 25 provide that type of assistance to 38 Studios?</p>

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<p>1 MS. CONCANNON: Objection. 2 A. Fifth Amendment privileges. 3 Q. Why did you expect that Mr. Fox would be able to 4 provide any type of assistance to 38 Studios? 5 A. Fifth Amendment privilege. 6 MS. CONCANNON: Objection. 7 Q. In the October of 2009 time frame, what 8 information about 38 Studios was provided to 9 Gordon Fox? 10 MS. CONCANNON: Objection. 11 A. Fifth Amendment privileges. 12 Q. What information about 38 Studios did you provide 13 to Gordon Fox? 14 A. Fifth Amendment privileges. 15 Q. In that time frame who provided information to 16 Gordon Fox about 38 Studios? 17 MS. CONCANNON: Objection. 18 A. Fifth Amendment privileges. 19 Q. Did you have conversations with Gordon Fox about 20 38 Studios during that time frame? 21 MS. CONCANNON: Objection. 22 A. Fifth Amendment privileges. 23 Q. What were those conversations about? 24 A. Fifth Amendment privileges. 25 Q. Did you discuss financing options for 38 Studios</p>	<p>1 Q. In the October of 2009 time frame did you offer 2 Mr. Fox any compensation in exchange for anything 3 related to 38 Studios? 4 MS. CONCANNON: Objection. 5 A. Fifth Amendment privileges. 6 Q. How much compensation did you offer him? 7 A. Fifth Amendment privileges. 8 MS. CONCANNON: Objection. 9 Q. Where would that compensation have -- where did 10 that compensation come from? 11 MS. CONCANNON: Objection. 12 A. Fifth Amendment privileges. 13 Q. When would it have been paid? 14 A. Fifth Amendment privileges. 15 MS. CONCANNON: Objection. 16 Q. What was Mr. Fox expected to do in order to 17 receive any such compensation? 18 A. Fifth Amendment privileges. 19 MS. CONCANNON: Objection. 20 Q. In the entirety of -- strike that. How many total 21 conversations have you had with Mr. Fox about 38 22 Studios? 23 MS. CONCANNON: Objection. 24 A. Fifth Amendment privileges. 25 Q. Can you tell me specifically anything about any of</p>
Page 38	Page 40
<p>1 with Mr. Fox? 2 A. Fifth Amendment privileges. 3 Q. Did you discuss moving 38 Studios to Rhode Island 4 with Mr. Fox? 5 A. Fifth Amendment privileges. 6 Q. Did you discuss the possibility of legislation 7 that could help finance 38 Studios game 8 development with Mr. Fox? 9 A. Fifth Amendment privileges. 10 MS. CONCANNON: Objection. 11 Q. Had you had any conversations before the October 12 of 2009 time frame with Mr. Fox about 38 Studios? 13 MS. CONCANNON: Objection. 14 A. Fifth Amendment privileges. 15 Q. What was the first conversation that you had with 16 Mr. Fox about 38 Studios? 17 A. Fifth Amendment privileges. 18 MS. CONCANNON: Objection. 19 Q. What did you say to him about 38 Studios in that 20 first conversation? 21 MS. CONCANNON: Objection. 22 A. Fifth Amendment privileges. 23 Q. What did he say to you in that first conversation? 24 MS. CONCANNON: Objection. 25 A. Fifth Amendment privileges.</p>	<p>1 those conversations? 2 A. Fifth Amendment privileges. 3 MS. CONCANNON: Objection. 4 Q. Can you tell me specifically when any of those 5 conversations took place? 6 A. Fifth Amendment privileges. 7 MS. CONCANNON: Objection. 8 Q. Can you tell me the general subject matter of any 9 of those conversations? 10 A. Fifth Amendment privileges. 11 MS. CONCANNON: Objection. 12 Q. Can you tell me whether any of those conversations 13 involved the legislation that created the Jobs 14 Creation Guaranty Program Rhode Island? 15 A. Fifth Amendment privileges. 16 MS. CONCANNON: Objection. 17 Q. Can you tell me whether any of your conversations 18 with Mr. Fox about 38 Studios involved earmarking 19 \$75 million from the Jobs Creation Guaranty 20 Program for 38 Studios? 21 A. Fifth amendment privileges. 22 MS. CONCANNON: Objection. 23 Q. Can you tell me whether any of your conversations 24 with Mr. Fox about 38 Studios involved 25 compensation to be paid to Mr. Fox?</p>

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<p>1 A. Fifth Amendment privileges. 2 MS. CONCANNON: Objection. 3 Q. Can you tell me whether any of your conversations 4 with Mr. Fox about 38 Studios involved convincing 5 Governor Carcieri that helping 38 Studios move to 6 Rhode Island through legislation was a good idea? 7 A. Fifth Amendment privileges. 8 MS. CONCANNON: Objection. 9 Q. Other than any conversations you had with Mr. Fox, 10 are you aware of any conversations that Mr. Fox 11 had with any with any 38 Studios board members, 12 executives or employees up to and including 13 October of 2009? 14 A. Fifth Amendment privileges. 15 Q. Who of the 38 Studios board members executives and 16 employees did Mr. Fox speak with during that time 17 period? 18 MS. CONCANNON: Objection. 19 A. Fifth Amendment privileges. 20 Q. What was discussed between Mr. Fox and any of 21 those individuals? 22 A. Fifth Amendment privileges. 23 MS. CONCANNON: Objection. 24 Q. Was 38 Studios actively soliciting Mr. Fox for 25 help with legislation to move 38 Studios to Rhode</p>	<p>1 through Kingston Capital? 2 A. Private privileges. 3 Q. Had you previously done business with Mr. Murphy 4 through Preservation Credit? 5 A. Fifth Amendment privileges. 6 Q. Had you previously done business with Mr. Murphy 7 through any other entity that you owned or 8 controlled? 9 A. Fifth Amendment privileges. 10 Q. What was the nature of any previous business that 11 you had done with Mr. Murphy? 12 A. Fifth Amendment privileges. 13 Q. Can you provide me with details of any of the 14 business transactions that you did with Mr. 15 Murphy? 16 A. Fifth Amendment privileges. 17 Q. Why did you first approach Mr. Murphy about 38 18 Studios? 19 A. Fifth Amendment privileges. 20 Q. Had someone from 38 Studios asked you to approach 21 Mr. Murphy? 22 A. Fifth Amendment privileges. 23 MS. CONCANNON: Objection. 24 Q. In the October 2009 time frame did you discuss the 25 possibility of legislation to assist 38 Studios in</p>
Page 42	Page 44
<p>1 Island during the October of 2009 time frame? 2 A. Fifth Amendment privileges. 3 MS. CONCANNON: Objection. 4 Q. When did you first meet William Murphy? 5 A. Fifth Amendment privileges. 6 MS. CONCANNON: Objection. 7 Q. When did you first talk to Mr. Murphy about 38 8 Studios? 9 A. Fifth Amendment privileges. 10 MS. CONCANNON: Objection. 11 Q. At the time that you first spoke with Mr. Murphy 12 about 38 Studios, had you done business with Mr. 13 Murphy previously? 14 MS. CONCANNON: Objection. 15 A. Fifth Amendment privileges. 16 Q. Was any business that you had done with Mr. Murphy 17 done with you personally or through one of your 18 companies? 19 A. Fifth Amendment privileges. 20 MS. CONCANNON: Objection. 21 Q. Had you previously done business with Mr. Murphy 22 through Orb Development? 23 A. Fifth Amendment privileges. 24 MS. CONCANNON: Objection. 25 Q. Had you previously done business with Mr. Murphy</p>	<p>1 moving to Rhode Island with Mr. Murphy? 2 A. Fifth Amendment privileges. 3 MS. CONCANNON: Objection. 4 Q. Did you expect that Mr. Murphy would be able to 5 provide that type of assistance to 38 Studios? 6 A. Fifth Amendment privileges. 7 MS. CONCANNON: Objection. 8 Q. Why did you expect that Mr. Murphy would be able 9 to provide any assistance to 38 Studios privilege? 10 A. Fifth Amendment privileges. 11 MS. CONCANNON: Objection. 12 Q. What information did you provide to Mr. Murphy 13 about 38 Studios that was to be kept confidential 14 under the confidentiality agreement that he 15 signed? 16 MS. CONCANNON: Objection. 17 A. Fifth Amendment privilege. 18 Q. Why was that information provided to Mr. Murphy? 19 A. Fifth Amendment privileges. 20 MS. CONCANNON: Objection. 21 Q. Did anybody other than you provide confidential 22 information about 38 Studios to Mr. Murphy? 23 MS. CONCANNON: Objection. 24 A. Fifth Amendment privileges. 25 Q. Did you have conversations with Mr. Murphy about</p>

<p style="text-align: right;">Page 45</p> <p>1 38 Studios during the October of 2009 time frame? 2 A. Fifth Amendment privileges. 3 MS. CONCANNON: Objection. 4 Q. What were those conversations about? 5 A. Fifth Amendment privileges. 6 MS. CONCANNON: Objection. 7 Q. Did you discuss financing options with 38 Studios 8 with Mr. Murphy? 9 A. Fifth Amendment privileges. 10 MS. CONCANNON: Objection. 11 Q. Did you discuss the possibility of 38 Studios 12 moving to Rhode Island with Mr. Murphy? 13 A. Fifth Amendment privileges. 14 Q. Did you discuss the possible legislation that 15 could help finance 38 Studios video game 16 development with Mr. Murphy? 17 A. Fifth Amendment privileges. 18 MS. CONCANNON: Objection. 19 Q. Had you had any previous conversations with Mr. 20 Murphy about 38 Studios before the October of 2009 21 time frame? 22 MS. CONCANNON: Objection. 23 A. Fifth Amendment privileges. 24 Q. What was the first conversation you had with Mr. 25 Murphy about 38 Studios?</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. In total, how many conversations have you had with 2 Mr. Murphy about 38 Studios? 3 A. Fifth Amendment privileges. 4 MS. CONCANNON: Objection. 5 Q. Can you tell me when those conversations took 6 place? 7 A. Fifth Amendment privileges. 8 MS. CONCANNON: Objection. 9 Q. Can you tell me any of the specifics of any of 10 those conversations? 11 A. Fifth Amendment privileges. 12 Q. Can you tell me the general subject matter of any 13 of your conversations with Mr. Murphy regarding 38 14 Studios? 15 MS. CONCANNON: Objection. 16 A. Fifth Amendment privileges. 17 Q. Can you tell me whether you ever discussed the 18 legislation that led to the Jobs Creation Guaranty 19 Program with Mr. Murphy in connection with 38 20 Studios? 21 A. Fifth Amendment privileges. 22 MS. CONCANNON: Objection. 23 Q. Can you tell me whether you ever discussed with 24 Mr. Murphy earmarking \$75 million out of that 25 legislation for 38 Studios?</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Fifth Amendment privileges. 2 MS. CONCANNON: Objection. 3 Q. What was the substance of that conversation? 4 MS. CONCANNON: Objection. 5 A. Fifth Amendment privileges. 6 Q. Do you know if any representatives of 38 Studios 7 other than yourself had conversations with Mr. 8 Murphy in the October of 2009 time frame about 38 9 Studios? 10 A. Fifth Amendment privilege. 11 MS. CONCANNON: Objection. 12 Q. Do you know who he spoke with other than yourself 13 that was a representative of 38 Studios in that 14 regard? 15 MS. CONCANNON: Objection. 16 A. Fifth Amendment privilege. 17 Q. Do you know what the substance of any of those 18 conversations was? 19 A. Fifth Amendment privileges. 20 MS. CONCANNON: Objection. 21 Q. Was 38 Studios actively soliciting Mr. Murphy for 22 help with legislation to move 38 Studios to Rhode 23 Island in the October 2009 time frame? 24 A. Fifth Amendment privileges. 25 MS. CONCANNON: Objection.</p>	<p style="text-align: right;">Page 48</p> <p>1 MS. CONCANNON: Objection. 2 A. Fifth Amendment privileges. 3 Q. Can you tell me whether you ever discussed 4 compensating Mr. Murphy for any services he 5 provided to 38 Studios? 6 A. Fifth Amendment privileges. 7 MS. CONCANNON: Objection. 8 Q. Can you tell me whether you ever provided 9 any compensation to Mr. Murphy for services that 10 he provided in connection with 38 Studios? 11 A. Fifth Amendment privileges. 12 MS. CONCANNON: Objection. 13 Q. Do you recall that former Governor Carcieri met 14 Curt Schilling at a fundraiser at Curt Schilling's 15 home on March 6th, 2010? 16 MS. CONCANNON: Objection. 17 A. Fifth Amendment privileges. 18 Q. Were you present at that fundraising event? 19 A. Fifth Amendment privileges. 20 MS. CONCANNON: Objection. 21 Q. Was this a meeting that you helped plan for 22 Mr. Schilling to introduce himself and 38 Studios 23 to former Governor Carcieri? 24 MS. CONCANNON: Objection. 25 A. Fifth Amendment privileges.</p>

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1 Q. At this time was 38 Studios, through you, already
2 making plans to move to Rhode Island and utilize
3 legislation to fund the development of its massive
4 multi player online game labeled Copernicus?
5 A. Fifth Amendment privileges.
6 MS. CONCANNON: Objection.
7 Q. Had you already discussed this plan with Gordon
8 Fox?
9 A. Fifth Amendment privileges.
10 MS. CONCANNON: Objection.
11 (DEFENDANTS' EXHIBIT D-129
12 MARKED FOR IDENTIFICATION)
13 Q. Mr. Corso, I've placed before you a document
14 that's been labeled Exhibit D-129 for
15 identification for purposes of this deposition.
16 For the benefit of the people on the phone this
17 document is a single page and it has the Bates
18 label EDCPRE001052107, and it is an e-mail
19 that the -- it contains two e-mails, the top
20 e-mail is from Tom Zaccagnino to Mike Corso dated
21 March 2nd, 2010 at 12:15:45 P.M. Mr. Corso, do
22 you recognize this document?
23 A. Fifth Amendment privileges.
24 MR. TRAINI: The record should
25 reflect that upon presentation the witness turned

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1 the document over and he's not looked at the
2 document.
3 Q. Mr. Corso, do you recall receiving this e-mail?
4 A. Fifth Amendment privileges.
5 Q. Mr. Corso, the e-mail below the one that was sent
6 to you by Tom Zaccagnino is an e-mail from
7 Paulette Stark to a number of people including --
8 well, Gavian Whishaw, Rick Wester, Thomas
9 Zaccagnino, Jen MacLean and Bill Thomas. Do you
10 agree with me on that?
11 A. Fifth Amendment privileges.
12 MS. CONCANNON: Objection.
13 Q. And the first sentence of that e-mail says,
14 "Attached is a quick pass at a RI studio budget."
15 Did I read that correctly?
16 A. Fifth Amendment privileges.
17 Q. Is it in fact true that as of -- I'm sorry, the
18 date on this e-mail is February 18 of 2010 at
19 6:25:23. Do you agree with me in that regard?
20 A. Fifth Amendment privileges.
21 Q. So is it true that as of February 18 of 2010, 38
22 Studios had already developed a preliminary budget
23 for a Rhode Island studio?
24 A. Fifth Amendment privileges.
25 MS. CONCANNON: Objection.

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1 Q. And in an e-mail to you which is dated March 2,
2 2010, Mr. Zaccagnino states you need to adjust the
3 rent; do you agree with that?
4 A. Fifth Amendment privileges.
5 MS. CONCANNON: Objection.
6 Q. Why is Mr. Zaccagnino telling you to adjust the
7 rent in this e-mail?
8 MS. CONCANNON: Objection.
9 A. Fifth Amendment privileges.
10 Q. What did you understand him to mean when he was
11 asking you to adjust the rent?
12 A. Fifth Amendment privileges.
13 MS. CONCANNON: Objection.
14 Q. What was your role with 38 Studios -- role or
15 relationship with 38 Studios at the time of this
16 e-mail March 2nd, 2010?
17 MS. CONCANNON: Objection.
18 A. Fifth Amendment privileges.
19 Q. Had you already discussed the possible move of 38
20 Studios to Rhode Island with anyone as of March
21 2nd, 2010?
22 MS. CONCANNON: Objection.
23 A. Fifth Amendment privileges.
24 Q. Had you discussed the possible move with Gordon
25 Fox as of that date?

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1 A. Fifth Amendment privileges.
2 MS. CONCANNON: Objection.
3 Q. Had you discussed that possible move with
4 Representative Costantino as of that date?
5 MS. CONCANNON: Objection.
6 A. Fifth Amendment privileges.
7 Q. Had you discussed that possible move with Senator
8 Paiva-Weed as of that date?
9 A. Fifth Amendment privileges.
10 MS. CONCANNON: Objection.
11 Q. Had you discussed the possible move for 38 Studios
12 to Rhode Island with former Governor Carcieri as
13 of that date?
14 A. Fifth Amendment privileges.
15 MS. CONCANNON: Objection.
16 Q. Had you discussed the possible move of 38 Studios
17 to Rhode Island with any board member or staff
18 member of the Rhode Island Economic Development
19 Corporation as of March 2nd, 2010?
20 MS. CONCANNON: Objection.
21 A. Fifth Amendment privileges.
22 (DEFENDANTS' EXHIBIT D-130
23 MARKED FOR IDENTIFICATION)
24 Q. Mr. Corso, I've placed in front of you a document
25 that's been labeled Exhibit D-130 for

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<p>1 identification. For purposes of this deposition, 2 for the benefit of the people on the phone, this 3 is another single page document, it has Bates 4 label EDCPRE001052114, there's a single e-mail 5 from Tom Zaccagnino to Gordon D. Fox with a copy 6 to Mike Corso, dated March 2nd, 2010 at 12:20:23 7 P.M. Mr. Corso, do you recognize this document? 8 A. Fifth Amendment privileges. 9 MR. TRAINI: The record should 10 reflect that upon presentation the witness turned 11 the document over and has not looked at the 12 document. 13 Q. Do you recall receiving a copy of this e-mail? 14 A. Fifth Amendment privileges. 15 Q. Do you know why you received a copy of this 16 e-mail? 17 A. Fifth Amendment privileges. 18 Q. Is it true that this e-mail is an invitation to 19 Gordon Fox to attend the fundraising event that 20 has been -- at which Mr. Schilling and 21 Mr. Carcieri met on March 6, 2010? 22 MS. CONCANNON: Objection. 23 A. Fifth Amendment privileges. 24 Q. The last sentence in the e-mail -- the first 25 paragraph of the e-mail states, "It would give us</p>	<p>1 Island by any other elected official? 2 A. Fifth Amendment privileges. 3 MS. CONCANNON: Objection. 4 Q. During the previous chat about Rhode Island with 5 Curt, did anybody take notes at that meeting? 6 MS. CONCANNON: Objection -- 7 A. Fifth Amendment privileges. 8 Q. -- at the fundraising event at Curt Schilling's 9 house on March 6, 2010, were you in attendance at 10 that event? 11 A. Fifth Amendment privileges. 12 MS. CONCANNON: Objection. 13 Q. Was Gordon Fox in attendance at that event? 14 A. Fifth Amendment privileges. 15 MS. CONCANNON: Objection. 16 Q. Was William Murphy in attendance at that event? 17 A. Fifth Amendment privileges. 18 MS. CONCANNON: Objection. 19 Q. At that event did you introduce Governor Carcieri 20 to Curt Schilling? 21 A. Fifth Amendment privileges. 22 MS. CONCANNON: Objection. 23 Q. Did Curt Schilling introduce you to Governor 24 Carcieri at that event? 25 A. Fifth Amendment privileges.</p>
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<p>1 an opportunity to chat with Curt again about 2 RI....there is really an interest to do something 3 in the state." Did I read that correctly? 4 A. Fifth Amendment privileges. 5 Q. Do you recall when -- if you had chatted 6 previously with Curt about Rhode Island? 7 MS. CONCANNON: Objection. 8 A. Fifth Amendment privileges. 9 Q. Do you recall where any such conversation took 10 place? 11 A. Fifth Amendment privileges. 12 MS. CONCANNON: Objection. 13 Q. Do you recall the basis for the statement that 14 there is really an interest to do something in the 15 state? 16 A. Fifth Amendment privileges. 17 MS. CONCANNON: Objection. 18 Q. At the time of this e-mail which is March 2nd, 19 2010, had there already been expressed to you an 20 interest in facilitating the move of 38 Studios to 21 Rhode Island by Gordon Fox? 22 A. Fifth Amendment privileges. 23 MS. CONCANNON: Objection. 24 Q. Had there already at that point been expressed to 25 you an interest in moving 38 Studios to Rhode</p>	<p>1 MS. CONCANNON: Objection. 2 Q. Do you know how Governor Carcieri and Curt 3 Schilling were introduced at that event? 4 A. Fifth Amendment privileges. 5 MS. CONCANNON: Objection. 6 Q. Did you participate in any conference between 7 Governor Carcieri and Curt Schilling about the 8 opportunity in Rhode Island for 38 Studios to 9 move? 10 A. Fifth Amendment privileges. 11 MS. CONCANNON: Objection. 12 Q. Was 38 Studios paying you any compensation as of 13 March 6, 2010? 14 A. Fifth Amendment privileges. 15 MS. CONCANNON: Objection. 16 Q. Had 38 Studios offered to pay you any compensation 17 in connection with your work for -- strike that. 18 Had 38 Studios offered to pay you to help 19 facilitate a move of 38 Studios to Rhode Island as 20 of March 6, 2010? 21 A. Fifth Amendment privileges. 22 MS. CONCANNON: Objection. 23 Q. Isn't it true -- strike that. Was the fund-raiser 24 at Mr. Schilling's house actually a planned event 25 to have Mr. Schilling and Governor Carcieri meet?</p>

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<p>1 A. Fifth Amendment privileges. 2 MS. CONCANNON: Objection. 3 Q. Did you ever have any conversations with Governor 4 Carcieri about 38 Studios? 5 A. Fifth Amendment privileges. 6 MS. CONCANNON: Objection. 7 Q. Can you tell me how many conversations you had 8 with Governor Carcieri about 38 Studios? 9 A. Fifth Amendment privileges. 10 MS. CONCANNON: Objection. 11 Q. Can you tell me what you remember about any 12 conversations you had with Governor Carcieri about 13 38 Studios? 14 A. Fifth Amendment privileges. 15 MS. CONCANNON: Objection. 16 Q. Can you tell me when any of those conversations 17 took place? 18 A. Fifth Amendment privileges. 19 MS. CONCANNON: Objection. 20 Q. Can you tell me the general subject matter of any 21 of those conversations? 22 A. Fifth Amendment privileges. 23 MS. CONCANNON: Objection. 24 Q. Can you tell me whether those conversations 25 included discussion of legislation that included</p>	<p>1 or board members prior to March 6, 2010? 2 MS. CONCANNON: Objection. 3 A. Fifth Amendment privileges. 4 Q. What was the substance of those discussions with 5 EDC staff and/or board members? 6 A. Fifth Amendment privileges. 7 MS. CONCANNON: Objection. 8 (DEFENDANTS' EXHIBIT D-131 9 MARKED FOR IDENTIFICATION) 10 Q. Mr. Corso, I've had placed in front of you a 11 document that's been marked as Exhibit D-131 for 12 purposes of deposition. For the benefit of the 13 folks on the phone, this document is two pages 14 long, it has the Bates label EDCPRE001052517 and 15 the top -- there are three e-mails in a chain. 16 The top one is an e-mail from Tom Zaccagnino to 17 Mike Corso dated March 17, 2010 at 11:36:57 A.M. 18 Mr. Corso, do you recognize this document? 19 A. Fifth Amendment privileges. 20 MR. TRAINI: The record should 21 reflect upon presentation, the witness turned over 22 the document and has not looked at it. 23 Q. Now, the two e-mails below the one that was 24 sent -- I'm sorry, strike that. Do you recall 25 receiving this e-mail?</p>
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<p>1 the Jobs Creation Guaranty Program? 2 A. Fifth Amendment privileges. 3 MS. CONCANNON: Objection. 4 Q. Can you tell me whether those conversations 5 included any discussion of earmarking \$75 million 6 from the Jobs Creation Guaranty Program for 38 7 Studios? 8 A. Fifth Amendment privileges. 9 MS. CONCANNON: Objection. 10 Q. When was your first interaction with the Rhode 11 Island Economic Development Corporation or its 12 staff regarding 38 Studios? 13 MS. CONCANNON: Objection. 14 A. Fifth Amendment privileges. 15 Q. Were there any Rhode Island Economic Development 16 Corporation staff or board members at the March 6, 17 2010 fundraising event at Curt Schilling's house? 18 MS. CONCANNON: Objection. 19 A. Fifth Amendment privileges. 20 Q. Did you have any discussions with any Rhode Island 21 Economic Development Corporation's staff or board 22 members at the March 6, 2010 fund-raiser? 23 A. Fifth Amendment privileges. 24 MS. CONCANNON: Objection. 25 Q. Had you had any conversations with any EDC staff</p>	<p>1 A. Fifth Amendment privileges. 2 MS. CONCANNON: Objection. 3 Q. Mr. Corso, the two e-mails below the e-mail that 4 was sent to you by Tom Zaccagnino are between -- 5 well, the first e-mail in the chain is from Keith 6 Stokes to Curt Schilling with a copy to Gordon 7 Fox; do you see that? 8 MS. CONCANNON: Objection. 9 A. Fifth Amendment privileges. 10 Q. And then the second e-mail in the chain is from 11 Curt Schilling to Keith Stokes with a copy to 12 Gordon Fox and Thomas Zaccagnino; do you see that? 13 A. Fifth Amendment privileges. 14 MS. CONCANNON: Objection. 15 Q. Do you know why Tom Zaccagnino forwarded you these 16 e-mails? 17 MS. CONCANNON: Okay. 18 A. Fifth Amendment privileges. 19 Q. Do you know why Gordon Fox was copied on these 20 e-mails? 21 MS. CONCANNON: Objection. 22 A. Fifth Amendment privileges. 23 Q. The middle e-mail on the page from Mr. Schilling 24 states, "I sincerely appreciate the time and 25 effort already provided by the State of Rhode</p>

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<p>1 Island from the Speaker on down." Did I read that 2 right? 3 MS. CONCANNON: Objection. 4 A. Fifth Amendment privileges. 5 Q. Do you know what time and effort provided by the 6 state from the Speaker on down Mr. Schilling was 7 referring to? 8 A. Fifth Amendment privileges. 9 MS. CONCANNON: Okay. 10 Q. Did you have anything to do with that time and 11 effort? 12 A. Fifth Amendment privileges. 13 Q. Were you compensated for any services you provided 14 in connection with the time and effort that had 15 been provided as of March 17th, 2010? 16 A. Fifth Amendment privileges. 17 MS. CONCANNON: Objection. 18 Q. Do you know if Mr. Fox had any involvement -- the 19 e-mail itself states that Mr. Fox was among the 20 people who appreciate -- who had provided time and 21 effort already; is that right? 22 A. Fifth Amendment privileges. 23 MS. CONCANNON: Objection. 24 Q. Was Mr. Fox compensated for that time and effort 25 by 38 Studios?</p>	<p>1 Q. Was Tom Zaccagnino at that meeting? 2 A. Fifth Amendment privileges. 3 MS. CONCANNON: Objection. 4 Q. Was Governor Carcieri at that meeting? 5 A. Fifth Amendment privileges. 6 MS. CONCANNON: Objection. 7 Q. Do you know why Gordon Fox was at that meeting? 8 A. Fifth Amendment privileges. 9 Q. Were you representing 38 Studios at that meeting? 10 A. Fifth Amendment privileges. 11 MS. CONCANNON: Objection. 12 Q. Was Mr. Fox also representing 38 Studios at that 13 meeting? 14 A. Fifth Amendment privileges. 15 MS. CONCANNON: Objection. 16 Q. Was 38 Studios paying Mr. Fox to be at that 17 meeting? 18 A. Fifth Amendment privileges. 19 MS. CONCANNON: Objection. 20 Q. Were you paying Mr. Fox to be at that meeting? 21 A. Fifth Amendment privileges. 22 MS. CONCANNON: Objection. 23 Q. Do you know if anybody took notes at that meeting? 24 A. Fifth Amendment privileges. 25 Q. Do you remember the substance of that meeting?</p>
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<p>1 A. Fifth Amendment privileges. 2 MS. CONCANNON: Objection. 3 Q. Was he compensated for the time and effort by you? 4 A. Fifth Amendment privileges. 5 MS. CONCANNON: Objection. 6 Q. Did you have a subsequent -- did you participate 7 in a subsequent meeting with Keith Stokes and Curt 8 Schilling regarding 38 Studios on March 22, 2010? 9 MS. CONCANNON: Objection. 10 A. Fifth Amendment privileges. 11 Q. Where did that meeting take place? 12 A. Fifth Amendment privileges. 13 MS. CONCANNON: Objection. 14 Q. Did that meeting take place at your office? 15 A. Fifth Amendment privileges. 16 Q. How long did that meeting last? 17 MS. CONCANNON: Objection. 18 A. Fifth Amendment privileges. 19 Q. Who, other than you, Mr. Stokes and Mr. Schilling 20 was present at that meeting? 21 MS. CONCANNON: Objection. 22 A. Fifth Amendment privileges. 23 Q. Was Gordon Fox at that meeting? 24 MS. CONCANNON: Objection. 25 A. Fifth Amendment privileges.</p>	<p>1 A. Fifth Amendment privileges. 2 MS. CONCANNON: Objection. 3 Q. Do you know if Keith Stokes knew that you were a 4 representative of 38 Studios at the time of that 5 meeting? 6 MS. CONCANNON: Objection. 7 A. Fifth Amendment privileges. 8 Q. Did you know who Keith Stokes was at that time? 9 A. Fifth Amendment privileges. 10 MS. CONCANNON: Objection. 11 Q. How did you know who Keith Stokes was at that 12 time? 13 A. Fifth Amendment privileges. 14 Q. Had you done any work with Keith Stokes previous 15 to that meeting? 16 A. Fifth Amendment privileges. 17 Q. In what capacity had you done work with Keith 18 Stokes previously? 19 A. Fifth Amendment privileges. 20 Q. Is it true that there were several meetings that 21 you participated in during the late March, early 22 April 2010 time frame regarding the possibility of 23 38 Studios moving to Rhode Island? 24 A. Fifth Amendment privileges. 25 MS. CONCANNON: Objection.</p>

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<p>1 Q. Where did these meetings take place? 2 A. Fifth Amendment privileges. 3 Q. Were at least some of them in your offices? 4 A. Fifth Amendment privileges. 5 MS. CONCANNON: Objection. 6 Q. Can you recall how long any of these meetings 7 lasted? 8 A. Fifth Amendment privileges. 9 MS. CONCANNON: Objection. 10 Q. Can you recall who was present at any of these 11 meetings? 12 A. Fifth Amendment privileges. 13 MS. CONCANNON: Objection. 14 Q. Can you recall specifically whether Gordon Fox was 15 present at any of these additional meetings? 16 A. Fifth Amendment privileges. 17 MS. CONCANNON: Objection. 18 Q. Can you recall specifically whether Tom Zaccagnino 19 was present at any of these additional meetings? 20 MS. CONCANNON: Objection. 21 A. Fifth Amendment privileges. 22 Q. Can you recall whether Governor Carcieri was 23 present at any of these additional meetings? 24 A. Fifth Amendment privileges. 25 MS. CONCANNON: Objection.</p>	<p>1 Q. Can you recall whether the discussions at these 2 meetings included discussion of loans for 38 3 Studios to fund the development of its Copernicus 4 project? 5 A. Fifth Amendment privileges. 6 MS. CONCANNON: Objection: 7 (DEFENDANTS' EXHIBIT D-132 8 MARKED FOR IDENTIFICATION) 9 Q. Mr. Corso, I've placed in front of you a document 10 that we've marked as Exhibit D-132. For 11 identification purposes of this deposition for the 12 benefit of the people on the phone this document 13 is three pages, and it has Bates label 14 EDCPRE000861578. The first e-mail in the e-mail 15 chain is an e-mail from Michael to Tom Zaccagnino 16 dated March 22nd, 2010 at 7:46:37 P.M. Mr. Corso, 17 do you recognize this document? 18 A. Fifth Amendment privileges. 19 MR. TRAINI: The record should 20 reflect that upon presentation the witness turned 21 the document over and has not looked at the 22 document. 23 Q. Do you recall sending -- first, could you 24 acknowledge that the Michael in the From line on 25 the first e-mail in the e-mail chain refers to</p>
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<p>1 Q. Can you recall whether Senator Paiva-Weed was 2 present at any of these additional meetings? 3 A. Fifth Amendment privileges. 4 Q. Can you recall whether Representative Costantino 5 was present at any of these additional meetings? 6 A. Fifth Amendment privileges. 7 MS. CONCANNON: Objection. 8 Q. To the extent any of these people were at these 9 meetings, do you recall why they were there? 10 A. Fifth Amendment privileges. 11 MS. CONCANNON: Objection. 12 Q. Can you recall whether any notes were taken at any 13 of these meetings? 14 A. Fifth Amendment privileges. 15 MS. CONCANNON: Objection. 16 Q. Can you recall the substance of any of your 17 discussions at any of these meetings? 18 A. Fifth Amendment privileges. 19 MS. CONCANNON: Objection. 20 Q. Can you recall whether any of those discussions at 21 those meetings included discussion of legislation 22 that would assist in bringing 38 Studios to Rhode 23 Island? 24 A. Fifth Amendment privileges. 25 MS. CONCANNON: Objection.</p>	<p>1 you? 2 A. Fifth Amendment privileges. 3 Q. Do you recall sending that e-mail to 4 Mr. Zaccagnino? 5 A. Fifth Amendment privileges. 6 Q. On the second page of the document there's an 7 e-mail from Keith Stokes to Curt Schilling 8 indicating that the Providence Journal was aware 9 of your meetings with myself and Speaker Fox. Do 10 you recall that at some point the Providence 11 Journal became aware of the fact that Curt 12 Schilling was meeting with Keith Stokes and Gordon 13 Fox regarding 38 Studios? 14 MS. CONCANNON: Objection. 15 A. Fifth Amendment privileges. 16 Q. Do you recall at that time that Mr. Schilling was 17 unhappy about the fact that word of those meetings 18 had leaked to the media? 19 MS. CONCANNON: Objection. 20 A. Fifth Amendment privileges. 21 Q. Do you recall -- do you know how the media became 22 aware of these meetings? 23 A. Fifth Amendment privileges. 24 MS. CONCANNON: Objection. 25 Q. Do you recall why there was a need for those</p>

1 meetings to remain confidential?
2 A. Fifth Amendment privileges.
3 MS. CONCANNON: Objection.
4 Q. Why were you being informed of the fact that the
5 media will become aware of these meetings?
6 A. Fifth Amendment privileges.
7 MS. CONCANNON: Objection.
8 (DEFENDANTS' EXHIBIT D-133
9 MARKED FOR IDENTIFICATION)
10 (BRIEF RECESS)
11 (MR. LENSCHAW NO LONGER PRESENT)
12 Q. Back on the record. Mr. Corso, I placed before
13 you a document that's been marked Exhibit D-133.
14 For purposes of this deposition, for the benefit
15 of the people on the phone, this is a two-page
16 document. It has Bates labels Kingston
17 2010-EDC00184 and 00185, and the first e-mail in
18 the chain is from Keith Stokes to Curt Schilling
19 with a copy to Michael Corso and Tom Zaccagnino
20 dated March 23rd, 2010 at 1:24:5 2:00 A.M.
21 Mr. Corso, do you recognize this document?
22 MR. LEPIZZERA: Just for the record
23 Mr. Traini was out of the room at the time the
24 exhibit was given to Mr. Corso. He has not
25 reviewed that document, and upon presentation the

1 Did the meeting scheduled for tomorrow in fact
2 take place?
3 MS. CONCANNON: Objection.
4 A. Fifth Amendment privileges.
5 Q. Who was present at that meeting?
6 MS. CONCANNON: Objection.
7 A. Fifth Amendment privileges.
8 Q. Were you present at that meeting?
9 A. Fifth Amendment privileges.
10 MS. CONCANNON: Objection.
11 Q. Was Governor Carcieri present at that meeting?
12 A. Fifth Amendment privileges.
13 MS. CONCANNON: Objection.
14 Q. What was the subject matter of that meeting?
15 MS. CONCANNON: Objection.
16 A. Fifth Amendment privileges.
17 Q. Were there any other elected Rhode Island
18 officials at that meeting other than Mr. Fox?
19 MS. CONCANNON: Objection.
20 A. Fifth Amendment privileges.
21 Q. Were there any EDC staff or board members at that
22 meeting?
23 A. Fifth Amendment privileges.
24 MS. CONCANNON: Objection.
25 MR. SHEEHAN: You said EDC staff

1 document was turned over. He has not reviewed the
2 document.
3 A. Fifth Amendment privileges.
4 Q. Do you recall receiving these e-mails?
5 A. Fifth Amendment privileges.
6 Q. I'll represent to you that the e-mails in here
7 concern the fact that the Providence Journal had
8 become aware of meetings between Mr. Schilling and
9 Mr. Stokes and Mr. Fox and in the second e-mail
10 down from the top in the chain is an e-mail from
11 Curt Schilling and the second paragraph it says,
12 "Michael, I'll defer to you on how to proceed, as
13 I am afraid this might compromise some major
14 aspects of this deal going forward on many
15 fronts." First of all, do you understand that the
16 Michael referred to in this e-mail refers to you?
17 A. Fifth Amendment privileges.
18 Q. And why was Curt Schilling deferring to you on how
19 to proceed with respect to the media's knowledge
20 of the meetings that had taken place regarding 38
21 Studios between Fox and Schilling and Stokes?
22 A. Fifth Amendment privileges.
23 Q. And then the top e-mail from Mr. Stokes states
24 that his strong suggestion -- states, "It's my
25 strong suggestion to have our meeting tomorrow."

1 board members?
2 MR. RAMOS: Staff or board members?
3 Q. Was 38 Studios' need for funding discussed at that
4 meeting?
5 A. Fifth Amendment privileges.
6 MS. CONCANNON: Objection.
7 Q. Was the fact that 38 Studios was looking for \$75
8 million to fund its business operations discussed
9 at that meeting?
10 A. Fifth Amendment privileges.
11 MS. CONCANNON: Objection.
12 Q. Was there a discussion at that meeting that
13 legislation could be passed that would provide
14 that funding for 38 Studios?
15 A. Fifth Amendment privileges.
16 MS. CONCANNON: Objection.
17 Q. Were you familiar with the EDC at the time of that
18 meeting on March 23rd, 2010?
19 A. Fifth Amendment privileges.
20 Q. Did you know that the EDC did not have \$75 million
21 already in its bank account ready to disburse?
22 A. Fifth Amendment privileges.
23 MS. CONCANNON: Objection.
24 Q. Did you know at that time that EDC did not
25 currently have the authority to issue \$57 million

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<p>1 in debt?</p> <p>2 A. Fifth Amendment privileges.</p> <p>3 Q. Was 38 Studios asking you to lobby Speaker Fox to</p> <p>4 facilitate legislation that would enable the EDC</p> <p>5 to issue \$75 million in debt to 38 Studios?</p> <p>6 A. Fifth Amendment privileges.</p> <p>7 MS. CONCANNON: Objection.</p> <p>8 (DEFENDANTS' EXHIBIT D-134</p> <p>9 MARKED FOR IDENTIFICATION)</p> <p>10 Q. Mr. Corso, I've placed before you a document that</p> <p>11 has been marked as Exhibit 134, I'm sorry, D-134</p> <p>12 for purposes of this deposition. For the benefit</p> <p>13 of the people on the phone this is a document with</p> <p>14 Bates labels APS 017468 through APS 017473. It</p> <p>15 also may have been marked as Exhibit 30 in a prior</p> <p>16 deposition, and it is an e-mail chain that starts</p> <p>17 at the top e-mail in the chain is from Rob</p> <p>18 Stolzman to Jeanine Mathieu dated March 25th,</p> <p>19 2010. Mr. Corso, with the exception of the top</p> <p>20 e-mail on this exhibit, do you recognize this</p> <p>21 exhibit?</p> <p>22 A. Fifth Amendment privileges.</p> <p>23 MR. TRAINI: The record should</p> <p>24 reflect upon presentation the witness turned the</p> <p>25 document over and has not looked at the document.</p>	<p>1 A. Fifth Amendment privileges.</p> <p>2 Q. Was legislation planned in advance to provide 38</p> <p>3 Studios with the \$75 million loan?</p> <p>4 MS. CONCANNON: Objection.</p> <p>5 A. Fifth Amendment privileges.</p> <p>6 Q. Did Gordon Fox assure you and 38 Studios that</p> <p>7 legislation would pass, and \$75 million would be</p> <p>8 earmarked for 38 Studios before legislation was</p> <p>9 introduced or voted on?</p> <p>10 A. Fifth Amendment privileges.</p> <p>11 MS. CONCANNON: Objection.</p> <p>12 (DEFENDANTS' EXHIBIT D-135</p> <p>13 MARKED FOR IDENTIFICATION)</p> <p>14 Q. Mr. Corso, I've placed a document labeled Exhibit</p> <p>15 D-135 in front of you. For the benefit of the</p> <p>16 people on the phone, this is Bates labeled</p> <p>17 APS017454 through 017455, and at the top there's</p> <p>18 an e-mail from Michael Corso to Rob Stolzman. Do</p> <p>19 you recognize this document, Mr. Corso?</p> <p>20 A. Fifth Amendment privileges.</p> <p>21 MR. TRAINI: The record should</p> <p>22 reflect upon presentation the witness turned the</p> <p>23 document over and has not looked at the document.</p> <p>24 Q. Do you recall sending the e-mail at the top of</p> <p>25 this exhibit, Mr. Corso?</p>
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<p>1 Q. The second e-mail on the first page is from Rob</p> <p>2 Stolzman to you dated March 25, 2010 at 1:08 P.M.;</p> <p>3 do you recall receiving that e-mail?</p> <p>4 A. Fifth Amendment privileges.</p> <p>5 Q. Did 38 Studios require representatives of the EDC</p> <p>6 sign a non-disclosure agreement with 38 Studios?</p> <p>7 A. Fifth Amendment privileges.</p> <p>8 MS. CONCANNON: Objection.</p> <p>9 Q. Were you involved in having or facilitating the</p> <p>10 EDC and 38 Studios in signing -- getting those</p> <p>11 NDAs signed?</p> <p>12 A. Fifth Amendment privileges.</p> <p>13 MS. CONCANNON: Objection.</p> <p>14 Q. Why were you involved in the process of having the</p> <p>15 EDC sign NDAs with 38 Studios?</p> <p>16 A. Fifth Amendment privileges.</p> <p>17 MS. CONCANNON: Objection.</p> <p>18 Q. At the time of this e-mail, March 25, 2010, were</p> <p>19 term sheets for an EDC loan to 38 Studios already</p> <p>20 being negotiated and drafted?</p> <p>21 MS. CONCANNON: Objection.</p> <p>22 A. Fifth Amendment privileges.</p> <p>23 Q. As of March 25th, 2010, had the General Assembly</p> <p>24 even considered proposed legislation authorizing</p> <p>25 the EDC to give out a loan to 38 Studios?</p>	<p>1 A. Fifth Amendment privileges.</p> <p>2 Q. Do you recall on March 26th of 2010 providing</p> <p>3 comments to Mr. Stolzman on a draft term sheet?</p> <p>4 A. Fifth Amendment privileges.</p> <p>5 MS. CONCANNON: Objection.</p> <p>6 Q. The first sentence of that top -- the second</p> <p>7 sentence of that top e-mail says, "On the term</p> <p>8 sheet, I am assuming that you're making all the</p> <p>9 revisions discussed." What were the revisions</p> <p>10 discussed?</p> <p>11 A. Fifth Amendment privileges.</p> <p>12 Q. There's a third -- the third sentence of the</p> <p>13 e-mail says here's some additional information and</p> <p>14 then lists a number of things. The second thing</p> <p>15 that's listed, it says, jobs 125, 2010; 175, 2011;</p> <p>16 150, 2012. Were those terms that actually were a</p> <p>17 part of the final agreement between the EDC and 38</p> <p>18 Studios?</p> <p>19 A. Fifth Amendment privileges.</p> <p>20 MS. CONCANNON: Objection.</p> <p>21 Q. Looking at the bottom e-mail on this exhibit, it's</p> <p>22 an e-mail from Mr. Stolzman to you also dated</p> <p>23 March 25th, 2010. This one at -- I'm sorry, this</p> <p>24 is dated March 25, 2010 at 3:45 P.M. It</p> <p>25 indicates, "As we discussed, attached are a survey</p>

<p style="text-align: right;">Page 77</p> <p>1 and floor plans of 498 Kinsley Avenue." At this 2 time was 38 Studios already assessing potential 3 physical locations in Rhode Island? 4 A. Fifth Amendment privileges. 5 MS. CONCANNON: Objection. 6 Q. At this time there was no legislation passed 7 authorizing the EDC to make any loans to 38 8 Studios; is that right? 9 A. Fifth Amendment privileges. 10 MS. CONCANNON: Objection. 11 Q. Did the process of preparing the term sheet for 12 the loan between EDC and 38 Studios progress 13 significantly long before the legislation 14 authorizing such a loan passed? 15 A. Fifth Amendment privileges. 16 MS. CONCANNON: Objection. 17 Q. For example, were there a number of drafts -- did 18 you receive a number of drafts of term sheets for 19 that loan at the beginning of April of 2010? 20 A. Fifth Amendment privileges. 21 MS. CONCANNON: Objection. 22 (DEFENDANTS' EXHIBIT D-136 23 MARKED FOR IDENTIFICATION) 24 Q. Mr. Corso, I've placed before you a document 25 that's been marked Exhibit D-136.</p>	<p style="text-align: right;">Page 79</p> <p>1 4-1-10. Mr. Corso, do you recognize this 2 document? 3 A. Fifth Amendment privileges. 4 MR. TRAINI: The record should 5 reflect upon presentation, the witness turned the 6 document over and has not looked at the document. 7 Q. Do you recall receiving this e-mail? 8 A. Fifth Amendment privilege. 9 Q. Do you recall receiving a draft of the term sheet 10 for the loan between EDC and 38 Studios on April 11 1st, 2010? 12 A. Fifth Amendment privileges. 13 Q. Do you recall you also received a draft of the 14 Kushner for the 38 Studios EDC transaction on 15 April 1st of 2010? 16 A. Fifth Amendment privileges. 17 MS. CONCANNON: Objection. 18 Q. Do you have an understanding of what a Kushner is? 19 A. Fifth Amendment privileges. 20 Q. Did you provide significant comments on these 21 drafts? 22 A. Fifth Amendment privileges. 23 Q. Did the drafts of the term sheet that were 24 circulated -- I'm sorry, that were produced 25 before the Legislation passed shared with Gordon</p>
<p style="text-align: right;">Page 78</p> <p>1 MR. SHEEHAN: Could I just ask a 2 question, are you remarking documents that have 3 previously been marked? 4 MR. RAMOS: We're keeping a separate 5 set of exhibits for your depositions. 6 MR. SHEEHAN: No, you haven't been. 7 Let me just put on the record that it's total 8 foolishness to remark documents that have already 9 been marked as exhibits and designate them as 10 defendants exhibits, so there's going to be two 11 sets of stamps on the documents, and I'm going to 12 object to that, and I'm going to object to the use 13 at trial anything marked as a defendants' exhibit 14 under those circumstances because I think it's 15 calculated to produce confusion. 16 Q. So, Mr. Corso, I placed before you a document 17 that's been marked as Exhibit D-136. For the 18 benefit of the people on the phone, I believe that 19 this was previously marked as Exhibit 41 in a 20 prior deposition, and it's an e-mail from Rob 21 Stolzman to Michael Corso dated April 1st, 2010 22 and it contains a number of attachments. Those 23 attachments are labeled in the e-mail 38 Studios, 24 RIEDC letter, 3-31 clean draft, 31 Studios RIEDC 25 letter, 3-31 budget article for RIEDC Kushner</p>	<p style="text-align: right;">Page 80</p> <p>1 Fox? 2 A. Fifth Amendment privileges. 3 MS. CONCANNON: Objection. 4 Q. Were those drafts shared with Governor Carcieri? 5 A. Fifth Amendment privileges. 6 MS. CONCANNON: Objection. 7 Q. Were those drafts shared with Senator Paiva-Weed? 8 A. Fifth Amendment privileges. 9 MS. CONCANNON: Objection. 10 Q. Were those drafts shared with Representative 11 Costantino? 12 A. Fifth Amendment privileges. 13 MS. CONCANNON: Objection. 14 Q. Were those drafts shared with Senator Paiva-Weed? 15 MR. SHEEHAN: May I see Exhibit 16 D-136, the as marked. 17 A. Fifth Amendment privileges. 18 (DOCUMENT SHOWN TO MR. SHEEHAN) 19 MR. SHEEHAN: I just wanted to 20 confirm indeed the sticker is not placed on top of 21 the plaintiff's sticker. If that happens, I'm 22 going to object to any exhibit placed in that 23 fashion because it's not an accurate copy of the 24 exhibit. I can confirm in this case that it's not 25 stuck on top. You know what, if every defendant</p>

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<p>1 in this case marked their own set of exhibits, 2 it's just foolishness. That hasn't been your 3 position up to now. It's going to make this into 4 a worse document intensive case than it already 5 is. 6 MR. RAMOS: I don't think we're going 7 to have a problem. You're making a mountain out 8 of a molehill. I don't think we need to discuss 9 it anymore. 10 MR. SHEEHAN: Okay. 11 (DEFENDANTS' EXHIBIT D-137 12 MARKED FOR IDENTIFICATION) 13 Q. You now have before you a document marked D-137, 14 this is got Bates label BRNonPrivileged016300 to 15 106302. This is an e-mail chain with the first 16 e-mail from Michael Corso to Rob Stolzman dated 17 April 7, 2010 at 11:48 P.M. Do you recognize this 18 document, Mr. Corso? 19 A. Fifth Amendment privileges. 20 MR. TRAINI: The record should 21 reflect upon presentation the witness turned the 22 document over and has not looked at the document. 23 Q. On the second page of the document in the middle 24 of the page there is an e-mail from Rob Stolzman 25 to Michael Corso with copies to Keith Stokes,</p>	<p>1 March 28, 2010, 9:54 P.M. with copies to Keith 2 Stokes, M. Saul at RIEDC.com and Fred Hashway; do 3 you recognize this document? 4 A. Fifth Amendment privileges. 5 MR. TRAINI: The record should 6 reflect upon presentation the witness turned over 7 the document and has not looked at the document. 8 Q. Do you recall receiving this document? 9 A. Fifth Amendment privileges. 10 Q. In the last paragraph of that first e-mail it 11 says, "Michael, thanks so much for facilitating 12 this opportunity for Rhode Island. I look forward 13 to seeing you tomorrow in Maynard." First of all, 14 do you recall that you were what your role was 15 throughout the 38 Studios transaction? 16 A. Fifth Amendment privileges. 17 MS. CONCANNON: Objection. 18 Q. Were you the facilitator of the transaction? 19 A. Fifth Amendment privileges. 20 MS. CONCANNON: Objection. 21 Q. What did it mean to you that you were described as 22 having facilitated this opportunity for Rhode 23 Island? 24 A. Fifth Amendment privileges. 25 MS. CONCANNON: Objection.</p>
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<p>1 Michael Saul and Fred Hashway. And it indicates 2 in the second sentence, "I am attaching a tweaked 3 letter of intent between 38 Studios and the RIEDC 4 marked clean." Do you recall that you received 5 another revised draft of the term sheet on April 6 7, 2010? 7 A. Fifth Amendment privileges. 8 Q. Do you recall what the tweaks were on April 7, 9 2010? 10 A. Fifth Amendment privileges. 11 MS. CONCANNON: Objection. 12 Q. Would you describe yourself as having facilitated 13 the transaction between 38 Studios and the Rhode 14 Island Economic Development Corporation? 15 A. Fifth Amendment privileges. 16 MS. CONCANNON: Objection. 17 Q. I'm not going to mark this one because I think 18 it's been previously marked as -- well, just a 19 second, off the record? 20 (DEFENDANTS' EXHIBIT D-138 21 MARKED FOR IDENTIFICATION) 22 Q. Mr. Corso, this is Exhibit D-138, it bears Bates 23 labels APS 017421 through APS 017435. At the top 24 of the first page there an e-mail from Rob 25 Stolzman to M.Corso at kingstoncap.com, dated</p>	<p>1 Q. What exactly was it that you were facilitating? 2 A. Fifth Amendment privileges. 3 MS. CONCANNON: Objection. 4 Q. Were you facilitating a loan between EDC and 38 5 Studios? 6 A. Fifth Amendment privileges. 7 MS. CONCANNON: Objection. 8 Q. Were you facilitating the passage of legislation 9 for creation of the Jobs Creation Guaranty 10 Program? 11 A. Fifth amendment privilege. 12 MS. CONCANNON: Objection. 13 Q. Were you facilitating 38 Studios relocation to 14 Rhode Island? 15 A. Fifth Amendment privileges. 16 MS. CONCANNON: Objection. 17 Q. Is there anything else that you would have been 18 facilitating? 19 A. Fifth Amendment privileges. 20 MS. CONCANNON: Objection. 21 Q. Did Gordon Fox travel with you to Maynard, 22 Massachusetts, the following day, on March 29, 23 2010? 24 A. Fifth Amendment privileges. 25 MS. CONCANNON: Objection.</p>

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<p>1 Q. Did you review a draft of a letter of intent 2 between 38 Studios and the EDC with Gordon Fox 3 over the weekend of March 27 and March 28, 2010? 4 A. Fifth Amendment privileges. 5 MS. CONCANNON: Objection. 6 Q. Were you responsible for preparing 38 Studios with 7 a six-year plan and a gaming forecast? 8 A. Fifth Amendment privileges. 9 MS. CONCANNON: Objection. 10 Q. Do you recall sending an e-mail to Michael Saul 11 and Rob Stolzman on or about April 5th of 2010 12 attaching a six-year plan and gaming forecast? 13 A. Fifth Amendment privileges. 14 MS. CONCANNON: Objection. 15 Q. How did you develop the numbers in the six-year 16 plan and gaming forecast? 17 A. Fifth Amendment privileges. 18 MS. CONCANNON: Objection. 19 Q. Why were you involved in developing the six-year 20 plan and gaming forecast? 21 A. Fifth Amendment privileges. 22 MS. CONCANNON: Objection. 23 Q. What would you say -- how would you describe your 24 role with 38 Studios or relationship with 38 25 Studios as of March of 2010?</p>	<p>1 MS. CONCANNON: Objection. 2 Q. Did you have contacts with Gordon Fox regarding 38 3 Studios between October 2009 and March 2010? 4 A. Fifth Amendment privileges. 5 MS. CONCANNON: Objection. 6 Q. Did you discuss moving 38 Studios from 7 Massachusetts to Rhode Island with Gordon Fox 8 during that time frame? 9 A. Fifth Amendment privileges. 10 MS. CONCANNON: Objection. 11 Q. Did you ask Gorton Fox to push through legislation 12 to facilitate 38 Studios move from Massachusetts 13 to Rhode Island during that time frame? 14 A. Fifth Amendment privileges. 15 MS. CONCANNON: Objection. 16 Q. Did you discuss having Gordon Fox push through 17 legislation to facilitate a loan from the EDC to 18 38 Studios during that time frame? 19 A. Fifth Amendment privileges. 20 MS. CONCANNON: Objection. 21 Q. Had you provided Mr. Fox with any compensation in 22 exchange for any assistance he provided in 23 connection with 38 Studios during that time frame? 24 A. Fifth Amendment privileges. 25 MS. CONCANNON: Objection.</p>
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<p>1 A. Fifth Amendment privileges. 2 MS. CONCANNON: Objection. 3 Q. What had you been working on for 38 Studios 4 between October 2009 and March 2010? 5 MS. CONCANNON: Objection. 6 A. Fifth Amendment privileges. 7 Q. What specific efforts had you undertaken on 38 8 Studios behalf during that time? 9 A. Fifth Amendment privileges. 10 MS. CONCANNON: Objection. 11 Q. Had 38 Studios asked you to help them with a move 12 to Rhode Island during that time period? 13 A. Fifth Amendment privileges. 14 MS. CONCANNON: Objection. 15 Q. Had you been working to obtain legislation from 16 the Rhode Island General Assembly in order to 17 facilitate a move for 38 Studios to Rhode Island? 18 A. Fifth Amendment privileges. 19 MS. CONCANNON: Objection. 20 Q. Did 38 Studios pay you during that time frame from 21 October 2010 to March 2010? 22 A. Fifth Amendment privileges. 23 MS. CONCANNON: Objection. 24 Q. How much did they pay you during that time frame? 25 A. Fifth Amendment privileges.</p>	<p>1 Q. Has your role with 38 Studios changed at all by 2 March 2010 from when you first began providing 3 services to 38 Studios? 4 A. Fifth Amendment privileges. 5 MS. CONCANNON: Objection. 6 Q. In addition to whatever work you were doing in 7 connection with seeking assisting or facilitating 8 the loan -- strike that. In addition to the work 9 you were doing in connection with facilitating the 10 loan between the EDC and 38 Studios were you also 11 working on 38 Studios' efforts to raise equity 12 capital in 2010? 13 A. Fifth Amendment privileges. 14 MS. CONCANNON: Objection. 15 Q. What was your role in working on raising equity 16 for 38 Studios during that time frame? 17 A. Fifth Amendment privileges. 18 MS. CONCANNON: Objection. 19 Q. Were you involved in any other types of efforts to 20 raise money for 38 Studios during the 2010 time 21 frame? 22 A. Fifth Amendment privileges. 23 MS. CONCANNON: Objection. 24 Q. What was your role in connection with any of those 25 other activities attempting to raise money for 38</p>

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<p>1 Studios in the 2010 time frame?</p> <p>2 A. Fifth Amendment privileges.</p> <p>3 MS. CONCANNON: Objection.</p> <p>4 Q. Did you draft legislation in an attempt to assist</p> <p>5 38 Studios' move to Rhode Island in March of 2010?</p> <p>6 A. Fifth Amendment privileges.</p> <p>7 MS. CONCANNON: Objection.</p> <p>8 Q. Did you draft proposed legislation for interactive</p> <p>9 digital media tax credits in March of 2010?</p> <p>10 A. Fifth Amendment privileges.</p> <p>11 MS. CONCANNON: Objection.</p> <p>12 Q. Did that legislation ever pass the General</p> <p>13 Assembly?</p> <p>14 A. Fifth Amendment privileges.</p> <p>15 MS. CONCANNON: Objection.</p> <p>16 Q. Did that legislation ever get voted on in the</p> <p>17 General Assembly?</p> <p>18 A. Fifth Amendment privileges.</p> <p>19 MS. CONCANNON: Objection.</p> <p>20 Q. Why were you drafting that legislation?</p> <p>21 A. Fifth Amendment privileges.</p> <p>22 MS. CONCANNON: Objection.</p> <p>23 Q. This potential tax credit legislation was in</p> <p>24 addition to the expected loan that 38 Studios had</p> <p>25 engaged you to assist with obtaining from RIEDC;</p>	<p>1 MS. CONCANNON: Objection.</p> <p>2 Q. Do you recall Governor Carcieri was present at</p> <p>3 that meeting?</p> <p>4 A. Fifth Amendment privileges.</p> <p>5 MS. CONCANNON: Objection.</p> <p>6 Q. Do you recall that Steve Lane was present at that</p> <p>7 meeting?</p> <p>8 A. Fifth Amendment privileges.</p> <p>9 MS. CONCANNON: Objection.</p> <p>10 Q. Do you recall that Mike Saul was present at that</p> <p>11 meeting?</p> <p>12 A. Fifth Amendment privileges.</p> <p>13 MS. CONCANNON: Objection.</p> <p>14 Q. Was the proposed loan from the EDC to 38 Studios</p> <p>15 discussed at that meeting?</p> <p>16 A. Fifth Amendment privileges.</p> <p>17 Q. Was the fact that 38 Studios was seeking \$75</p> <p>18 million in a loan from the EDC discussed at that</p> <p>19 meeting?</p> <p>20 A. Fifth Amendment privileges.</p> <p>21 MS. CONCANNON: Objection.</p> <p>22 Q. Was there an agenda created for this meeting?</p> <p>23 A. Fifth Amendment privileges.</p> <p>24 MS. CONCANNON: Objection.</p> <p>25 Q. Did anyone other than who is listed on the exhibit</p>
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<p>1 isn't that correct?</p> <p>2 A. Fifth Amendment privileges.</p> <p>3 MS. CONCANNON: Objection.</p> <p>4 Q. I'm going to show you a document, Mr. Corso, that</p> <p>5 was marked in a previous deposition as Exhibit</p> <p>6 Number 355. Have you seen this document before?</p> <p>7 A. Fifth Amendment privileges.</p> <p>8 MR. TRAINI: Upon presentation the</p> <p>9 witness did not look at the document, it's been</p> <p>10 turned over.</p> <p>11 Q. The first page of this document there's a</p> <p>12 notation -- first of all, this document is a copy</p> <p>13 of -- redacted copy of Governor Carcieri's</p> <p>14 schedule for April 9, 2010, and on the first page</p> <p>15 it indicates that from 9:00 to 10:00 A.M. he has a</p> <p>16 meeting with Keith Stokes at the Rhode Island</p> <p>17 Economic Development Corporation, and attending</p> <p>18 will be Mike Corso, Steve Lane, Mike Saul, Andy</p> <p>19 Hodgkin and Jamia McDonald. Do you recall</p> <p>20 attending a meeting on April 9, 2010 with those</p> <p>21 individuals present?</p> <p>22 A. Fifth Amendment privileges.</p> <p>23 MS. CONCANNON: Objection.</p> <p>24 Q. Do you recall what was discussed at that meeting?</p> <p>25 A. Fifth Amendment privileges.</p>	<p>1 attend the meeting?</p> <p>2 A. Fifth Amendment privileges.</p> <p>3 MS. CONCANNON: Objection.</p> <p>4 Q. Did anybody take notes at the meeting?</p> <p>5 MS. CONCANNON: Objection.</p> <p>6 A. Fifth Amendment privileges.</p> <p>7 Q. Were any decisions made at this meeting?</p> <p>8 A. Fifth Amendment privileges.</p> <p>9 MS. CONCANNON: Objection.</p> <p>10 Q. Any further questions that I ask about this</p> <p>11 meeting you would -- would you assert your</p> <p>12 privilege of the amendment against</p> <p>13 self-incrimination?</p> <p>14 MR. TRAINI: He would.</p> <p>15 MR. LEPIZZERA: Can we get a copy of</p> <p>16 Exhibit 355?</p> <p>17 MR. RAMOS: Sure.</p> <p>18 Q. Can you list every elected official in Rhode</p> <p>19 Island with whom you discussed 38 Studios?</p> <p>20 A. Fifth Amendment privileges.</p> <p>21 Q. At what point did Senator Paiva-Weed become a part</p> <p>22 of the discussion to bring 38 Studios to Rhode</p> <p>23 Island?</p> <p>24 A. Fifth Amendment privileges.</p> <p>25 Q. What was your relationship with Senator</p>

<p style="text-align: right;">Page 93</p> <p>1 Paiva-Weed?</p> <p>2 A. Fifth Amendment privileges.</p> <p>3 Q. How was Senator Paiva-Weed introduced to propose</p> <p>4 the legislation?</p> <p>5 A. Fifth Amendment privileges.</p> <p>6 Q. How was Ms. -- Senator Paiva-Weed first introduced</p> <p>7 to the concept of the EDC providing a \$75 million</p> <p>8 loan to 38 Studios?</p> <p>9 A. Fifth Amendment privileges.</p> <p>10 MS. CONCANNON: Objection.</p> <p>11 Q. Had you done any business with Senator Paiva-Weed</p> <p>12 prior to the 38 Studios transaction?</p> <p>13 A. Fifth Amendment privileges.</p> <p>14 MS. CONCANNON: Objection.</p> <p>15 Q. Had you done any business with Senator Paiva-Weed</p> <p>16 through any of your companies prior to the 38</p> <p>17 Studios transaction?</p> <p>18 A. Fifth Amendment privileges.</p> <p>19 MS. CONCANNON: Objection.</p> <p>20 Q. How many total conversations did you have with</p> <p>21 Senator Paiva-Weed regarding 38 Studios?</p> <p>22 A. Fifth Amendment privileges.</p> <p>23 MS. CONCANNON: Objection.</p> <p>24 Q. Can you tell me when those conversations took</p> <p>25 place?</p>	<p style="text-align: right;">Page 95</p> <p>1 Q. Did you have a prior relationship with Mr. DaPonte</p> <p>2 before having discussions with him about 38</p> <p>3 Studios?</p> <p>4 A. Fifth Amendment privileges.</p> <p>5 MS. CONCANNON: Objection.</p> <p>6 Q. Do you recall how Senator DaPonte was introduced</p> <p>7 to the proposed legislation for the creation of</p> <p>8 the Jobs Guaranty Program?</p> <p>9 A. Fifth Amendment privileges.</p> <p>10 Q. Do you recall how Senator DaPonte was introduced</p> <p>11 to any proposed legislation regarding providing 38</p> <p>12 Studios with a loan for moving its business to</p> <p>13 Rhode Island?</p> <p>14 A. Fifth Amendment privileges.</p> <p>15 MS. CONCANNON: Objection.</p> <p>16 Q. How many total conversations did you have with</p> <p>17 Senator DaPonte about 38 Studios?</p> <p>18 A. Fifth Amendment privileges.</p> <p>19 MS. CONCANNON: Objection.</p> <p>20 Q. Can you tell me when any conversations you had</p> <p>21 with Senator DaPonte took place?</p> <p>22 A. Fifth Amendment privileges.</p> <p>23 Q. Can you tell me anything specific about anything</p> <p>24 you discussed with Senator DaPonte regarding 38</p> <p>25 Studios?</p>
<p style="text-align: right;">Page 94</p> <p>1 A. Fifth Amendment privileges.</p> <p>2 MS. CONCANNON: Objection.</p> <p>3 Q. Can you tell me anything specifically about what</p> <p>4 was said in any of those conversations?</p> <p>5 A. Fifth Amendment privileges.</p> <p>6 MS. CONCANNON: Objection.</p> <p>7 Q. Can you tell me the general subject matter of</p> <p>8 those conversations?</p> <p>9 A. Fifth Amendment privileges.</p> <p>10 MS. CONCANNON: Objection.</p> <p>11 Q. Can you tell me whether those conversations</p> <p>12 included discussion of the Jobs Creation Guaranty</p> <p>13 Program and legislation that created it?</p> <p>14 A. Fifth Amendment privileges.</p> <p>15 MS. CONCANNON: Objection.</p> <p>16 Q. Can you tell me whether those discussions</p> <p>17 discussed earmarking \$75 million from the Jobs</p> <p>18 Creation Guaranty Program for 38 Studios?</p> <p>19 A. Fifth Amendment privileges.</p> <p>20 MS. CONCANNON: Objection.</p> <p>21 Q. Do you recall at what point Senator DaPonte became</p> <p>22 part of the discussions about bringing 38 Studios</p> <p>23 to Rhode Island?</p> <p>24 A. Fifth Amendment privileges.</p> <p>25 MS. CONCANNON: Objection.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Fifth Amendment privileges.</p> <p>2 MS. CONCANNON: Objection.</p> <p>3 Q. Can you tell me the general subject matter of any</p> <p>4 of your conversations with Senator DaPonte about</p> <p>5 38 Studios?</p> <p>6 A. Fifth Amendment privileges.</p> <p>7 MS. CONCANNON: Objection.</p> <p>8 Q. Can you tell me whether you had -- in any of your</p> <p>9 discussions with Senator DaPonte you discussed the</p> <p>10 Jobs Creation Guaranty Program and the legislation</p> <p>11 that created it?</p> <p>12 A. Fifth Amendment privileges.</p> <p>13 MS. CONCANNON: Objection.</p> <p>14 Q. Did any of your discussions with Senator DaPonte</p> <p>15 include discussion of earmarking \$75 million for</p> <p>16 38 Studios out of the Jobs Creation Guaranty</p> <p>17 Program?</p> <p>18 A. Fifth Amendment privileges.</p> <p>19 MS. CONCANNON: Objection.</p> <p>20 Q. Had you done any business with Senator DaPonte</p> <p>21 prior to the 38 Studios' transaction?</p> <p>22 A. Fifth Amendment privileges.</p> <p>23 MS. CONCANNON: Objection.</p> <p>24 Q. Had any of your companies done any business with</p> <p>25 Senator DaPonte prior to the 38 Studios</p>

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<p>1 transaction?</p> <p>2 A. Fifth Amendment privileges.</p> <p>3 MS. CONCANNON: Objection.</p> <p>4 Q. At what point did Representative Costantino become</p> <p>5 part of the discussions regarding bringing 38</p> <p>6 Studios to Rhode Island?</p> <p>7 A. Fifth Amendment privileges.</p> <p>8 MS. CONCANNON: Objection.</p> <p>9 Q. Did you have a prior relationship with</p> <p>10 Representative Costantino?</p> <p>11 A. Fifth Amendment privileges.</p> <p>12 Q. Had you done business with Representative</p> <p>13 Costantino previous to his involvement with the 38</p> <p>14 Studios transaction?</p> <p>15 A. Fifth Amendment privileges.</p> <p>16 MS. CONCANNON: Objection.</p> <p>17 Q. How was he first introduced to proposed</p> <p>18 legislation regarding providing a loan from the</p> <p>19 EDC to 38 Studios?</p> <p>20 A. Fifth Amendment privileges.</p> <p>21 MS. CONCANNON: Objection.</p> <p>22 Q. How many total conversations did you have with</p> <p>23 representative Costantino regarding 38 Studios?</p> <p>24 A. Fifth Amendment privileges.</p> <p>25 MS. CONCANNON: Objection.</p>	<p>1 a supplemental budget to provide money for a loan</p> <p>2 to 38 Studios with Representative Costantino that</p> <p>3 you were aware of?</p> <p>4 A. Fifth Amendment privileges.</p> <p>5 MS. CONCANNON: Objection.</p> <p>6 Q. Did you ever have any discussions with</p> <p>7 Representative Costantino about earmarking \$75</p> <p>8 million of the Jobs Creation Guaranty Program</p> <p>9 money for 38 Studios?</p> <p>10 A. Fifth Amendment privileges.</p> <p>11 MS. CONCANNON: Objection.</p> <p>12 Q. Do you recall who first came up with the idea to</p> <p>13 use the Jobs Creation Guaranty Program as a</p> <p>14 vehicle to fund 38 Studios?</p> <p>15 A. Fifth Amendment privilege.</p> <p>16 MS. CONCANNON: Objection.</p> <p>17 Q. Was it Gordon Fox?</p> <p>18 A. Fifth Amendment privileges.</p> <p>19 Q. Was it a board member from the EDC?</p> <p>20 A. Fifth Amendment privileges.</p> <p>21 Q. Was it a staff member from the EDC?</p> <p>22 A. Fifth Amendment privileges.</p> <p>23 Q. Did you play a role in drafting the legislation</p> <p>24 that created the Jobs Creation Guaranty Program?</p> <p>25 A. Fifth Amendment privileges.</p>
Page 98	Page 100
<p>1 Q. Can you tell me when any of those conversations</p> <p>2 took place?</p> <p>3 A. Fifth Amendment privileges.</p> <p>4 MS. CONCANNON: Objection.</p> <p>5 Q. Can you tell me anything specific about the</p> <p>6 content of any of those conversations?</p> <p>7 A. Fifth Amendment privileges.</p> <p>8 MS. CONCANNON: Objection.</p> <p>9 Q. Can you tell me anything about the general subject</p> <p>10 matter of any of those conversations?</p> <p>11 A. Fifth Amendment privileges.</p> <p>12 Q. Can you tell me whether your conversations with</p> <p>13 Representative Costantino included discussion of</p> <p>14 the Jobs Creation Guaranty Program and the</p> <p>15 legislation that created it?</p> <p>16 A. Fifth Amendment privileges.</p> <p>17 Q. Did any of your conversations with Representative</p> <p>18 Costantino include discussion of other</p> <p>19 legislation, aside from the legislation creating</p> <p>20 the Jobs Creation Guaranty Program, to appropriate</p> <p>21 money to provide 38 Studios with a loan to move to</p> <p>22 Rhode Island?</p> <p>23 A. Fifth Amendment privileges.</p> <p>24 MS. CONCANNON: Objection.</p> <p>25 Q. Was there any discussion of having a line item in</p>	<p>1 Q. What role did you play?</p> <p>2 A. Fifth Amendment privileges.</p> <p>3 Q. Did you play a role in increasing the amount of</p> <p>4 the loans authorized under the Jobs Creation</p> <p>5 Program from \$50 million to \$125 million?</p> <p>6 A. Fifth Amendment privileges.</p> <p>7 Q. What role did you play in facilitating the</p> <p>8 increase of the amount of loans authorized under</p> <p>9 the program from \$50 million to 125 million</p> <p>10 dollar?</p> <p>11 A. Fifth Amendment privileges.</p> <p>12 Q. Is it true that \$75 million of the loan funds</p> <p>13 available under the Jobs Creation Guaranty Program</p> <p>14 was earmarked for 38 Studios even prior to the</p> <p>15 passage of the legislation?</p> <p>16 A. Fifth Amendment privileges.</p> <p>17 MS. CONCANNON: Objection.</p> <p>18 Q. Is it true that you and Gordon Fox originally</p> <p>19 considered having the \$75 million appropriated for</p> <p>20 the 38 Studios as part of the supplemental budget?</p> <p>21 A. Fifth Amendment privileges.</p> <p>22 MS. CONCANNON: Objection.</p> <p>23 Q. Why did you decide against doing it that way?</p> <p>24 A. Fifth Amendment privileges.</p> <p>25 MS. CONCANNON: Objection.</p>

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1 Q. Were all of the members of the General Assembly
2 informed that \$75 million of the Jobs Creation
3 Guaranty Program was earmarked for 38 Studios
4 before it was presented to them for a vote?
5 A. Fifth Amendment privileges.
6 MS. CONCANNON: Objection.
7 Q. Was the information about the earmarking of \$75
8 million for 38 Studios under the Jobs Creation
9 Guaranty Program withheld from other members of
10 the General Assembly intentionally?
11 A. Fifth Amendment privileges.
12 MS. CONCANNON: Objection.
13 Q. Did you have conversations with Mr. Fox about
14 withholding that information from the other
15 members of the General Assembly?
16 A. Fifth Amendment privileges.
17 MS. CONCANNON: Objection.
18 Q. Did you have conversations with anybody from the
19 EDC about withholding that information from?
20 A. Fifth Amendment privileges.
21 MS. CONCANNON: Objection.
22 (DEFENDANTS' EXHIBIT D-139
23 MARKED FOR IDENTIFICATION)
24 Q. Mr. Corso, the document placed before you has been
25 marked as Exhibit D-139 for this deposition. It

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1 has Bates labeled BRnon-privileged023291 through
2 023292, and on the first page the first e-mail is
3 from Michael Saul to Michael Corso and it's dated
4 March 31st, 2010 at 5:26 P.M. Do you recognize
5 this document?
6 A. Fifth Amendment privileges.
7 MR. TRAINI: The record should
8 reflect that upon presentation, the witness turned
9 the document over and has not looked at the
10 document.
11 Q. The first sentence -- do you recall receiving the
12 e-mail that's the first e-mail on the first page?
13 A. Fifth Amendment privileges.
14 Q. The first sentence of that e-mail reads,
15 "Michael...more of a planning session to frame and
16 agree on a due diligence plan." Do you recall
17 that you were involved in developing the EDC's due
18 diligence plan for consideration of the loan to be
19 made to 38 Studios?
20 A. Fifth Amendment privileges.
21 MS. CONCANNON: Objection.
22 Q. Further down in that e-mail there's a number of
23 what might be described as bullet points, they're
24 sort of dash marks with individual items --
25 strike that. Did the due diligence done by the

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1 EDC in connection with the 38 Studios transaction
2 include a meeting with Al Verrecchia and Steve
3 Lane to assess the 38 Studios transaction?
4 A. Fifth Amendment privileges.
5 (DEFENDANTS' EXHIBIT D-140
6 MARKED FOR IDENTIFICATION)
7 Q. Mr. Corso, I've placed before you a document
8 that's been marked D-140 for purposes of this
9 deposition. It bears Bates BRNonprivilege031211
10 through 31215. The first page is an e-mail from
11 Michael Saul to Michael Corso and Rob Stolzman,
12 copies to Keith Stokes, Fred Hashway and
13 tz@38studios.com. Do you recognize this document?
14 A. Fifth Amendment privileges.
15 MR. TRAINI: The record should
16 reflect upon presentation, the witness turned the
17 document over and has not looked at the document.
18 Q. Do you recall whether this document was part of
19 the due diligence plan for the EDC in connection
20 with the 38 Studios transaction?
21 A. Fifth Amendment privileges.
22 MS. CONCANNON: Objection.
23 Q. Is it true that you recommended Perimeter Partners
24 as a consultant in connection with the EDC's due
25 diligence process regarding the 38 Studios loan?

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1 A. Fifth Amendment privileges.
2 Q. Did you recommend Perimeter Partners?
3 A. Fifth Amendment privileges.
4 Q. Did you have any relationship with Perimeter
5 Partners?
6 A. Fifth Amendment privileges.
7 Q. Did you stand to receive any benefit from
8 Perimeter Partners being engaged in connection
9 with the due diligence process?
10 A. Fifth Amendment privileges.
11 Q. Did Gordon Fox stand to receive any benefit in
12 connection with Perimeter Partners being used in
13 the due diligence process?
14 A. Fifth Amendment privileges.
15 Q. Do you recall that eventually the legislation
16 creating the Jobs Creation Guaranty Program was
17 passed by the General Assembly and signed by the
18 governor?
19 A. Fifth Amendment privileges.
20 Q. What was your role in getting 38 Studios a loan
21 from the EDC after the passage of the jobs
22 creation program?
23 A. Fifth Amendment privileges.
24 Q. What information from 38 Studios did you
25 facilitate and provide to the EDC in connection

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<p>1 with 38 Studios obtaining that EDC loan?</p> <p>2 A. Fifth Amendment privileges.</p> <p>3 MS. CONCANNON: Objection.</p> <p>4 Q. By the time the Jobs Creation Guaranty Program</p> <p>5 legislation had passed, what information had</p> <p>6 already been provided to the EDC about 38 Studios?</p> <p>7 A. Fifth Amendment privileges.</p> <p>8 MS. CONCANNON: Objection.</p> <p>9 Q. Who provided that information to the EDC?</p> <p>10 A. Fifth Amendment privileges.</p> <p>11 Q. How was that information provided?</p> <p>12 A. Fifth Amendment privileges.</p> <p>13 Q. Had the EDC already determined that it was going</p> <p>14 to be providing a \$75 million loan to 38 Studios</p> <p>15 before the Jobs Creation Guaranty Program passed</p> <p>16 by the General Assembly and was signed by the</p> <p>17 governor?</p> <p>18 A. Fifth Amendment privileges.</p> <p>19 Q. Did you consider whether 38 Studios needed \$75</p> <p>20 million in net proceeds from the loan?</p> <p>21 A. Fifth Amendment privileges.</p> <p>22 Q. Did you know whether 38 Studios would receive less</p> <p>23 than 75 million net proceeds from the loan from</p> <p>24 the EDC?</p> <p>25 A. Fifth Amendment privileges.</p>	<p>1 the board members of the EDC about 38 Studios at</p> <p>2 the time they approved the transaction?</p> <p>3 A. Fifth Amendment privileges.</p> <p>4 Q. Did you personally provide them with any</p> <p>5 information about 38 Studios?</p> <p>6 A. Fifth Amendment privileges.</p> <p>7 Q. Did you observe any presentations to the board</p> <p>8 members?</p> <p>9 A. Fifth Amendment privileges.</p> <p>10 Q. Did you observe any presentations made to any</p> <p>11 individual board member?</p> <p>12 A. Fifth Amendment privileges.</p> <p>13 Q. Did you observe any presentations 38 Studios made</p> <p>14 to the board as a whole?</p> <p>15 A. Fifth Amendment privileges.</p> <p>16 Q. Did you participate in any meetings with the 38</p> <p>17 Studios board regarding the EDC loan?</p> <p>18 A. Fifth Amendment privileges.</p> <p>19 Q. Did anybody else tell you what information was</p> <p>20 available to the EDC board members about 38</p> <p>21 Studios before they approved the \$75 million loan?</p> <p>22 A. Fifth Amendment privileges.</p> <p>23 Q. Did Keith Stokes tell you what he told the board</p> <p>24 members?</p> <p>25 A. Fifth Amendment privileges.</p>
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<p>1 Q. Did it matter to you whether 38 Studios would</p> <p>2 receive less than \$75 million in net proceeds from</p> <p>3 the loan from the EDC?</p> <p>4 A. Fifth Amendment privileges.</p> <p>5 Q. How much of the deal for the loan between EDC and</p> <p>6 38 Studios was still left to be worked out after</p> <p>7 the legislation creating Jobs Creation Guaranty</p> <p>8 Program passed and was signed into law?</p> <p>9 A. Fifth Amendment privileges.</p> <p>10 Q. After the legislation creating the Jobs Creation</p> <p>11 Guaranty Program was signed into law, was it your</p> <p>12 understanding that it was a foregone conclusion</p> <p>13 that the EDC would provide 38 Studios with the \$75</p> <p>14 million loan?</p> <p>15 A. Fifth Amendment privileges.</p> <p>16 Q. How substantive were any changes that were made to</p> <p>17 the term sheet after the passage of the Jobs</p> <p>18 Creation Guaranty Program legislation?</p> <p>19 A. Fifth Amendment privileges.</p> <p>20 MS. CONCANNON: Objection.</p> <p>21 Q. What role did you play in bringing about the final</p> <p>22 approval for the EDC for the loan from the EDC to</p> <p>23 38 Studios?</p> <p>24 A. Fifth Amendment privileges.</p> <p>25 Q. What was your understanding of the knowledge of</p>	<p>1 Q. Did Michael Saul tell you what he communicated to</p> <p>2 the board members?</p> <p>3 A. Fifth Amendment privileges.</p> <p>4 Q. Did Fred Hashway tell you what he communicated to</p> <p>5 the board members?</p> <p>6 A. Fifth Amendment privileges.</p> <p>7 Q. Were you aware of what Sean Esten had concluded</p> <p>8 about the -- about 38 Studios and the proposed</p> <p>9 loan prior to the approval by the board?</p> <p>10 A. Fifth Amendment privileges.</p> <p>11 Q. Do you know if Sean Esten's thoughts on the</p> <p>12 transaction were communicated to the EDC board</p> <p>13 members?</p> <p>14 A. Fifth Amendment privileges.</p> <p>15 Q. Do you know what any of the third parties involved</p> <p>16 in the 38 Studios loan transaction with the EDC</p> <p>17 communicated to any of the EDC board members</p> <p>18 regarding the loan?</p> <p>19 A. Fifth Amendment privileges.</p> <p>20 Q. Do you know if any of those third parties made any</p> <p>21 presentations to the EDC board members in</p> <p>22 connection with their consideration of the 38</p> <p>23 Studios' loan?</p> <p>24 A. Fifth Amendment privileges.</p> <p>25 Q. Do you know if any of the third parties involved</p>

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1 in the EDC loan to 38 Studios provided information
2 about the transaction to EDC staff and officers?
3 A. Fifth Amendment privileges.
4 (DEFENDANTS' EXHIBIT D-141
5 MARKED FOR IDENTIFICATION)
6 Q. Mr. Corso, the document that's been placed before
7 you has been marked as Exhibit D-141 for purposes
8 of this deposition. It has Bates labeled APS
9 001991 through APS 0001993, and the first e-mail
10 on the first page of the exhibit is from Michael
11 Corso to Michael Saul and Rob Stolzman with a copy
12 to Keith Stokes dated April 14, 2010 -- strike
13 that. I didn't mean to mark this document.
14 MR. TRAINI: Just for the record,
15 when Mr. Corso was presented with the document, he
16 turned it over and didn't look at it, anyway.
17 (BRIEF RECESS)
18 (DEFENDANTS' EXHIBIT D-142
19 MARKED FOR IDENTIFICATION)
20 Q. Mr. Corso, what's been placed before you has been
21 marked as Exhibit D 142 for ID for this
22 deposition. It has Bates numbers Kingston 2010
23 005591 through 005598. And at the top of the
24 first page there's an e-mail from Jen MacLean to
25 Michael Corso, Tom Zaccagnino, Larry Salters and

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1 Jen MacLean with a copy to Curt Schilling. Do you
2 recognize this document?
3 A. Fifth Amendment privileges.
4 MR. TRAINI: The record should
5 reflect upon presentation, the witness turned the
6 document over and did not look at the document.
7 Q. The second e-mail on the first page is from
8 Michael Corso to Tom Zaccagnino, Larry Salters,
9 Jen MacLean, a copy to Curt Schilling and Jen
10 MacLean; do you recall sending that E-mail?
11 A. Fifth Amendment privileges.
12 Q. That e-mail is dated July 26, 2010 at 11:04 A.M.
13 Do you recall that July 26, 2010 was the date that
14 the EDC approved -- EDC gave final approval to the
15 loan to 38 Studios?
16 A. Fifth Amendment privileges.
17 Q. Do you recall that the EDC board meeting at which
18 the final approval was given did not take place
19 until later that afternoon, after 11:00 A.M.?
20 A. Fifth Amendment privileges.
21 Q. That e-mail from you to the people that it's
22 addressed to indicates that it's making some
23 suggested revisions to comments that Curt
24 Schilling is going to be giving and your comments
25 are reflected in the second paragraph, the first

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1 sentence of which says, "First of all, I would
2 like to thank Governor Donald Carcieri, Speaker
3 Gordon Fox, President Paiva-Weed, Chairman
4 Costantino and members of the General Assembly,
5 the EDC members, EDC staff, especially Executive
6 Director Keith Stokes and Deputy Director Michael
7 Saul for taking the bold initiative of
8 introducing, adopting and implementing a Jobs
9 Creation Program, during the current economic
10 times as well as supporting the growth of 38
11 Studios." Why did you think that it was important
12 that Mr. Schilling should thank Governor Carcieri?
13 A. Fifth Amendment privileges.
14 Q. Similarly, why would you think it was important
15 for Mr. Schilling to thank Speaker Fox?
16 A. Fifth Amendment privileges.
17 Q. Why would you think it was important for
18 Mr. Schilling to thank Senator Paiva-Weed?
19 A. Fifth Amendment privileges.
20 Q. And then why was it important for Mr. Schilling to
21 thank Chairman Costantino?
22 A. Fifth Amendment privileges.
23 Q. Why was it important for Mr. Schilling to thank
24 Chairman DaPonte?
25 A. Fifth Amendment privileges.

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1 Q. What role did each of those people play in
2 bringing the loan from EDC to 38 Studios to
3 conclusion?
4 A. Fifth Amendment privileges.
5 Q. Did all of those people understand that passage of
6 the legislation creating the Jobs Creation
7 Guaranty Program was intended at the outset to
8 benefit 38 Studios?
9 A. Fifth Amendment privileges.
10 Q. Did anything change between the time that the EDC
11 approved the loan to 38 Studios and the time that
12 the transaction ultimately closed that you
13 considered to be material to the likelihood of 38
14 Studios success?
15 A. Fifth Amendment privileges.
16 Q. Did you understand at the time that -- did you
17 understand that the proceeds from the loan --
18 strike that. Did you understand that 38 Studios
19 would still need to raise additional capital
20 beyond the proceeds from the loan from the EDC in
21 order to be successful?
22 A. Fifth Amendment privileges.
23 Q. Or did you think that the net loan proceeds would
24 be sufficient for 38 Studios to carry out its
25 business plan?

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<p>1 A. Fifth Amendment privileges. 2 Q. How much total compensation did you receive from 3 38 Studios over the course of time that you 4 represented them in connection with their move to 5 Rhode Island and the EDC loan transaction? 6 A. Fifth Amendment privileges. 7 MS. CONCANNON: Objection. 8 Q. Was it in excess of \$2 million? 9 A. Fifth Amendment privileges. 10 MS. CONCANNON: Objection. 11 Q. Did you also receive an equity stake in 38 12 Studios? 13 A. Fifth Amendment privileges. 14 MS. CONCANNON: Objection. 15 (DEFENDANTS' EXHIBIT D-143 16 MARKED FOR IDENTIFICATION) 17 Q. Now, Mr. Corso, I've placed before you a document 18 that's been marked Exhibit D-143 for pursuance of 19 this deposition. It doesn't have Bates numbers. 20 It is labeled -- it's a spreadsheet, and it's 21 labeled on the top left 38 Studios, LLC, equity 22 roll forward ownership as of 6-30-11, unaudited. 23 Have you ever seen this document before? 24 A. Fifth Amendment privileges. 25 MR. TRAINI: The record should</p>	<p>1 38 Studios, LLC, enter into a contract with Orb 2 Development for services with respect to the 3 development of the company's headquarters at one 4 Empire Street? 5 A. Fifth Amendment privileges. 6 Q. What was the total amount of compensation that 38 7 Studios paid to Orb Development in connection with 8 the development of the One Empire Street location? 9 MS. CONCANNON: Objection. 10 A. Fifth Amendment privileges. 11 Q. Were there any cost overruns associated with the 12 services provided to 38 Studios by Orb 13 Development? 14 A. Fifth Amendment privileges. 15 MS. CONCANNON: Objection. 16 Q. Was the Orb Development deal for the development 17 of 38 Studios Rhode Island location promised to 18 you in connection with the services that you 19 provided to assist with relocating 38 Studios to 20 Rhode Island? 21 A. Fifth Amendment privileges. 22 MS. CONCANNON: Objection. 23 Q. Was all the compensation provided to you by 38 24 Studios considered in connection with 38 Studios' 25 ability to complete the Copernicus project from</p>
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<p>1 reflect upon presentation the witness turned the 2 document over and has not looked at it. 3 Q. On the sixth page of the document there's a row in 4 the spreadsheet that reads Michael Corso, 5 certificate number A6, issue date 2-4-2011, expire 6 date 2-3-2016, class to issue A, units 1,209,677 7 purchase price per unit 1.24. Would you agree 8 with me that this document indicates that you 9 indeed were provided with or had at this point an 10 ownership interest in 38 Studios, LLC? 11 A. Fifth Amendment privileges. 12 MS. CONCANNON: Objection. 13 Q. And was your ownership reflected in this document 14 part of the compensation that 38 Studios paid to 15 you for the services that you provided in 16 connection with their move to Rhode Island and 17 obtaining a loan from the EDC? 18 A. Fifth Amendment privileges. 19 MS. CONCANNON: Objection. 20 Q. Does the compensation that 38 Studios paid to you 21 include money that was paid to Orb Development for 22 the development of 38 Studios physical space in 23 Rhode Island? 24 A. Fifth Amendment privileges. 25 Q. Did you enter into a contract -- strike that. Did</p>	<p>1 the net loan proceeds from the EDC? 2 A. Fifth Amendment privileges. 3 MS. CONCANNON: Objection. 4 (DEFENDANTS' EXHIBIT D-144 5 MARKED FOR IDENTIFICATION) 6 Q. Mr. Corso, I've placed before you a document 7 that's been marked as Exhibit D-144. This 8 document, again, does not have a Bates label on 9 it, it's another spreadsheet, it's one page, the 10 top left is identified as 38 Studios, LLC, Accrued 11 Expenses, December 31, 2010. Mr. Corso, in this 12 document you will see there's sort of a -- well, 13 there are two listings for amounts paid to you on 14 what looks to be January 4th, 2011? 15 (OFF THE RECORD) 16 Q. The first entry, Mr. Corso, indicates that there 17 was an amendment of \$69,840 for Rhode Island real 18 estate services rendered October 1st, 2010 through 19 December 31, 2010. Can you tell me what were the 20 real estate services that you rendered during that 21 time period? 22 A. Fifth Amendment privileges. 23 MS. CONCANNON: Objection. 24 MR. TRAINI: The record should 25 reflect upon presentation, the witness turned this</p>

<p style="text-align: right;">Page 117</p> <p>1 document over and has not looked at the document. 2 Q. The second entry indicates another amount of 3 \$69,840, and that one indicates RIEDC bond 4 services rendered October 1, 2010 through December 5 31, 2010. What were the RIEDC bond services that 6 you rendered during that time period? 7 A. Fifth Amendment privileges. 8 MS. CONCANNON: Objection. 9 (DEFENDANTS' EXHIBIT D-145 10 MARKED FOR IDENTIFICATION) 11 Q. Mr. Corso, I've now placed another document in 12 front of you that's been marked Exhibit D-145. 13 Again, this is another document that does not have 14 a Bates number on it, but it's another single page 15 spreadsheet, and at the top right it is labeled 38 16 Studios, LLC, transaction report, January through 17 November 2010. And on the left it indicates 18 that -- what we're looking at here is a list of 19 prepaid financing costs, and at the bottom of this 20 list there are two entries for Michael D. Corso, 21 Esquire, one dated 11-30-2010, one dated 22 11-20-2010. The 11-30-2010 has a memo description 23 of M. Corso Bond Closing Fees, \$339,500; and the 24 entry dated 1-4-2010 has a memo description of M. 25 Corso Bond Closing Fees in the amount of \$69,840.</p>	<p style="text-align: right;">Page 119</p> <p>1 Q. Similarly, was there ever a written agreement 2 between you and any of your -- you or any of your 3 entities and 38 Studios regarding services that 4 you provided in facilitating obtaining a loan from 5 the EDC to finance 38 Studios business operations? 6 A. Fifth Amendment privileges. 7 MS. CONCANNON: Objection. 8 Q. Did there ever come a time where you had 9 difficulty getting paid money that you were owed 10 by 38 Studios? 11 A. Fifth Amendment privileges. 12 MS. CONCANNON: Objection. 13 Q. Did you have an expectation that 38 Studios was 14 going to be able to pay you as soon as the bonds 15 for the EDC loan closed and that they would not 16 have to wait for any distributions? 17 A. Fifth Amendment privileges. 18 MS. CONCANNON: Objection. 19 Q. Were you ultimately paid all the compensation that 20 you were promised by 38 Studios? 21 A. Fifth Amendment privileges. 22 MS. CONCANNON: Objection. 23 Q. Did you ever provide at any point any compensation 24 to Gordon Fox for his assistance in getting the 25 Job Creation Guaranty Program passed?</p>
<p style="text-align: right;">Page 118</p> <p>1 Can you tell me why you were being paid bond 2 closing fees in connection with 38 Studios? 3 MS. CONCANNON: Objection. 4 A. Fifth Amendment privileges. 5 MR. TRAINI: The record should 6 reflect upon presentation the witness turned the 7 document over and has not looked at the document. 8 Q. Did you receive additional compensation from 38 9 Studios for seeking additional equity investment 10 after the closing of the 38 Studios loan and 11 bonds? 12 A. Fifth Amendment privileges. 13 MS. CONCANNON: Objection. 14 Q. Did you ever actually locate any additional equity 15 investment for 38 Studios? 16 A. Fifth Amendment privileges. 17 MS. CONCANNON: Objection. 18 Q. Was there ever a written agreement between you or 19 any of your entities and 38 Studios regarding the 20 compensation that you received for the services 21 that you provided in connection with facilitating 22 38 Studios' move to Rhode Island from 23 Massachusetts? 24 A. Fifth Amendment privileges. 25 MS. CONCANNON: Objection.</p>	<p style="text-align: right;">Page 120</p> <p>1 MR. CONCANNON: Objection. 2 A. Fifth Amendment privileges. 3 Q. Did 38 Studios ever provide any compensation to 4 Gordon Fox for his assistance in getting the Job 5 Creation Guaranty Program passed? 6 A. Fifth Amendment privileges. 7 MS. CONCANNON: Objection. 8 Q. Do you have any recollection of 38 Studios ever 9 providing Fox with anything other than money that 10 could be considered compensation for his 11 assistance in bringing the EDC loan to fruition? 12 A. Fifth Amendment privileges. 13 MS. CONCANNON: Objection. 14 Q. Did Mr. Schilling ever provide Mr. Fox with signed 15 baseballs in connection with the 38 Studios 16 transaction? 17 A. Fifth Amendment privileges. 18 MS. CONCANNON: Objection. This is 19 Sarah Concannon, I want to note for the record 20 that Danielle Bart, an associate from Goodwin 21 Procter has just joined me. She will be appearing 22 for the remainder of the deposition on behalf of 23 Mr. Schilling. Thank you. 24 MR. RAMOS: Thanks, Sarah. 25 Q. When were you first approached about obtaining or</p>

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<p>1 attempting to obtain film tax credits for 38 2 Studios? 3 A. Fifth Amendment privileges. 4 MS. CONCANNON: Objection. 5 Q. Who was involved in those discussions regarding 6 film tax credits for 38 Studios? 7 A. Fifth Amendment privileges. 8 MS. CONCANNON: Objection. 9 Q. Was Keith Stokes involved in those discussions? 10 A. Fifth Amendment privileges. 11 Q. Was David Gilden involved in those discussions? 12 A. Fifth Amendment privileges. 13 Q. Was Gordon Fox involved in those discussions? 14 A. Fifth Amendment privileges. 15 Q. Was Lynn Singleton involved in those discussions? 16 A. Fifth Amendment privileges. 17 Q. Do you recall if any of those four individuals had 18 a conversation with you specifically about film 19 tax credits for 38 Studios? 20 MS. CONCANNON: Objection. 21 A. Fifth Amendment privileges. 22 Q. Why did 38 Studios ask you to obtain film tax 23 credits? 24 MS. BART: Objection. 25 A. Fifth Amendment privileges.</p>	<p>1 help 38 Studios survive financially at the same 2 time that you were seeking the film tax credits? 3 MS. BART: Objection. 4 A. Fifth Amendment privileges. 5 Q. What other avenues were you pursuing? 6 A. Fifth Amendment privileges. 7 MS. BART: Objection. 8 Q. Were you also seeking additional consideration 9 from the EDC to access additional financing? 10 A. Fifth Amendment privileges. 11 MS. BART: Objection. 12 Q. What types of additional consideration were you 13 looking for? 14 A. Fifth Amendment privileges. 15 Q. Why didn't your efforts to obtain this additional 16 consideration work? 17 MS. BART: Objection. 18 A. Fifth Amendment privileges. 19 Q. Did Governor Chafee prevent the film tax credit 20 and the other efforts that you were pursuing from 21 being approved? 22 MS. BART: Objection. 23 A. Fifth Amendment privileges. 24 Q. Did someone at the else state prevent those 25 efforts from being successful?</p>
Page 122	Page 124
<p>1 Q. Did 38 Studios know in October of 2011 that film 2 tax credits would be necessary for it to be able 3 to survive financially until Copernicus was 4 completed? 5 MS. BART: Objection. 6 A. Fifth Amendment privileges. 7 Q. Were film tax credits necessary for 38 Studios to 8 survive financially until Copernicus was 9 completed? 10 A. Fifth Amendment privileges. 11 MS. BART: Objection. 12 Q. Did you understand that 38 Studios needed film tax 13 credits to survive as of May 2012? 14 A. Fifth Amendment privileges. 15 MS. BART: Objection. 16 Q. How did you come to that understanding? 17 A. Fifth Amendment privileges. 18 Q. What work did you try to obtain film tax credits 19 for the 38 Studios? 20 A. Fifth Amendment privileges. 21 Q. Who knew that you were seeking film tax credits 22 for 38 Studios? 23 MS. BART: Objection. 24 A. Fifth Amendment privileges. 25 Q. Were you assisting in pursuing other options to</p>	<p>1 MS. BART: Objection. 2 A. Fifth Amendment privileges. 3 Q. Did anybody at the EDC prevent those efforts from 4 being successful? 5 MS. BART: Objection. 6 A. Fifth Amendment privileges. 7 MR. RAMOS: I have no further 8 questions at this time. 9 MR. SHEEHAN: Adam, I presumed on 10 your cooperation and asked Benjamin to e-mail 11 exhibits I would like to use with the witness that 12 I don't have here, and he has done that. Do you 13 think we could take a brief break and you could 14 check and see that and humbly ask you to make 15 copies to use at the deposition. 16 MR. RAMOS: I would be happy to go 17 look for that, Steve. 18 MR. SHEEHAN: Thank you. That 19 probably is going to take ten minutes or so. Why 20 don't we take a ten-minute break. I don't expect 21 I'll be a half hour, at the most. 22 MR. LEPIZZERA: Can we ask if anybody 23 on the phone has any questions? 24 MR. DOLAN: Bill Dolan does not 25 intend to ask any questionns.</p>

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1 MR. GRIMES: Tim Grimes does not
2 intend to ask questions.
3 MS. BART: Danielle Bart does not
4 intend to ask any questions.
5 MR. LEPIZZERA: Thank you.
6 (RECESS)
7 EXAMINATION BY MR. SHEEHAN
8 Q. Mr. Corso, we've been introduced, I'm Steve
9 Sheehan, I represent the plaintiff, and I'm going
10 to have a few questions for you. I'm sure you're
11 going to proceed along the same lines, but I want
12 to put them on the record. The first question I'm
13 going to have, isn't it true in 2009 you in fact
14 registered as a lobbyist in the State of Rhode
15 Island?
16 A. Fifth Amendment privileges.
17 Q. Isn't it true in 2010 you neglected to renew your
18 registration or to register again as a lobbyist?
19 A. Fifth Amendment privileges.
20 Q. Isn't it truth that there's currently an
21 investigation from the Secretary of State into the
22 issue of whether or not you may have violated
23 Rhode Island criminal statutes regulating the
24 provision of lobbying in the State of Rhode
25 Island?

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1 A. Fifth Amendment privileges.
2 Q. And isn't it true that that investigation focuses
3 specifically on your actions and omissions in
4 connection with the EDC's issuance of bonds and
5 loan of \$75 million to 38 Studios?
6 A. Fifth Amendment privileges.
7 MS. BART: Objection.
8 Q. Isn't it true that the statute that regulates the
9 provision of lobbying services carries with it a
10 punishment of a fine to punish violators?
11 MS. BART: Objection.
12 A. Fifth Amendment privileges.
13 Q. Now, isn't it true that under Rhode Island law
14 it's a violation of Rhode Island statutes to
15 engage in lobbying activities unless you are a
16 registered lobbyist?
17 A. Fifth Amendment privileges.
18 Q. Isn't it true that under Rhode Island law the
19 activities that an individual engages in that fall
20 within the definition of lobbying activities may
21 in and of themselves be perfectly honest, be
22 perfectly lawful, but if that individual fails to
23 register as a lobbyist, the fact that he provided
24 those activities may be grounds upon which to
25 convict him of a violation of the statute?

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1 MS. BART: Objection.
2 A. Fifth Amendment privileges.
3 Q. Now, isn't it true that any testimony that you
4 might give concerning 38 Studios and the EDC's
5 involvement with 38 Studios might incriminate you
6 in connection with that pending investigation
7 concerning lobbying activities?
8 MS. BART: Objection.
9 A. Fifth Amendment privileges.
10 Q. Isn't it true that your counsel has advised you to
11 assert the Fifth Amendment privilege to protect
12 you from incriminating yourself with respect to
13 potential liability, criminal liability for
14 violating the lobbying statute?
15 MR. TRAINI: I'll object to that
16 question. Attorney/client privilege.
17 MS. BART: Objection.
18 Q. And isn't it true, Mr. Corso, that you yourself
19 are an attorney?
20 A. Fifth Amendment privileges.
21 Q. Isn't it true that as an attorney you yourself
22 understand the Fifth Amendment privilege?
23 A. Fifth Amendment privileges.
24 Q. Isn't it true that you as an attorney understand
25 that you would be well advised to assert your

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1 Fifth Amendment privilege with respect to any of
2 your acts or omissions involving 38 Studios in
3 order to protect yourself from potentially
4 incriminating yourself in connection with the
5 investigation currently underway by the Secretary
6 of State into alleged violations on your part of
7 the statutes regarding or regulating lobbying
8 activities in the State of Rhode Island?
9 A. Fifth Amendment privileges.
10 MS. BART: Objection.
11 Q. Now, Mr. Corso, have you had the opportunity to
12 read the plaintiff's complaint in this action?
13 A. Fifth Amendment privileges.
14 Q. Now you understand, of course, that this is a
15 civil action, correct?
16 A. Fifth Amendment privileges.
17 Q. Do you understand, however, that plaintiff's
18 complaint includes alleges that the defendants
19 themselves committed crimes?
20 A. Fifth Amendment privileges.
21 Q. Do you understand that under Rhode Island General
22 Laws Section 9-1-2 a civil cause of action is
23 provided to a party who is injured by another
24 party's commission of a crime?
25 MS. BART: Objection.

<p style="text-align: right;">Page 129</p> <p>1 A. Fifth Amendment privileges. 2 Q. Do you understand that in this particular case the 3 plaintiff has alleged that all of the defendants, 4 either directly violated Rhode Island criminal 5 statutes prohibiting obtaining money under false 6 pretenses or aided and abetted in that violation 7 or conspired with one another in connection with 8 such a violation? 9 MS. BART: Objection. 10 A. Fifth Amendment privileges. 11 Q. Are you aware that one of the actions that the 12 plaintiff alleges constituted a violation of the 13 Rhode Island criminal statute against obtaining 14 money under false pretenses was the submission of 15 the term sheet which plaintiff alleges contains an 16 intentional misrepresentation? 17 MS. BART: Objection. 18 A. Fifth Amendment privileges. 19 Q. And are you aware that that intentional 20 misrepresentation, according to the plaintiff, is 21 the statement in the term sheet, and I'm just 22 going to paraphrase, because I don't have a 23 current term sheet with me, that the net proceeds 24 that 38 Studios would receive from the EDC would 25 provide the necessary financing to complete</p>	<p style="text-align: right;">Page 131</p> <p>1 MS. BART: Objection. 2 A. Fifth Amendment privileges. 3 Q. Are you aware the plaintiff alleges that all of 4 the defendants, and by that I mean specifically 5 First Southwest, Adler, Pollock & Sheehan -- let 6 me strike that. Do you understand that plaintiff 7 alleges that the following defendants either 8 directly violated Rhode Island criminal statutes 9 concerning obtaining money under false pretenses 10 or violated Rhode Island criminal statutes that 11 prohibit aiding and abetting such violations, and 12 I'm going to give you the list, they are, first of 13 all, Wells Fargo Securities, LLC, are you aware of 14 that? 15 A. Fifth Amendment privileges. 16 Q. Secondly, Barclays Capital, Inc., are you aware of 17 that? 18 A. Fifth Amendment privileges, Inc. 19 Q. Third, Adler Pollock & Sheehan; are you aware of 20 that? 21 A. Fifth Amendment privileges. 22 Q. Fourth, Robert Stolzman, are you aware of that? 23 A. Fifth Amendment privileges. 24 Q. First Southwest Company, are you aware of that? 25 MR. RAMOS: Objection.</p>
<p style="text-align: right;">Page 130</p> <p>1 Copernicus, relocate 38 Studios to Rhode Island 2 and capitalize 38 Studios' growth and operations 3 in Rhode Island? 4 A. Fifth Amendment privileges. 5 MR. RAMOS: Objection. 6 MS. BART: Objection. 7 Q. Do you realize that plaintiff alleges that it was 8 known by defendants Wester, Zaccagnino, Schilling 9 and MacLean at the time that term sheet was signed 10 by defendant MacLean that in fact the anticipated 11 net proceeds that 38 Studios would receive from 12 the EDC would not be sufficient to complete 13 development of Copernicus, relocate 38 Studios to 14 Rhode Island or capitalize 38 Studios growth and 15 expansion in Rhode Island? 16 MS. BART: Objection. 17 A. Fifth Amendment privileges. 18 Q. Are you aware that plaintiff's complaint alleges 19 that 38 Studios as an entity obtained money under 20 false pretenses, and that the individuals I've 21 just named, defendants Zaccagnino, Wester, 22 Schilling and MacLean either themselves obtained 23 false pretenses given their close affiliation with 24 38 Studios or at least aided and abetted 38 25 Studios in obtaining money under false pretenses?</p>	<p style="text-align: right;">Page 132</p> <p>1 A. Fifth Amendment privileges. 2 Q. Sixth, Keith Saul? 3 A. Fifth Amendment privileges. 4 Q. Keith Stokes, I misspoke? 5 A. Fifth Amendment privileges. 6 Q. And seventh, Michael Saul? 7 A. Fifth Amendment privileges. 8 Q. Isn't it true that all of the questions that 9 Mr. Ramos asked of you today might tend to 10 incriminate you as -- let me strike that. Let me 11 just put in front of you an exhibit previously 12 marked as Exhibit 379. You will see that this 13 Exhibit A attaches a draft term sheet being sent 14 initially to yourself, Jen MacLean, Rick Wester 15 and Tom Zaccagnino. Did you in fact receive this 16 e-mail and attached term sheet? 17 A. Fifth Amendment privileges. 18 MR. TRAINI: Excuse me, Mr. Sheehan, 19 the record should reflect upon presentation the 20 witness turned the document over and has not 21 looked at the document. 22 Q. And if you would turn to the first page of the 23 term sheet, the third paragraph, it states, "We 24 understand your capital needs to bring Project 25 Copernicus to completion to be approximately \$75</p>

<p style="text-align: right;">Page 133</p> <p>1 million. Based on our understanding to date of 2 your financial projections, subject to the terms 3 and conditions set forth herein and required legal 4 procedures, the RIEDC is willing to issue \$75 5 million of revenue bonds pursuant to its newly 6 created Jobs Creation Guaranty Program, the net 7 proceeds of which would provide the necessary 8 financing to relocate 38 Studios to Rhode Island, 9 complete production of Copernicus and capitalize 10 the company's growth and expansion in Rhode 11 Island." First, have I read that correctly? 12 A. Fifth Amendment privileges. 13 Q. Before I ask your counsel to put in front of you 14 the next exhibit, I'm going to question you 15 about -- I'd just like to have you confirm that 16 you understand that the language I just read to 17 you from the term sheet constitutes a 18 representation that 38 Studios had sufficient 19 funds to complete Copernicus, relocate to Rhode 20 Island and capitalize the company's growth and 21 expansion in Rhode Island, provided it received 22 the net proceeds and provided that it received 23 whatever funds are projected it would receive in 24 its financial projections? 25 MS. BART: Objection.</p>	<p style="text-align: right;">Page 135</p> <p>1 immediately turned it over and has not looked at 2 that document. 3 MR. SHEEHAN: Excuse me, Mr. Traini, 4 for not pausing. 5 Q. Now, you can tell from this context that Jen 6 MacLean was referring to the term sheet that I 7 just read to you two or three questions ago, 8 correct? 9 A. Fifth Amendment privilege. 10 Q. And it is apparent from the e-mail that she, 11 meaning Jen MacLean, recognizes that the term 12 sheet contains a representation, don't you agree? 13 MS. BART: Objection. 14 A. Fifth Amendment privilege. 15 Q. I've given to your counsel an exhibit previously 16 marked as Exhibit 382 and I'm going to have some 17 questions on the document. It includes an e-mail 18 from Tom Zaccagnino to Jen MacLean, Rick Wester 19 and yourself in which he has interlineated his 20 responses to Jen MacLean's comments. His 21 responses are indicated in all capital letters. 22 Do you follow that? 23 A. Fifth Amendment privileges. 24 MR. TRAINI: The record should 25 reflect that this document was an exhibit</p>
<p style="text-align: right;">Page 134</p> <p>1 A. Fifth Amendment privileges. 2 Q. And you agree that that in fact was a false 3 statement at the time it was made? 4 A. Fifth Amendment privileges. 5 MS. BART: Objection. 6 Q. I've asked your counsel to put in front of you 7 Exhibit 381, and you will see that it's an e-mail 8 that has three separate e-mails within it, the 9 last one which was the one -- the last in order 10 which was the first sent is a copy of the e-mail 11 that I just put in front of you that was marked as 12 Exhibit 379, and I'd like to draw your attention 13 to the next one, which is an e-mail from Jen 14 MacLean to Tom Zaccagnino, Rick Wester and 15 yourself, and she states a few comments, her first 16 comment is as follows: "Not comfortable with 17 saying the net proceeds are enough to fund 18 development completion of Copernicus (Page 1, Para 19 3)." Have I read that correctly? 20 A. Fifth Amendment privileges. 21 Q. You understand -- 22 MR. TRAINI: Excuse me, the record 23 should reflect that the document that was 24 previously marked as Exhibit 381 in a prior 25 deposition was presented to the witness and he</p>	<p style="text-align: right;">Page 136</p> <p>1 previously marked as number 382 in a prior 2 deposition, was presented to the witness and he 3 turned it over and has not looked at the document. 4 Q. And what Mr. Zaccagnino meant with respect to the 5 portion I just read is, quote, "This is an 6 estimate what we've been saying since day one. 7 This is based on our current estimates. It 8 doesn't mean things can't change moving forward." 9 Have I read that correctly? 10 A. Fifth Amendment privilege. 11 MR. RAMOS: Objection. 12 Q. Isn't it fact at the time Mr. Zaccagnino made this 13 statement that 38 Studios' current statements 14 showed that the representation regarding the 15 adequacy of net proceeds was false? 16 MS. BART: Objection. 17 MR. RAMOS: Objection. 18 A. Fifth Amendment privilege. 19 Q. I have given to your counsel to show to you 20 Exhibit 403, previously marked, and what this is 21 is a further e-mail in the discussion that has 22 been the subject of the last three e-mails, and it 23 is an e-mail from Mr. Zaccagnino to Rick Wester, 24 Jen MacLean and yourself incorporating within it 25 an e-mail from Rick Wester, and in the E-mail</p>

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<p>1 first he states he has the same concerns with Page 2 1, Paragraph 3. Do you see that? 3 A. Fifth Amendment privileges. 4 MR. TRAINI: Again, the record should 5 reflect that the document that Mr. Sheehan gave me 6 that was previously marked as Exhibit 403 in a 7 prior deposition was presented to the witness and 8 he turned the document over and has not looked at 9 it. 10 Q. And you can tell from the context that the same 11 concerns that Mr. Wester is describing are the 12 same concerns as expressed by Jen MacLean 13 concerning Page 1, Paragraph 3, can you see that? 14 MS. BART: Objection. 15 A. Fifth Amendment privileges. 16 Q. I've asked your counsel to show you what has 17 previously been marked as Exhibit 383, which is 18 another e-mail, this one, again, from 19 Mr. Zaccagnino to you, Mr. Wester and Ms. MacLean, 20 and it incorporates within it an e-mail from Jen 21 MacLean to the same group, meaning yourself and 22 Mr. Wester and Mr. Zaccagnino in which she states, 23 quote, "We were also not expecting to lose as much 24 as \$10 million net. So I don't feel too terrible 25 going back on the first change. It's not huge,</p>	<p>1 the representation that the net proceeds will be 2 sufficient; do you agree? 3 MS. BART: Objection. 4 A. Fifth Amendment privileges. 5 Q. In Exhibit 383, which I've asked your counsel to 6 put in front of you, Mr. Zaccagnino responds to 7 Ms. MacLean's explanation and states as follows: 8 "I really do not think we should highlight the 9 fact that we might be undercapitalized. Won't go 10 over well with the staff or board." Close quote. 11 Have I read that correctly? 12 A. Fifth Amendment privileges. 13 Q. And is it fair to say that Mr. Zaccagnino from 14 this statement is indicating that any correction 15 to the representation regarding the adequacy of 16 net proceeds would have the effect of highlighting 17 the fact that 38 Studios might be 18 undercapitalized? 19 MS. BART: Objection. 20 A. Fifth Amendment privileges. 21 Q. And isn't it clear he's especially concerned with 22 highlighting that fact to the EDC board? 23 A. Fifth Amendment privileges. 24 MS. BART: Objection. 25 Q. Isn't it true that you understood that the EDC</p>
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<p>1 but it's important." Have I read that correctly? 2 A. Fifth Amendment privileges. 3 MR. TRAINI: The record should 4 reflect, again, that the document Mr. Sheehan gave 5 me to present to Mr. Corso that was previously 6 marked as Exhibit 383 in a prior deposition was 7 presented to the witness and he turned it over and 8 has not looked at it. 9 Q. Now, the language I read to you a moment ago from 10 Mr. Zaccagnino starting with, quote, "This is an 11 estimate," you can see from the context is 12 intended to reassure Ms. MacLean that there's 13 nothing wrong with the reference in the term sheet 14 to the adequacy of the net proceeds, do you agree? 15 MS. BART: Objection. 16 A. Fifth Amendment privileges. 17 Q. And you can see that Jen MacLean is not buying 18 that, she's saying that 38 Studios, day one, was 19 not expecting to lose what it has now determined 20 it will lose as much as \$10 million net. Do you 21 see that? 22 MS. BART: Objection. 23 A. Fifth Amendment privileges. 24 Q. And she's essentially arguing that it's 25 appropriate and proper for 38 Studios to object to</p>	<p>1 board was the entity that had to approve the loan? 2 A. Fifth Amendment privileges. 3 MS. BART: Objection. 4 Q. Now, are you aware that the plaintiff alleges that 5 all of the defendants in this case that I 6 previously listed for you knew that the 7 representation in the term sheet regarding the 8 adequacy of the net proceeds was a 9 misrepresentation? 10 MR. RAMOS: Objection. 11 A. Fifth Amendment privileges. 12 MS. BART: Objection. 13 Q. And are you aware that any testimony from you that 14 might tend to incriminate you in any way would 15 also incriminate them equally in either violating 16 the Rhode Island statute on obtaining money under 17 false pretenses or the statute to criminalize 18 either aiding and abetting or a conspiracy to 19 violate the statute that prohibits obtaining money 20 under false pretenses? 21 MR. RAMOS: Objection. 22 A. Fifth Amendment privileges. 23 MS. BART: Objection. 24 MR. SHEEHAN: I don't have anything 25 further.</p>

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1 MR. RAMOS: I don't have any
2 additional questions. Has anybody on the phone
3 changed their mind about whether they have
4 questions?
5 (NO RESPONSE)
6 MR. TRAINI: Before we go off the
7 record, one thing that I do want to just get
8 straight is, at the beginning of the deposition
9 Mr. Ramos indicated that there would be a
10 procedure that we would follow relative to the
11 assertion of the attorney/client privilege in the
12 event there was a motion to compel. On the
13 question of motions to compel, if there is one to
14 be filed, I assume in the context of this case it
15 will be filed under seal because it would have to
16 be because everything about the transcript and
17 about this deposition is subject to the protective
18 order that's already outstanding.
19 MR. RAMOS: I suppose unless it
20 wasn't filed until after things were -- until
21 after the time period, but I would imagine that if
22 one is filed, it would be filed during the time
23 period that everything would need to be filed
24 under seal.
25 MR. TRAINI: I agree. I want to make

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1 sure everybody is clear on that. I didn't know
2 there was a time period that delimited the
3 protective order. I thought it was until further
4 order of the court.
5 MR. RAMOS: Well, yes, I guess I was
6 speaking a little bit too loosely there. Right.
7 MR. TRAINI: If there was a date, I
8 wanted to know about it. But if there isn't one,
9 I assume it's until further order of the court. I
10 want to make sure if anybody files a motion to
11 compel, it's filed under seal and we'll respond
12 accordingly.
13 MR. SHEEHAN: Mr. Traini, my
14 understanding of the confidentiality order, either
15 the party or the third party who wishes to have a
16 document or deposition treated as confidential has
17 to make that statement either in this case on the
18 record at the deposition or in some other fashion.
19 And that thereafter the document is deemed to be
20 confidential and the burden is on any party who
21 seeks to obtain disclosure of that document to
22 file a motion to compel disclosure, and that there
23 is no time period that limits the confidentiality
24 of the document, as I agree with you that it's
25 confidential until further order of the court.

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1 MR. TRAINI: That's fine, I just
2 wanted to make sure we all have the same
3 understanding so if anything gets filed, it gets
4 filed under seal and we'll deal with it in the
5 ordinary course.
6 MR. SHEEHAN: You're taking the
7 position this deposition should be treated
8 confidential under the confidentiality order.
9 MR. TRAINI: I think that's correct.
10 Motion to compel that make reference to anything
11 occurred at this deposition. Same thing as the
12 keep the transcript of the deposition and covered
13 by the confidentiality order that's presently
14 outstanding.
15 MR. SHEEHAN: Is it your position
16 that the exhibits that were marked at this
17 deposition are also to be treated as confidential
18 under the terms of that order?
19 MR. TRAINI: It is. I believe that's
20 correct, that they would be, and they're also, to
21 the extent that any of those documents were
22 subject to the subpoena that was served by
23 Mr. Dolan to which we responded, I think in the
24 transmittal correspondence and agreements that
25 accompany the production of those documents, they

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1 were to be treated as subject to the
2 confidentiality order as well, but I assume that
3 also applies to any of the other documents, but to
4 the extent that any other exhibits were used at
5 this deposition, that in the context of being used
6 here, they are confidential and would be subject
7 to the confidentiality order until the court rules
8 otherwise.
9 MR. SHEEHAN: I think we can close
10 the deposition.
11 MR. RAMOS: No. We can suspend the
12 deposition.
13 MR. SHEEHAN: Reflecting on the
14 record our objection to suspend the deposition. I
15 understand First Southwest's point. If necessary
16 the court will have to resolve it.
17 (DEPOSITION ADJOURNED AT 1:30 P.M.)
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24
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C-E-R-T-I-F-I-C-A-T-E

I, LINDA L. GUGLIELMO, do hereby certify that I am expressly approved as a person qualified and authorized to take depositions pursuant to Rules of Civil Procedure of the Superior Court of Rhode Island, especially, but without restriction thereto, under Rule 28 of said Rules; that the witness was first sworn by me; that the transcript contains a true record of the proceedings.

Reading and signing of the transcript was not requested by counsel for the deponent upon completion of the deposition.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of July 2014.



LINDA L. GUGLIELMO, NOTARY PUBLIC/RPR-RMR
(MY COMMISSION EXPIRES AUGUST 13, 2017)

IN RE: RIEDC VS. WELLS FARGO, ET AL.
DATE: JULY 24, 2014
WITNESS NAME: MICHAEL D. CORSO

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