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11 SWORN STATEMENT OF

12

13 D'RINDA TAYLOR

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20 On May 20th, 1999, at 3:20 p.m., the sworn

21 statement of the above-named witness was taken before

22 Rachelle D. Ray, Certified Shorthand Reporter in and

23 for the State of Texas, at the offices of EDS, 5400

24 Legacy Drive, in the City of Plano, County of Collin,

25 State of Texas.

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A P P E A R A N C E S

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MR. JOSEPH A. HENDRIX
MS. LEAH LANE
EDS INVESTIGATIONS
5400 Legacy Drive
H1-1A-45
Plano, Texas 75024

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1 P R O C E E D I N G S

2 D'RINDA TAYLOR,

3 having been first duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. HENDRIX:

6 Q. D'Rinda, I'm Joe Hendrix. I'm an

7 investigator for EDS, and this is Leah Lane, as you

8 already know. She's also an investigator for EDS.

9 Could you go ahead and spell your full name

10 for me?

11 A. Yes. It's D'Rinda, D, apostrophe,

12 R-I-N-D-A, Dale, D-A-L-E, Taylor, T-A-Y-L-O-R.

13 Q. And what's your current address?

14 A. (Deleted for reasons of privacy)

15 (Deleted for reasons of privacy).

16 Q. And what's your current phone number?

17 A. (Deleted for reasons of privacy).

18 Q. Do you have a cellular phone?

19 A. (Deleted for reasons of privacy).

20 Q. Okay. D'Rinda, you've been placed under

21 oath, and do you understand that that means that this

22 is a sworn statement; it's just like testifying in a

23 courtroom before a jury?

24 A. Yes, sir.

25 Q. You understand?

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1 A. Uh-huh. Yes, sir.

2 Q. I'm going to ask you a series of questions,

3 and it's very important, because the court reporter is

4 taking it down, that you answer it verbally. The

5 court reporter can't take down a nod of the head or a

6 uh-huh; you have to answer verbally. Okay?

7 A. Okay.

8 Q. I'm going to do my best to wait until you're

9 finished with your answer before I ask the next

10 question, and I'm going to ask that you do your best

11 to not answer my question until I've finished asking.

12 Okay?

13 A. Okay.

14 Q. Because if we both ask it or talk at the
15 same time, it's difficult for her to take it down.

16 A. Right.

17 Q. She's very good, but she can't do it at the
18 same time.

19 A. Right.

20 Q. Okay. D'Rinda, you came to EDS when?

21 A. In 1992. May 2nd, 1992.

22 Q. And what group did you come to work at?

23 A. At the time I started out in travel — in
24 the travel department for EDS.

25 Q. And how long were you with the travel

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1 department?

2 A. For a year and a half.

3 Q. And then where did you go after you left the
4 travel department?

5 A. I went to manufacturing for about three
6 weeks until they reorganized, and then I went to
7 communications for about two years.

8 Q. Okay. And when did you go to work for
9 Global Sports Marketing?

10 A. In May of — or no, October of '95.

11 Q. And who did you go to work for once you came
12 into Global Sports Marketing?

13 A. Nick Chenowith.

14 Q. Is Nick actually the one that interviewed
15 you and offered you the job?

16 A. Yes, sir.

17 Q. And what did you do when you came to work
18 for Nick Chenowith at Global Sports Marketing?

19 A. I was the administrative assistant for Nick.

20 Q. Can you describe what that means? What does
21 an administrative assistant do? What were your
22 duties?

23 A. My duties were to answer all incoming
24 phones, answer all sponsorship requests, pay all
25 invoices, do all expense reports, check his voice

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1 mail, write his letters. That's about it. Oh, and

2 travel reservations for him.

3 Q. So from your — from your first assignment
4 in Global Sports Marketing until currently — or until
5 Nick Chenowith left the company, did your duties
6 remain basically the same?

7 A. Basically, yes.

8 Q. Okay. They changed in some way?

9 A. They changed in some way because I was
10 offered to do certain projects and to help on other
11 projects and to be a sound board and be more part of
12 the team in the marketing side of it.

13 Q. Describe for me — one of the things I think
14 I heard you say earlier is that you were responsible
15 for expense reports.

16 A. Uh-huh.

17 Q. Can you describe the process that you
18 followed with these expense reports?

19 A. What would happen is, is a manager would

20 turn in their receipts. Mainly, I did only expense
21 reports for Nick, but I did do expense reports for
22 other managers whenever they were swamped or something
23 like that and I would offer my services to do it. But
24 they would turn in their receipts to me, and then I
25 would submit them through our computer or CAS system

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1 and I would submit all those, and then I would make
2 copies, and then I would send them off to scan, and
3 then I would file those expense reports. I would
4 either give them to the employee or I would keep them
5 on file for myself.

6 Q. I'm going to ask specifically as it relates
7 to Nick Chenowith. The process that you followed in
8 filing expense reports for Nick Chenowith, describe
9 that in some detail for me, if you would.

10 A. Okay. He would give me expense reports, and
11 then I would submit them through to CAS. I would take
12 the receipts that he would give me.

13 Q. He would give you receipts —

14 A. Right.

15 Q. — to file?

16 A. Right. He would give me receipts and I
17 would plug in one at a time, X them off according to
18 which receipt I was on, and just go down until I was
19 finished with all the receipts, and then I would Y to
20 approve them. I would send them off to be approved.
21 And then I would make copies and send them off to
22 scan.

23 Q. So you would get — Nick would give you the
24 receipts. When he gave you the receipts, did he give
25 you any kind of a verbal description of what they

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1 were?

2 A. Most of the time his receipts had written on
3 them what they were for, and then if not, then he
4 would tell me verbally what they were for.

5 Q. And then you would go into CAS and file the
6 expense report?

7 A. Yes, sir.

8 Q. When you went into CAS, were you using —
9 were you going in as D'Rinda Taylor, or were you going
10 in as Nick Chenowith, or how did that work?

11 A. It depended on what I was doing in CAS that
12 day. Because there is certain — like if I was
13 working on something that could only be done under the
14 management role, then I would go in as Nick. Well,
15 while I'm in here, I will go ahead and submit his
16 expense report. If I was in as my role, which is
17 surrogate, then I would go ahead and submit it in
18 there.

19 Q. Okay. So that means that you had Nick
20 Chenowith's ID and password for the Corporate
21 Administration System?

22 A. Yes.

23 Q. And how did you obtain his password and ID?

24 A. He gave them to me.

25 Q. Did he tell you verbally or did he write

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1 them down for you?

2 A. They were written down for me when I came on
3 board.

4 Q. By who?

5 A. By Jennifer White, who was his admin
6 previous to me.

7 Q. What did Jennifer White tell you about that?

8 A. Jennifer said any time that you need to go
9 in as Nick Chenowith, you would use this — his EDS ID
10 and here is his password that I've chosen, and I
11 bounced back from this password to this password. And
12 that's how it's pretty much always been.

13 Q. And when you say you bounced back from one
14 password to another, what does that mean?

15 A. I'm sorry. Because CAS only keeps your
16 password for 30 days, and then after that 30 days has
17 expired, then you have to come up with another
18 password, so that password was either Cycle 097 or
19 Cycle 098, and so we just bounced back and forth to
20 that password.

21 Q. And that's what Jennifer told you?

22 A. Yes, sir.

23 Q. Did you, in fact, keep up with that same
24 process once Jennifer left?

25 A. Yes, because EDS had so many passwords and

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1 everything to remember that I thought I'm just going

2 to keep it simple for myself and leave it the way it

3 is.

4 Q. So CAS, or the Corporate Administration

5 System, had a requirement that the password be changed

6 every 30 days?

7 A. Yes, sir.

8 Q. Do you know whether the system, the CAS

9 system, would allow you to just switch back and forth

10 each month, or did it require you to have a totally

11 new one each month?

12 A. It just let you switch back each month. You

13 could just go back and forth between two, if you would

14 like.

15 Q. To your knowledge, what was Nick Chenowith's

16 involvement with the CAS system himself?

17 A. Never touched it.

18 Q. Never touched it, to your knowledge?

19 A. Never.

20 Q. And why do you say that?

21 A. Because he didn't get a computer until

22 1998. He didn't ever want to learn the computer

23 systems. He didn't want to ever learn Microsoft Word,

24 Excel, or anything. Just in the last six weeks or so,

25 he was starting to want to get to know the computer.

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1 But prior to that, he didn't want to learn how to do

2 his voice mail even. He only started doing his own

3 voice mail about six months ago.

4 Q. Did you ever enter an expense report into
5 the system for which Nick Chenowith didn't give you a
6 receipt and ask you to enter it into the system?

7 A. No.

8 Q. Never?

9 A. No.

10 Q. Did you ever get any kind of a notification
11 of something that had been entered into the CAS system
12 for which you had not actually entered it in?

13 A. I'm sorry. Can you repeat that?

14 Q. Okay. That was confusing. Did you ever get
15 any kind of a notification that made you think that
16 somebody else might be using Nick's password and ID?

17 A. There was one time, and I'm trying to — I'm
18 trying to think a minute. I'm thinking I found it. I
19 can't remember, because I remember one time that I saw
20 a notification text come back and it said that there
21 was not a receipt with it, and I can't remember if
22 that with a sundry invoice or if that was an expense
23 report, and I thought to myself I didn't do that one,
24 where the heck did that come from? But it was the
25 only time that I saw that. That was just recently,

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1 and I can't remember if I finally did find it or not.

2 Q. So you don't know?

3 A. Huh-uh. I want to say that was a sundry
4 invoice.

5 Q. And that was the only time that happened?

6 A. That was the only time that happened.

7 Q. Did there come a time when you got concerned

8 with the receipts that you were getting and being
9 asked by Nick Chenowith to enter expense reports for?

10 A. Yes.

11 Q. Do you remember a time frame?

12 A. It was about six months ago. I don't
13 remember the exact month or anything, but I remember I
14 talked to Dick Wiles about it, and I said that I was
15 really nervous about it, and that I didn't feel right
16 about it.

17 Q. Who was Dick Wiles?

18 A. Dick Wiles is the operations manager for EDS
19 for Global Sports.

20 Q. Can you describe what the — what it was
21 that caused you to be concerned, as best you can
22 remember?

23 A. It was one after the other of the Texas
24 Racing Works invoices, and all of them said, paid in
25 full by Nick Chenowith. And they just kept coming

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1 more and more frequent, and I want to say that was
2 around May of '98 — May, June time frame of '98. It
3 just was one after the other.

4 Q. And they were actual invoices from Texas
5 Racing Works?

6 A. Yes.

7 Q. How did you receive those invoices?

8 A. They were faxed to me or handed to me by
9 Nick.

10 Q. By Nick. And what would you do when you

11 would receive these invoices?

12 A. I would submit them as an expense report and
13 then send them on to upper management where they were
14 approved.

15 Q. Now, these are the invoices that you had
16 concerns with, or are you describing the process you
17 followed with all of the invoices from Texas Racing
18 Works?

19 A. I'm describing the process I went through
20 with all of the receipts from Texas Racing Works, but
21 plus the ones with Nick I did the same thing. I would
22 take — get the receipt, get his approval, and then
23 submit them through.

24 Q. What was the difference in your mind from
25 the Texas Racing Works invoices that you got faxed to

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1 you and the ones that Nick Chenowith handed you?

2 A. Because Nick said that the ones that were —
3 that the ones that were handed from him and the ones
4 that said on there, paid by Nick Chenowith, those were
5 bike parts and bicycles for him for Team EDS, and the
6 others were for the team.

7 Q. So there is a difference. The ones that
8 Nick Chenowith handed you were marked, paid by Nick
9 Chenowith, and Nick Chenowith told you that he had
10 paid for them himself, and they were bike parts or
11 bicycles for himself?

12 A. Yes.

13 Q. And the others were invoices from Texas
14 Racing Works for other members of the team?

15 A. Right. For Team EDS or the U.S. National
16 Cycling Team.
17 Q. So the invoices that came in from Texas
18 Racing Works that were for other members of the team,
19 were they also paid on expense reports, or were they
20 paid as sundry invoices?
21 A. They were paid as sundry invoices.
22 Q. So the only ones that were paid on expense
23 reports were the ones that Nick handed to you?
24 A. Yes.
25 Q. Before I show you a document that we'll

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1 enter as an exhibit, describe this sundry invoice
2 process for me.
3 A. A sundry invoice is when a vendor creates an
4 invoice and it is sent to EDS for services that EDS
5 has asked for, and then it is sent to that account
6 that that vendor did the work for, and whoever it may
7 be pays that invoice. It's then submitted through to
8 our CAS — or accounting department, they approve it,
9 and then a check is cut for that vendor.
10 Q. Now, describe the process that you followed
11 in Global Sports Marketing with sundry invoices.
12 A. With sundry invoices with the vendors is
13 that they would fax — Texas Racing Works and Skip
14 Cutting usually faxed an invoice to me, and then I
15 would get that invoice. Either I would verbally tell
16 Nick about it, or I would show it to him. He would
17 approve it, and then I would go submit it in through

18 CAS.

19 Q. Were there ever any invoices that you got
20 from either Skip Cutting or Texas Racing Works that
21 you didn't either physically show to Nick and get his
22 approval or talk with him over the telephone or in
23 person about that invoice and get his approval?

24 A. No.

25 Q. Did you ever, to your knowledge, file any

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1 sundry invoice payments that Nick Chenowith — I'm
2 sorry. Let me start that over.

3 Did you ever file any sundry invoice
4 payments from Texas Racing Works or Skip Cutting that
5 you didn't first discuss or show to Nick Chenowith?

6 A. I discussed every invoice with him that came
7 from Texas Racing Works or Skip Cutting.

8 Q. So there were none that you didn't discuss
9 or show to him?

10 A. Right.

11 Q. And get his approval?

12 A. Right.

13 Q. I have a document that I'm going to make an
14 exhibit.

15 (Exhibit No. 1 marked.)

16 Q. D'Rinda, I'm handing you what's been marked
17 as Exhibit 1, Taylor. Do you see that document?

18 A. Yes, sir, I do.

19 Q. How many pages is that document?

20 A. Three.

21 Q. That's a handwritten document, isn't it?

- 22 A. Yes.
- 23 Q. All three pages?
- 24 A. Yes.
- 25 Q. Do you know whose handwriting that is?

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- 1 A. That's Nick, Nick Chenowith's.
- 2 Q. Have you seen that document before?
- 3 A. Yes.
- 4 Q. Can you describe what that document is?
- 5 A. What this document is, is a ledger of all
- 6 the equipment that Team EDS had in a storage facility,
- 7 and this is the inventory that Nick had asked Steve
- 8 Walsh to conduct on the equipment for Team EDS.
- 9 Q. How do you know that?
- 10 A. I only know that because Nick had told me
- 11 that Steve was going to go do an inventory on all of
- 12 Team EDS equipment, and then he also said that — like
- 13 one day I couldn't get ahold of Steve, and he said
- 14 that Steve was busy doing the inventory for Team EDS
- 15 for the storage unit.
- 16 Q. I'm going to mark a few more exhibits and
- 17 show them to you and ask you to describe them.
- 18 (Exhibit No. 2 marked.)
- 19 Q. Okay. D'Rinda, I'm showing you a document
- 20 that's marked Taylor Exhibit 2. Do you see that
- 21 document?
- 22 A. Yes, sir.
- 23 Q. How many pages is that document?
- 24 A. Two.

25 Q. Okay. Can you describe for me what that

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1 document is?

2 A. This is an expense report for Nick

3 Chenowith. It's the summary page — well, it's got

4 everything. It's got the text and the route history.

5 Q. Can you read out the request number for me?

6 A. 780031076.

7 Q. And that's an expense report for who?

8 A. Nick Chenowith.

9 Q. And under the line, it says, EDS contact.

10 Who is listed?

11 A. D'Rinda Dale Taylor.

12 Q. Would this be one of the expense reports

13 that you described as filing for Nick Chenowith?

14 A. Yes.

15 Q. Okay. I'm going to direct your attention to

16 page 2 of that document. Can you tell me what page 2

17 of that document is?

18 A. It is receipts from Richardson Bike Mart

19 that are handwritten and they're in Nick's

20 handwriting.

21 Q. Okay. Can you tell me, are there numbers on

22 those — invoice numbers on those receipts?

23 A. Yes, there is.

24 Q. Could you read the numbers for me?

25 A. Yes. 52950 is the first one. The second

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1 one is 52952.

2 Q. And if we look — direct your attention to
3 52950, is there a date on that?

4 A. 7/21/95.

5 Q. And it's a handwritten document?

6 A. Uh-huh.

7 Q. Do you know whose handwriting that is?

8 A. That's Nick Chenowith's.

9 Q. And for receipt 52952, what's the date on
10 that one?

11 A. 7/22/95.

12 Q. And that's also handwritten?

13 A. Yes, sir.

14 Q. And whose handwriting is that?

15 A. That's Nick Chenowith's.

16 Q. Do you remember getting receipts like this
17 from Nick Chenowith to file in his expense reports?

18 A. Yes.

19 Q. Did there come a time when you questioned
20 Nick Chenowith about these receipts?

21 A. Yes.

22 Q. Can you describe that for me?

23 A. What he would tell me is that he would say
24 that he got all of this equipment from Richardson Bike
25 Mart, and he handwrites what he's getting, and he can

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1 get everything at Richardson Bike Mart on the black
2 market, he called it, and it was so much cheaper than

3 going through any other route, any other vendor.

4 Q. And did he admit to you that this was his
5 handwriting, that he did write these?

6 A. Yes.

7 Q. Did he ever explain to you why it is that he
8 wrote them himself?

9 A. He said it was for him to write down the
10 equipment that he was going to purchase.

11 Q. Did he tell you that he had actually spent
12 the money to purchase this equipment?

13 A. Yes.

14 Q. On receipt 52950, on the right-hand side of
15 that receipt, it says — what does it say in that area
16 of the receipt?

17 A. Paid in full.

18 Q. And whose handwriting is that?

19 A. Nick's. Nick Chenowith's.

20 Q. Is the same thing true for receipt 52952?

21 A. Yes, sir.

22 Q. It's marked, paid in full?

23 A. Yes, sir.

24 Q. In Nick Chenowith's handwriting?

25 A. Yes.

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1 Q. And these would have been receipts that Nick
2 Chenowith handed to you and asked you to do expense
3 reports for him?

4 A. Yes.

5 (Exhibit No. 3 marked.)

6 Q. I'm going to show you what's been marked

7 Taylor Exhibit 3. Do you see that document?

8 A. Yes.

9 Q. How many pages is that document?

10 A. Four.

11 Q. Would you look at the first page of that

12 document and tell me what that is.

13 A. That's an expense report, again, a CAS

14 summary screen.

15 Q. And can you tell me what the request number

16 is?

17 A. 779311097.

18 Q. Is that an expense report that you entered

19 into the system for Nick Chenowith?

20 A. Yes, it is.

21 Q. At his direction?

22 A. Yes.

23 Q. Okay. I'm going to direct your attention to

24 page 4 of Taylor Exhibit 3. Do you see that page?

25 A. Yes, I do.

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1 Q. Can you describe to me what is on that page?

2 A. It's another Richardson Bike Mart receipt.

3 Q. What's the invoice number on that one?

4 A. 52953.

5 Q. And is that also a handwritten document?

6 A. Yes, it is.

7 Q. Do you recognize the handwriting on that

8 page?

9 A. Yes, it's Nick Chenowith's.

10 Q. Is that document also marked, paid in full,
11 on the right-hand side?
12 A. Yes, it is.
13 Q. And is that also in Nick Chenowith's
14 handwriting?
15 A. Yes, it is.
16 Q. There appears to be a stamp on the bottom of
17 that. It looks like it says, completed.
18 A. Right.
19 Q. Do you recognize that?
20 A. Yes. That's mine.
21 Q. That's yours? What does that indicate?
22 A. That indicates that I have put through the
23 expense report. It's just something that another
24 administrative assistant taught me to do when I first
25 learned how to do expense reports, just like my

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1 signature that says — or just my way of doing
2 things.
3 Q. And there is a number right under the
4 completed stamp. What does that number indicate?
5 A. That indicates the request number.
6 Q. And that would be tied to what?
7 A. That would be tied to this — it ties this
8 receipt to the expense report that I have keyed in.
9 Q. Okay. Can you read that number off?
10 A. 779311097.
11 Q. Is there a date under this?
12 A. 8/29/95.

13 Q. And that indicates what?

14 A. That indicates that I paid — that's the day
15 that I submitted it through.

16 Q. If I direct your attention back to page 1 of
17 Taylor Exhibit 3, is there — the request number at
18 the top that you mentioned initially, is that the same
19 number as what's listed under the, completed, on page
20 4 of Taylor Exhibit 3?

21 A. Yes, it is. Exhibit 4, page 1?

22 Q. Page 4 of Taylor Exhibit 3. Is this another
23 receipt from Richardson Bike Mart that would have been
24 given to you by Nick Chenowith?

25 A. Yes, it is.

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1 Q. In fact, it was given to you by Nick
2 Chenowith?

3 A. Yes.

4 Q. Do you remember getting several such
5 receipts from Richardson Bike Mart from Nick
6 Chenowith?

7 A. Yes.

8 (Exhibit No. 4 marked.)

9 Q. D'Rinda, I'm going to hand you what's been
10 marked Taylor Exhibit 4. Do you see that document?

11 A. Yes, I do.

12 Q. How many pages is that document?

13 A. Two.

14 Q. Can you describe for me what exactly that
15 document is?

16 A. Yes, it is another CAS summary screen that

17 states the history of it and everything.

18 Q. Okay. Can you read the request number

19 listed on the first page of Taylor Exhibit 4?

20 A. Yes. It's 717440788.

21 Q. And this is an expense report filed for Nick

22 Chenowith?

23 A. Yes, it is.

24 Q. And was this an expense report filed by

25 yourself?

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1 A. Yes, it is.

2 Q. At Nick Chenowith's direction?

3 A. Yes, sir.

4 Q. If you look under the first page of Taylor

5 Exhibit 4, there is a section that says, special

6 handling instructions. Do you see that?

7 A. Yes, I do.

8 Q. Can you read what it says there?

9 A. It says, office pick up, D'Rinda Taylor,

10 6057000.

11 Q. Is that something that you entered in?

12 A. Yes, it was.

13 Q. Why did you do that?

14 A. Nick wanted his expense report checks ASAP,

15 and the fastest way to do it was to go and pick them

16 up from accounting myself.

17 Q. So you entered in that information at the

18 direction of Nick Chenowith?

19 A. Yes, I did.

20 Q. Did Nick Chenowith tell you why he wanted
21 you to enter that information?

22 A. Because he said it was expenses that he had
23 already incurred.

24 Q. And he wanted his money as quick as
25 possible?

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1 A. Oh, yes, whenever — whenever I did an
2 expense report for him, it always had to be ASAP
3 reimbursement.

4 Q. I'm going to call your attention to page 2
5 of Taylor Exhibit 4. Do you see that page?

6 A. Yes, I do.

7 Q. Can you describe for me what that is?

8 A. That is Richardson Bike Mart receipts.

9 Q. How many receipts on are on that page?

10 A. Two.

11 Q. Can you read the receipt numbers for me?

12 A. The invoice number 52943 and the other one
13 is 52954.

14 Q. If I call your attention to 52943, can you
15 tell me what the date of that invoice is?

16 A. 1/27/96.

17 Q. And is that a handwritten document?

18 A. Yes, it is.

19 Q. Whose handwriting is that?

20 A. Nick Chenowith's.

21 Q. And on the right-hand side of invoice
22 number 52943, what does it say?

23 A. Paid.

24 Q. And whose handwriting is that?

25 A. Nick Chenowith's.

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1 Q. Can you describe for me the date on invoice
2 number 52954?

3 A. That is 1/29/96.

4 Q. And is that also a handwritten document?

5 A. Yes, it is.

6 Q. Do you know whose handwriting that is?

7 A. Nick Chenowith's.

8 Q. Is that also marked paid?

9 A. Yes, it is.

10 Q. And is that in Nick Chenowith's handwriting?

11 A. Yes.

12 Q. The two Richardson Bike Mart invoices listed
13 on page 2 of Taylor Exhibit 4, would they have been
14 invoices handed to you by Nick Chenowith?

15 A. Yes.

16 Q. Did he ask you, in fact, to file an expense
17 report so he could be reimbursed for those?

18 A. Yes.

19 Q. Do you remember actually picking up the
20 checks for Nick?

21 A. Yes.

22 Q. His reimbursements on these expense reports?

23 A. Yes.

24 Q. And you — describe that process for me.

25 A. I would get a phone call — after they had

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1 been completed and sent through to accounting, usually
2 the next day, someone would call me from the
3 accounting help desk and would call me and tell me the
4 check was in. So I would go down to that office, go
5 pick it up, sign for it and bring it back up to my
6 desk and give it to Nick Chenowith.

7 (Exhibit No. 5 marked.)

8 Q. Okay. I'm going to show you what's been
9 marked Taylor Exhibit 5. Do you see that document?

10 A. Yes, I do.

11 Q. How many pages is that document?

12 A. Three pages.

13 Q. Okay. Can you describe for me what that
14 document is?

15 A. It is a CAS summary screen for expense
16 report requests, and that's what it is.

17 Q. Okay. Can you tell me what the request
18 number is on that one?

19 A. 173790827.

20 Q. And is this an expense report for Nick
21 Chenowith?

22 A. Yes, it is.

23 Q. And is this an expense report that was filed
24 by yourself?

25 A. Yes, it is.

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1 Q. At Nick Chenowith's direction?

2 A. Yes.

3 Q. If — would you look at the bottom of that
4 expense report and — where it says — well, can you
5 read to me what it says on the bottom?

6 A. Acted on by name, org ID, date and status.

7 Q. Okay. And can you tell me — can you
8 describe for me as we go down these columns who acted
9 on this expense report?

10 A. First, it will list the person or the rule
11 that the expense report came out of, which was Nick
12 Chenowith's box.

13 Q. And that would have been you?

14 A. That would have been myself, and then it
15 shows that it was then submitted on to Vicki Yacovoni,
16 which was his manager, because she is the next one in
17 line. And then it shows in the status column, that it
18 went back for management review, and then Nick
19 Chenowith had it back in his box. That's why his name
20 is listed again. And then he submitted it again to
21 Vicki Yacovoni, and it says, manager review 2. M2
22 means the second time that it's been reviewed, and
23 then Vicki Yacovoni shows that it was approved,
24 completed. CO means complete.

25 Q. And that indicates that this expense report

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1 was paid —

2 A. Yes.

3 Q. — to Nick Chenowith?

4 A. Yes.

5 Q. Who did Nick Chenowith report to?

6 A. Vicki Yacovoni.

7 Q. During the entire time that you worked for
8 him?

9 A. No. She passed away in '97, and then he
10 reported to John Harris.

11 Q. I call your attention to Page 2 of Taylor
12 Exhibit 5. Do you see that page?

13 A. Yes, I do.

14 Q. There is a receipt on that page on the
15 right-hand side. Can you tell me what that is?

16 A. The invoice number is 52954.

17 Q. And is that from Richardson Bike Mart?

18 A. It is a receipt for Richardson Bike Mart
19 expenses.

20 Q. And is that handwritten?

21 A. Yes, it is.

22 Q. Do you know whose handwriting that is?

23 A. That's Nick Chenowith's.

24 Q. And is it marked paid?

25 A. Yes, it is.

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1 Q. And whose handwriting is that?

2 A. That is Nick Chenowith's.

3 Q. Is it marked completed?

4 A. Yes, it is.

5 Q. Did you put that completed mark on that
6 page?

7 A. Yes, I did.

8 Q. And indicated a request number?
9 A. Yes, I did.
10 Q. And a date?
11 A. Yes.
12 Q. What's the date?
13 A. 2/5/96.
14 Q. And that indicates what?
15 A. That that's the date I submitted it.
16 Q. What's the amount on that?
17 A. That one is 3,300.
18 Q. And is this a receipt that Nick Chenowith
19 gave you?
20 A. Yes, it is.
21 Q. And asked you to file an expense report on
22 it?
23 A. Yes.
24 Q. Let me call your attention back to page 1 of
25 Taylor Exhibit 5. In the middle of that page, there

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1 is a category that says, miscellaneous expense
2 reimbursements. And is that \$3,300 receipt that you
3 mentioned invoice number 52954? Is that listed in
4 that column?
5 A. Yes, it is.
6 Q. And what does it say?
7 A. It says, miscellaneous bike equipment.
8 Q. And that's describing the \$3,300 charge?
9 A. Yes, it is.
10 (Exhibit No. 6 marked.)
11 Q. Okay. I'm going to show you a document that

12 has been marked Taylor Exhibit 6. Do you see that
13 document?

14 A. Yes, I do.

15 Q. Can you tell me what that document is?

16 A. This is another CAS screen print of an
17 invoice — sundry — I'm sorry, expense report.

18 Q. Can you tell me what the request number for
19 that is?

20 A. 167190914.

21 Q. And is that an expense report submitted for
22 Nicholas Chenowith?

23 A. Yes, it is.

24 Q. And is that an expense report submitted by
25 yourself?

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1 A. Yes, it is.

2 Q. And are there any special handling
3 instructions listed on page 1 of Taylor Exhibit 6?

4 A. This is an EFT payment.

5 Q. Okay. What does that mean?

6 A. What EDS did around — I can't remember the
7 year — around 1996 — around May of '96, they — in
8 that time frame, what they decided to do is take
9 expense reports and not cut a tangible check. They
10 would only do EFT payments or they would send a check
11 to that employee's house.

12 Q. And did you enter in this EFT payment
13 information?

14 A. What I had to do is I had to get Nick's bank

15 account number and set him up for EFT payments because
16 his live check — he did not check out of EDS credit
17 union, so what I had to do is set him up with — his
18 bank statement with his bank to coincide with the
19 accounting program for EDS.

20 Q. And did you, in fact, do that?

21 A. Yes, I did.

22 Q. And where did you get the information that
23 you used for that?

24 A. Nick presented to me a deposit form of his
25 own checking account that showed his account number

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1 for that — that bank.

2 Q. Do you remember the bank name?

3 A. I don't.

4 Q. And you entered that information in so that
5 this check could be electronically transferred to his
6 account?

7 A. Yes.

8 Q. I'm calling your attention, again, to page 1
9 of Taylor Exhibit 6. Can you tell me what the expense
10 report total for that was?

11 A. \$6,460.

12 Q. Do you know what the authorization limit was
13 for Nick Chenowith, as far as expense reports go?

14 A. All of his expense reports and mine, because
15 I was a surrogate to him, always went to Vicki
16 Yacovoni. Vicki Yacovoni's expense report level was
17 \$5,000. And I do remember this one because I was
18 landblasted for it because I was supposed to keep

19 it — make one for \$4,000 and one for \$2,300 because

20 it was not to go past Vicki Yacovoni, and it did.

21 Q. Okay. When you say you were landblasted,

22 explain to me what that means.

23 A. Nick could be pretty verbal at times and

24 pretty harsh in his wording, and he got majorly upset

25 because of the fact that I did not make this two

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1 expense reports; I made it one. Therefore, the

2 total — what he wanted me to do was do one expense

3 report that was \$4,160 and another expense report for

4 \$2,300. So that way, they still stayed under Vicki

5 Yacovoni's authorization. However, I didn't realize

6 that's what he wanted me to do, so I just combined

7 both of them and they went up to Barry Sullivan.

8 Q. How do you know that Nick wanted you to

9 split them up and submit two expense reports?

10 A. Because after he was called on it, then he

11 called and talked to me and reamed me out about that.

12 Q. How do you know he got called on it; can you

13 describe that for me?

14 A. What happened was, was Vicki got on the

15 phone and called Nick. I don't know what her exact

16 words were, but I remember that it was regarding this

17 expense report and that Barry had a hard time with it,

18 and Barry had called Vicki, and then Vicki talked to

19 Nick.

20 Q. And you know that how?

21 A. I know that how because Nick had come to me

22 pretty upset that it went up to Barry Sullivan and he
23 told me how it all happened.

24 Q. So what you just described about the phone
25 call from Vicki Yacovoni to Nick and the phone call

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1 from Barry Sullivan to Vicki Yacovoni, Nick told you
2 all that?

3 A. Yes.

4 Q. And under the special handling instructions
5 on page 1 of Taylor Exhibit 6, what does it say?

6 A. EFT payment.

7 Q. And that means that he electronically
8 received these funds?

9 A. Yes.

10 Q. I'm going to call your attention to page 2
11 of Taylor Exhibit 6. Can you tell me what that is?

12 A. That is a Richardson Bike Mart receipt,
13 handwritten.

14 Q. Can you tell me the invoice number?

15 A. The invoice number is 52955.

16 Q. Is that a handwritten document?

17 A. Yes, it is.

18 Q. Do you know whose handwriting that is?

19 A. Yes, it's Nick Chenowith.

20 Q. What's the date of that document?

21 A. 5/13/96.

22 Q. What's the total on that invoice?

23 A. \$4,160.

24 Q. And is that also marked paid?

25 A. Yes, it is.

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1 Q. Is that Nick Chenowith's handwriting?

2 A. Yes, it is.

3 Q. Is there a second receipt on that page?

4 A. Yes, there is a second receipt.

5 Q. Is there a number — invoice number on that
6 receipt?

7 A. No, there is not one. Oh, I'm sorry. There
8 is. 1336.

9 Q. Is that document different from invoice
10 number 52955?

11 A. Yes, the format is different.

12 Q. Does it look like a different type receipt?

13 A. No. It does because — I'm sorry. 52955
14 usually had on there, special order, because of the
15 formatting that is used on this. That's how I can
16 tell that that one usually had a — an additional part
17 that said special order.

18 Q. Did you ever come to know what that special
19 order meant?

20 A. That's what he had special ordered from
21 Richardson Bike Mart.

22 Q. How do you know that?

23 A. Because he told me.

24 Q. He being Nick Chenowith?

25 A. I'm sorry. Yes.

1 Q. Receipt number 1336, which is on page 2 of
2 Taylor Exhibit 6, what's the date on that receipt?

3 A. May 10th, 1996.

4 Q. That's, in fact, three days before invoice
5 number 52955?

6 A. Yes, it is.

7 Q. Do you know why it's different?

8 A. No.

9 Q. What's the total on that?

10 A. That one is \$2,300.

11 Q. And is that a handwritten receipt?

12 A. Yes, it is.

13 Q. Whose handwriting is that?

14 A. Nick Chenowith's.

15 Q. Are these two receipts on page 2 of Taylor
16 6, were they handed to you by Mr. Chenowith?

17 A. Yes, they were.

18 Q. So you could file an expense report and he
19 could be reimbursed?

20 A. Yes.

21 Q. And did you, in fact, file that expense
22 report?

23 A. Yes, I did.

24 Q. And was he reimbursed for these expenses?

25 A. I would think so. I never saw his bank

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1 account, but I'm sure he was, because it was an EFT
2 program.

3 Q. And looking at the bottom where it says,
4 acted on by name, can you tell by looking at that
5 whether this was an approved expense report?

6 A. Yes, it was submitted by Nick which was
7 submitted by me. It was out of his box to Vicki and
8 then approved by Nicki — Vicki to Barry Sullivan;
9 Barry Sullivan reviewed it, and he completed it.

10 Q. Did you ever have a conversation with Nick
11 Chenowith where he told you that he didn't want
12 anything bumping up, as far as expenses go?

13 A. Yes, I did.

14 Q. Can you describe that for me?

15 A. He didn't want to be red flagged, as he
16 always called it. He didn't want any management to be
17 red flagged about our organization, and that was his
18 words.

19 Q. And what did that mean to you?

20 A. That meant that we were to keep everything
21 under his domain. And when I say, domain, that's an
22 EDS word, like an accounting word; that everything had
23 to stay within his level, his approval level on
24 dollars.

25 Q. And to your knowledge, what was that

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1 approval level?

2 A. His approval level for expense reports was
3 500. His — until Vicki passed away. I'm sorry. His
4 expense report approval level before Vicki passed
5 away, it was \$1,000. And then for sundry invoices, it
6 was \$10,000. And travel authorizations never —

7 always went past him. And then when Vicki passed
8 away, the expense reports went up to \$5,000, and the
9 sundry invoices went to \$20,000.

10 Q. And do you remember specifically
11 conversations where he described to you that he didn't
12 want, for instance, sundry invoices to be over
13 \$10,000?

14 A. Yes.

15 Q. Can you describe that as well as you can for
16 me?

17 A. Yes. What he said is he wanted all expense
18 reports to stay within his approval limits, so it
19 didn't bump up to management. For some reason, he
20 never wanted any expenses to go up to managers.

21 Q. And managers, in his case, was Vicki
22 Yacovoni?

23 A. Yes, and then John Harris.

24 Q. Do you know why that was?

25 A. Nobody knows why. In fact, when I was in

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1 France, Nancy Williams — she was in PR — she said
2 that everybody knew his fear and nobody understood why
3 he had it.

4 Q. Can you describe his fear; what does that
5 mean?

6 A. His fear of rocking the boat, red flagging,
7 his — I don't know why. I don't know why he was that
8 way about management. You know, I look back at it
9 now, and I now realize the reason why he didn't is

10 because he didn't want everybody to delve in further
11 and find out what he was doing.

12 Q. What does red flag mean to you?

13 A. Red flag was Nick's word for don't let this
14 go past him — was to never go past him. And it
15 meant — red flag to him meant all managers would be
16 looking in on him and seeing what he is doing and
17 scoping out and sorting through his world — his
18 department.

19 Q. Did that indicate to you that he was doing
20 something that they didn't know about?

21 A. No, because he would justify it. He would
22 just say he didn't want to bother anybody with it.
23 But at the same time, when I started getting more and
24 more knowledge about what exactly was going on, yeah,
25 I did start thinking that it was because he didn't —

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1 because he was doing something wrong.

2 (Exhibit No. 7 marked.)

3 Q. Okay. I'm going to show you what's been
4 marked Taylor Exhibit 7. Do you need to take a break?

5 A. Yeah, because I need to call.

6 (Recess.)

7 Q. D'Rinda, we're back on the record now. You
8 do understand that you're still under oath?

9 A. Yes, I do.

10 Q. Before we went off the record, we started to
11 talk about Taylor Exhibit 7. I don't remember exactly
12 how far we got, but let's just start. Do you — do
13 you see Taylor Exhibit 7?

14 A. Yes, I do.
15 Q. What is that document?
16 A. It is an expense report, sundry invoice
17 header again.
18 Q. Expense report —
19 A. I'm sorry. I'm sorry. Expense report
20 summary.
21 Q. How many pages is that document?
22 A. Two.
23 Q. What's the request number of that document?
24 A. 823780873.
25 Q. And is that an expense report for Nick

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1 Chenowith?
2 A. Yes, it is.
3 Q. It was filed by yourself?
4 A. Yes, it was.
5 Q. Are there any special handling instructions
6 on that page, page 1?
7 A. Yes, it's set up for EFT, which means into
8 his account.
9 Q. What's the total dollar amount of that
10 expense report?
11 A. \$2,607.33.
12 Q. And can you tell by looking at page 1 of
13 Taylor Exhibit 7 whether that expense report was
14 approved or not?
15 A. Yes, it was.
16 Q. Who was it approved by?

- 17 A. Vicki Yacovoni.
- 18 Q. I'm going to call your attention to page 2
19 of Taylor Exhibit 7. Can you tell me what page 2 is?
- 20 A. It's a Richardson Bike Mart receipt.
- 21 Q. And is that a handwritten receipt?
- 22 A. Yes, it is.
- 23 Q. Do you recognize the handwriting?
- 24 A. Yes. That's Nick Chenowith's.
- 25 Q. What's the date on that?

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- 1 A. 1/20/97.
- 2 Q. And what's the receipt number on that?
- 3 A. 1341.
- 4 Q. And is this a Richardson Bike Mart receipt
5 that was handed to you by Nick Chenowith?
- 6 A. Yes, it is.
- 7 Q. With instructions to file an expense report?
- 8 A. Yes.
- 9 Q. So he could be reimbursed?
- 10 A. Right.
- 11 Q. Did you, in fact, do that?
- 12 A. Yes, I did.
- 13 Q. Can you tell me, was Richardson Bike Mart
14 set up as an approved vendor for EDS?
- 15 A. Not that I — I really don't know because I
16 never did any sundry invoices for them, so I never
17 looked to see if they were.
- 18 Q. Do you know whether EDS paid Richardson Bike
19 Mart through the sundry invoice system?
- 20 A. I don't think so. Oh, no, they did. They

21 did. The Team EDS riders had an account with
22 Richardson Bike Mart, and they would go there and
23 get — mainly I saw on that receipt, I saw sport bars,
24 you know, like Tiger Bars and stuff like that, Power
25 Bars, and I saw a few equipment purchases, not much,

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1 and then like cycling shoes and cycling-related
2 items. So I did submit them as a sundry invoice.
3 Q. How would you get those sundry invoices?
4 A. Those would usually be faxed to me.
5 Q. From Richardson Bike Mart?
6 A. Yes.
7 Q. And you then entered in a sundry invoice to
8 pay them?
9 A. Yes.
10 Q. Did you discuss those invoices with Nick
11 Chenowith?
12 A. Yes, I did.
13 Q. And he authorized?
14 A. He also authorized them. What he did with
15 those, is he said, I'm not aware of those purchases,
16 but run it by Skip Cutting. If Skip Cutting approves
17 it, then I approve it. So I would go over it with
18 Skip Cutting. Skip Cutting would authorize it to be
19 okay. It usually took about two days for him to look
20 at it, and then he would submit it back and there
21 wasn't very many times that that happened, but when
22 Skip said okay, then I would submit it back to Nick,
23 and Nick would approve it.

24 Q. So is my — I'm going to tell you what my
25 understanding is, and you tell me if I'm correct.

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1 There were two ways that you received invoices or
2 receipts from Richardson Bike Mart. One was the
3 receipts — the handwritten receipts that Nick
4 Chenowith would give you to file on expense reports so
5 he could be reimbursed.

6 A. Right.

7 Q. And the second way was you would get
8 invoices faxed to you from Richardson Bike Mart that
9 you would show to Nick Chenowith, Nick Chenowith would
10 then tell you to give them or show them to Skip
11 Cutting, and as long as Skip Cutting approved them,
12 then Nick Chenowith approved them?

13 A. Yes.

14 Q. Once Skip Cutting would approve those
15 invoices, you would then show them again to Nick
16 Chenowith?

17 A. Yes, I would.

18 Q. He would approve them and then you would pay
19 them as a sundry invoice?

20 A. Yes, I did.

21 Q. Did you ever come to understand why there
22 was a difference?

23 A. There was an account set up with Richardson
24 Bike Mart for Team EDS so Team EDS riders could come
25 in there and just get whatever they pleased that —

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1 that was — and then put it on the Team EDS account.
2 So there was an account established for Team EDS. And
3 at the end of the year, I think it was last year, I
4 got this whopping invoice that had everybody — you
5 know, all these expenses on it, and I was, like, where
6 did this come from? I don't understand why we have
7 both Nick's receipts and this. And then Nick
8 explained to me that Team EDSers had the freedom to go
9 in there and get what they wanted and expense — have
10 it on an account there.

11 Q. So when you got this whopping invoice at the
12 end of '98 —

13 A. Uh-huh.

14 Q. — you went to Nick and asked why are we —
15 why am I getting this whopping invoice?

16 A. Right, and he said it was purchases for the
17 team.

18 Q. Was that the first time you saw an invoice
19 from Richardson Bike Mart, at the end of '98?

20 A. I'm not real sure. But that's the one that
21 I can recall because I remember thinking — because it
22 was around — I want to say around \$2,000, and I
23 remember thinking — you know, going to Nick and
24 saying this is odd. How come we have your invoices
25 and then plus we have these? And that's what he —

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1 and that's when he explained to me that there was an

2 account set up for Team EDS.

3 Q. Did you ever ask Nick Chenowith why he
4 didn't use the account when he made purchases?

5 A. No, because I wasn't aware of this account
6 until last year, because we didn't have that. I had
7 never seen it before until last year.

8 Q. Were the account invoices that you got, were
9 they handwritten?

10 A. No, they were computer-generated.

11 Q. Did you ask Nick Chenowith why his were
12 handwritten — the ones he submitted were handwritten
13 and the ones you got from the account were typed?

14 A. He always had said that the reason why his
15 were handwritten was because that was the parts that
16 he was requesting, and so he wanted to handwrite those
17 out.

18 Q. Did there come a time when you confronted
19 Nick Chenowith about his handwritten receipts?

20 A. There was a few times where I had asked him
21 about what — there was only once where I blatantly
22 said, this looks like your handwriting, and that's
23 when he — he became very upset and he said that this
24 was equipment that he had — that he wanted for
25 himself or his needs and therefore he had handwritten

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1 them all out.

2 Q. So he didn't explain to you that these
3 handwritten receipts that he was filing were for the
4 team; he said the handwritten receipts were for

5 himself?

6 A. For his cycling needs.

7 Q. And is there any other part of that

8 conversation when you confronted him with handwritten

9 receipts that you haven't told me about? Is there

10 anything else?

11 A. No.

12 Q. Okay. Do you have any memory of how often

13 you got handwritten receipts from Richardson Bike Mart

14 given to you by Nick Chenowith?

15 A. I got them pretty often, but they were so

16 sporadic. Like one month I wouldn't have them at all,

17 the next month I would have one, and then, you know,

18 the next month I would have five or six. So they were

19 pretty sporadic.

20 (Exhibit No. 8 marked.)

21 Q. I'm going to show you what's been marked

22 Taylor Exhibit 8. Do you see that document?

23 A. Yes, I do.

24 Q. How many pages is that document?

25 A. Two.

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1 Q. Looking at page 1 of Taylor Exhibit 8, can

2 you tell me what that is?

3 A. It's an expense report summary screen

4 print.

5 Q. Can you tell me what the request number of

6 that is?

7 A. 421141058.

8 Q. And is that an expense report filed for Nick

9 Chenowith?

10 A. Yes, it is.

11 Q. Filed by yourself?

12 A. Yes.

13 Q. Can you tell me the amount of that expense

14 report?

15 A. It is \$4,273.

16 Q. Can you tell by looking at the bottom of

17 page 1 of Taylor Exhibit 8 whether that expense report

18 was approved?

19 A. Yes, I can.

20 Q. Was it approved?

21 A. Yes, it was.

22 Q. Who was it approved by?

23 A. Vicki Yacovoni.

24 Q. Calling your attention to page 2 of Taylor

25 Exhibit 8, do you see that page?

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1 A. Yes, I do.

2 Q. Can you tell me what that is?

3 A. That is a handwritten receipt from

4 Richardson Bike Mart.

5 Q. And what's the date on that receipt?

6 A. 3/7/97.

7 Q. Can you tell me what the receipt number is

8 for that?

9 A. 1348.

10 Q. And is that a handwritten document?

11 A. Yes, it is.

- 12 Q. Do you recognize the handwriting?
- 13 A. Yes, I do.
- 14 Q. Whose handwriting is that?
- 15 A. Nick Chenowith's.
- 16 Q. Nick Chenowith's?
- 17 A. His proper pronunciation is Chenowith.
- 18 Q. Chenowith?
- 19 A. Uh-huh, but everybody calls him Chenowith.
- 20 Q. But if we say Chenowith or Chenowith, we're
- 21 talking about the say person?
- 22 A. We are talking about the same person.
- 23 Q. Thank you. And is that marked paid?
- 24 A. Yes, it is.
- 25 Q. Can you tell what the amount of that receipt

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- 1 is?
- 2 A. \$4,273.
- 3 Q. And is this a receipt that you got and
- 4 processed — you got from Nick Chenowith?
- 5 A. Yes, I did receive it from Nick.
- 6 Q. And did you process that receipt?
- 7 A. Yes, I did.
- 8 Q. I notice on the bottom of this one, I don't
- 9 see the completed stamp?
- 10 A. I must not have had it with me, or I must
- 11 not have used it that day.
- 12 Q. Do you see the handwriting just above the
- 13 1348?
- 14 A. Yes.
- 15 Q. Do you know whose handwriting that is?

16 A. Yes.

17 Q. Whose handwriting is that?

18 A. That's mine.

19 Q. And that indicates what?

20 A. It indicates the request number on it, and

21 then it also is my notes, which is the cost center and

22 the account code that I put on it.

23 (Exhibit No. 9 marked.)

24 Q. Okay. I'm going to show you what's been

25 marked Taylor Exhibit 9. Do you see that document?

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1 A. Yes, I do.

2 Q. How many pages is that document?

3 A. Three.

4 Q. Looking at page 1 of Taylor Exhibit 9, can

5 you tell me what that is?

6 A. That is a screen print of an expense report

7 request put in through CAS.

8 Q. What's the request number on that?

9 A. 378600813.

10 Q. Is that an expense report filed for Nick

11 Chenowith?

12 A. Yes, it is.

13 Q. By yourself?

14 A. Yes, it is.

15 Q. And you filed this expense report at Nick

16 Chenowith's direction?

17 A. Yes, I did.

18 Q. Can you tell me what the amount of that

19 expense report is?

20 A. \$2,800.

21 Q. And can you tell by looking at page 1 of

22 Taylor Exhibit 9 whether that expense report was

23 approved?

24 A. Yes, down at the bottom by Vicki Yacovoni.

25 Q. Calling your attention to page 2 of Taylor

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1 Exhibit 9, do you see that page?

2 A. Yes, I do.

3 Q. Can you tell me what that is?

4 A. This is a receipt from Texas Racing Works

5 that — for equipment.

6 Q. And is there an invoice number?

7 A. No, there is not.

8 Q. Is that unusual in your experience of

9 receiving invoices from Texas Racing Works?

10 A. When they first started out, they didn't do

11 invoice numbers, but this is by the time they got

12 their software, so, yes, that is uncommon for them not

13 to put an invoice number.

14 Q. Do you remember receiving that invoice?

15 A. Yes.

16 Q. Who did you get that invoice from?

17 A. I got that from Nick Chenowith.

18 Q. Did Nick Chenowith hand you that invoice?

19 A. Yes.

20 Q. What did he say when he handed you that

21 invoice?

22 A. I need this to be paid ASAP, because it is

23 equipment that I've already paid for out of my

24 account.

25 Q. And did he explain to you what already paid

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1 for meant?

2 A. He said that this was preapproved by Vicki.

3 This is when she was sick, and she wasn't at the

4 office, and so this had to be approved by John

5 Harris. So what he did is he said that this was

6 already — he had already spoke to Vicki about this

7 particular invoice before she got sick and wasn't

8 coming into the office.

9 Q. Is there handwriting on that invoice?

10 A. Yes, there is.

11 Q. The handwriting that's within the

12 description part of that invoice, can you tell me

13 whose handwriting that is, if you know?

14 A. That is my handwriting. Oh, I'm sorry. The

15 description section of it says, paid in full cash,

16 Brett Hydrik.

17 Q. Do you know, in fact, whose handwriting that

18 is?

19 A. I've never seen his handwriting, but it's

20 not Nick's.

21 Q. So you don't know whose handwriting this is?

22 A. No.

23 Q. At the bottom of that invoice, there is some

24 additional handwriting. Do you recognize that

25 handwriting?

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1 A. Yes, I do.

2 Q. Whose handwriting is that?

3 A. That is my handwriting.

4 Q. Could you read it to me, as much as you can?

5 A. Yes. Per VY, prior approvals purchase.

6 What that means is VY was Vicki Yacovoni. That was

7 her initials, and that's what everybody called her.

8 And he — also it says, 60 percent cost savings. I

9 can't make out the rest of it.

10 Q. Do you remember writing that information

11 onto that invoice?

12 A. Yes.

13 Q. And why did you write that information on

14 there?

15 A. Nick directed me to do so because I was to

16 inform John Harris' office, because what would happen

17 is, due to Vicki being sick, the expense reports still

18 stayed in her box, her box in the computer, and

19 because she was just — she was sick at that point and

20 we thought she was coming back, it stayed in her box

21 and then — but Marcy Armstrong still worked as her

22 admin, so she still got everybody's expense reports

23 and all the administration functions still came

24 through Marcy. But what Marcy would do is she would

25 get the approvals from John Harris, and then she would

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1 go in as Vicki Yacovoni and approve them. So what
2 happened here is Nick told me — directed me as to
3 what to put on here for me to tell Marcy so she could
4 inform John. And I don't remember if I sent him a
5 memo — John Harris a memo on this or not, but these
6 were — these were the justifications that Nick
7 advised me to put on the receipt for me to give to
8 John.

9 Q. Who is Marcy?

10 A. Marcy is Vicki Yacovoni's admin.

11 Q. Do you know Marcy's last name?

12 A. Armstrong.

13 Q. This completed stamp on there, is that your
14 stamp?

15 A. Yes, it is.

16 Q. And that indicates what?

17 A. That I did it and I completed it; that I
18 submitted it through.

19 Q. Did you have experience in paying Texas
20 Racing Works' or TRW's invoices —

21 A. Yes, I did.

22 Q. — in the past? Can you describe for me how
23 that process worked?

24 A. What they would do is they would submit an
25 invoice to me via fax, and then call me and tell me

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1 that it was coming through, and then I would go get it
2 from the fax machine and submit an invoice.

3 Q. And they is TRW?

4 A. They is TRW, Brett.

5 Q. So you would get the invoices faxed to you

6 from Brett Hydrik —

7 A. Uh-huh.

8 Q. — TRW?

9 A. Right.

10 Q. You would then take those invoices and do

11 what with them?

12 A. I would submit them through to CAS, our

13 accounting process, and based on the fact of Nick's

14 approval levels, once I had Y — submitted it, if it

15 was under Nick's approval, then it would automatically

16 be processed that night for that check to be cut.

17 Q. Was it typical that you would discuss those

18 invoices with Nick before you approved them for

19 payment?

20 A. Always.

21 Q. There was never a case when you didn't?

22 A. No.

23 Q. So every invoice that was paid through the

24 sundry invoice system to TRW that you inputted and

25 approved you discussed with Nick and he approved?

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1 A. Yes, I did.

2 Q. So when you got this invoice to submit an

3 expense report on, that was different than the normal

4 process?

5 A. Right.

6 Q. Do you know why?

7 A. This was different than the normal process?

8 Q. Yeah. Normally you paid TRW through a
9 sundry invoice.

10 A. Right. Because Nick said it was for
11 purchases that he had done himself. And he would
12 sometimes say, well, I bought this on the weekend,
13 so — I had to hurry up and buy it, so therefore, this
14 receipt is for me for my account for an expense
15 report.

16 Q. Did he ever tell you what form of payment he
17 made to TRW on these invoices?

18 A. He always just said it came out of his
19 account, was his words.

20 Q. To your knowledge, did he have an account at
21 TRW?

22 A. No. I meant like his checking account, not
23 his account.

24 Q. Okay. I'm sorry.

25 Were there more invoices that you did

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1 expense reports for TRW for Nick Chenowith?

2 A. Yes.

3 Q. Do you have an idea how many?

4 A. I would guess 10 — 10 or 12.

5 Q. Over what time frame?

6 A. Last year alone probably that many.

7 Q. 10 or 12 in '98?

8 A. In '98.

9 (Exhibit No. 10 marked.)

10 Q. I'm going to show you what's been marked

11 Taylor Exhibit 10. Do you see that document?
12 A. Yes, I do.
13 Q. How many pages is that document?
14 A. Two.
15 Q. Can you tell me, looking at page 1 of Taylor
16 Exhibit 10, what that document is?
17 A. It is a screen print for an expense report
18 for Nick Chenowith.
19 Q. And what's the request number on that?
20 A. 993770847.
21 Q. And is this an expense report submitted for
22 Nick Chenowith?
23 A. Yes, it is.
24 Q. By yourself?
25 A. Yes.

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1 Q. And what's the amount on that expense
2 report?
3 A. \$6,241.14.
4 Q. And is that above the \$5,000 limit that we
5 talked about before?
6 A. All of Nick's expense reports went to upper
7 management, no matter what.
8 Q. And this was after —
9 A. This is after Vicki's passing, because it
10 went directly to John Harris.
11 Q. And can you tell by looking at page 1 of
12 Taylor Exhibit 10 whether this expense report was
13 approved?

14 A. Yes, it was.
15 Q. And can you tell me by who?
16 A. By John Harris.
17 Q. I call your attention to page 2 of Taylor
18 Exhibit 10. Do you see that page?
19 A. Yes, I do.
20 Q. Can you tell me what that is?
21 A. That is a Texas Racing Works invoice.
22 Q. Can you tell me the invoice number?
23 A. Yes. 51810.
24 Q. And is this an invoice that was given to you
25 by Nick Chenowith?

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1 A. Either that or it was faxed to me by Texas
2 Racing Works. But either way, they were both approved
3 by Nick.
4 Q. So you would have discussed page 2 of Taylor
5 Exhibit 10 with Nick?
6 A. Mainly the ones that were always approved,
7 if they were paid by Nick, he always made sure he
8 called me and left me a voice mail and told me about
9 it the night — that night to tell me it was coming
10 through and I needed to pay it ASAP, or he would come
11 and see me directly, or he would even call me at home
12 and let me know that there was going to be an invoice
13 that I needed to pay ASAP on Monday or whatever the
14 day might be.
15 Q. Did he tell you why he wanted you to pay it
16 right away?
17 A. Because it came directly out of his checking

18 account. It was monies out of his checking account.

19 Q. In the middle of page 2 of Taylor

20 Exhibit 10, what does it say? Can you read that for

21 me?

22 A. Yes. It says, paid by Nick Chenowith,

23 1/23/98.

24 Q. And you did, in fact, file this expense

25 report including this invoice which is page 2 of

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1 Taylor Exhibit 10?

2 A. Yes, I did.

3 Q. And I may be repeating myself, but — so

4 there were invoices that were faxed to you by Texas

5 Racing Works from Brett Hydrik for equipment that you

6 paid through the sundry invoice system?

7 A. Yes.

8 Q. There were invoices for equipment that Nick

9 Chenowith would hand to you and tell you that he paid

10 himself out of his account?

11 A. Right.

12 Q. Which you would then file expense reports

13 for?

14 A. Right.

15 Q. There were always, possibly, on occasion,

16 invoices that were faxed to you by Texas Racing Works

17 that were marked as paid by Nick Chenowith?

18 A. Yes.

19 Q. And you then filed expense reports at his

20 direction —

- 21 A. Yes.
- 22 Q. — so that he could be reimbursed for those?
- 23 A. Right.
- 24 Q. Do you know when EDS started doing business
- 25 with Texas Racing Works?

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- 1 A. No, I don't.
- 2 Q. Were they already a vendor receiving
- 3 payments from EDS when you came to work for Global
- 4 Sports Marketing?
- 5 A. Yes.
- 6 Q. Did you ever notice in your dealings with
- 7 Texas Racing Works' invoices over the years any other
- 8 concerns, other than what we talked about with the
- 9 expense reports from Nick Chenowith?
- 10 A. I'm sorry. Could you repeat that?
- 11 Q. That was confusing. I'm sorry.
- 12 Did there ever come a time when you were
- 13 receiving invoices from Texas Racing Works for payment
- 14 that you questioned?
- 15 A. Yes. Last year whenever they started
- 16 becoming so frequent of the, paid by Nick Chenowith,
- 17 that's whenever I started asking Brett — Brett
- 18 started saying to me that he thought it was awful and
- 19 I asked him, what? And he said that Nick was getting
- 20 these — this dollar amount into his checking account
- 21 even though he hadn't actually purchased the
- 22 equipment.
- 23 Q. Okay. Can you describe that conversation
- 24 for me?

25 A. He would — I'm trying to —

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1 Q. Can you start with a time frame, as best you
2 can estimate?

3 A. I don't — I don't even know.

4 Q. Was it during 1998?

5 A. It was '98.

6 Q. Was it early in the year?

7 A. It was later in the year.

8 Q. Late in 1998. Was it the fall, do you
9 think?

10 A. I'm trying to — if it was before or after I
11 went to France. When I came back — or was it before
12 I left? I want to say it was before I left and I left
13 in July — early July. And the reason why I want to
14 say it was early is because Nick started having all
15 those expenses. On my invoice log, it states when
16 they all started hitting, and that's whenever Brett
17 would call me, and he goes, yeah. He goes, hey,
18 D'Rinda, it's me, and I just want you to know that I
19 have an invoice coming over that is paid by Nick and
20 he needs it to be processed right away, so the invoice
21 is coming your way. And then I would — and Nick
22 would also give me a verbal heads up that I needed to
23 pay this invoice ASAP, that it was coming.
24 Q. Did you have — did you have concerns
25 related to these prior to your discussions with Brett

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1 Hydrik, or did you have concerns because Brett
2 mentioned it to you?

3 A. I had concerns because Brett started talking
4 to me about that.

5 Q. How did that come about?

6 A. He just —

7 Q. Was that a call from him to you or from you
8 to him?

9 A. Well, it was just in one of our
10 conversations. With processing as many invoices as we
11 did, we talked to each other a lot. And so he had
12 called — or I had called him, I don't know which one
13 it was. He said to me, yeah, you've got to pay that
14 invoice right away. You know that, don't you? And I
15 was, like, yeah, because it's money out of Nick's
16 pocket. And he said, yeah, and I feel awful about
17 this. This isn't right. And he was pretty torn up
18 about it. And — because he said it wasn't equipment
19 that Nick had actually purchased; it was just an
20 invoice that was sent through for Nick to get money.

21 Q. Brett told you that?

22 A. Yes.

23 Q. So if Brett told you during a conversation,
24 you don't remember whether it was you that called him
25 or he called you, but talking about one of the

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1 invoices that were submitted as paid by Nick?

2 A. Right.

3 Q. Brett told you that Nick really didn't pay
4 for that invoice?

5 A. Right. It wasn't equipment.

6 Q. And that he felt bad about it?

7 A. Right.

8 Q. And so — go on.

9 A. So — anyway, so I would approach —
10 whenever I did approach Nick, I didn't say, you know,
11 Nick — what I said was, I said, Nick, these are
12 expenses that you said you have with Texas Racing
13 Works, and he said, yes, and I need them to be paid
14 ASAP. And I didn't tell him what Brett said. I
15 just — I just paid it.

16 Q. So you went back and confirmed with him
17 again that he had paid these?

18 A. Yes.

19 Q. But you knew when you did that, that he
20 didn't, in fact, paid them?

21 A. Per Brett he didn't.

22 Q. Did Brett say anything else related to that
23 issue?

24 A. No.

25 Q. He just told you that Nick really wasn't

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1 paying these?

2 A. Right.

3 Q. Was it your understanding that Nick had
4 never paid these?

5 A. Yes.

6 Q. Did Brett say that?

7 A. Yes.

8 Q. And when Brett said that he felt bad about
9 that, did he elaborate on that at all?

10 A. No. He just — he just said that it was
11 wrong and that he was caught in it and he didn't like
12 it. He didn't like what Nick — what position he was
13 putting him into.

14 Q. Did you say anything else during that
15 conversation related to that?

16 A. I just said I hated it, too, and that we
17 needed to get out of it. And I kept trying to get out
18 by trying to get somewhere else within EDS, and he
19 kept trying to get out but he didn't know how because
20 he had a business to run and didn't know what to do
21 because he was already so far into it that he didn't
22 know how to get out of this spiraling mess that Nick
23 had put him in.

24 Q. Did he elaborate any farther on what the
25 spiraling mess that Nick had put him into was?

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1 A. Just, you know, having these invoices, and
2 the amount of money that was — that was coming out of
3 Texas Racing Works was just too much for him to be
4 able to justify, and that he was afraid for his future
5 as to what was going to happen.

6 Q. Did there ever come a time when you were
7 going through the Texas Racing Works' invoices that
8 you became concerned that we weren't really getting

9 all of the equipment that was listed that we were
10 paying for?
11 A. Yes. I started getting concerned, and then
12 that's when I started thinking of who could I go talk
13 to, and the person that I thought maybe would know —
14 because I didn't want to jeopardize the fact that what
15 if Nick is right and he really is making these
16 purchases. And if I went to EDS and said this, then
17 what if I was to get fired. And then so I went to
18 Dick Wiles because Dick Wiles, to me, was the most
19 trustworthy person I knew on our staff that I could go
20 to, and I started telling him. And plus, I didn't
21 want to get any other employee mixed up in all this.
22 I didn't want to have them not sleep at night like I
23 wasn't because I thought something was wrong.
24 So I went to Dick Wiles, and I said, this is
25 the scoop, these are the invoices, I just don't know

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1 if this is — if he is really purchasing this
2 equipment like he says he is or if he is actually
3 pocketing this money, because Brett says that he is
4 not. And he goes, you better be sure. And he goes,
5 because we got to make — if this is what you're
6 saying and it is right, then we'll need to report it.
7 Now, if you're saying it and you haven't asked Nick at
8 all, then you could be in big trouble. You can't mess
9 with people's lives this way.
10 So I went to — at that point I was real
11 scared because Nick was very verbally abusive, and I
12 was scared of him half the time — most of the time

13 that I worked for him and most of the women that did
14 work for him, except for Wynne, were afraid of him.
15 For some reason you would think at this stage of your
16 life, you wouldn't be, but I was.

17 So I went to Nick, and I said that — that I
18 was concerned about all these invoices for the fact
19 that they were so extravagant and there were so —
20 there were so many of them and there was so much
21 money, and I didn't understand why we kept processing
22 these when we only had a budget of \$300,000; whereas
23 he's allowing us — he's allowing himself to spend
24 this amount of money on cycling equipment. And what
25 he would do is he would justify until I believed him,

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1 and he would justify until he believed himself.

2 And so after hearing it, I — I don't know
3 if so much for the fact that I just wanted to believe
4 him, and so I didn't pursue it. I didn't contact
5 anybody else, but in my heart of hearts I knew that he
6 was doing something wrong.

7 Q. Let me make sure I understand this. You
8 called — was it a telephone call to Dick Wiles?

9 A. No. Dick was in Texas at the time.

10 Q. Okay. Do you remember when this
11 conversation with Dick Wiles took place?

12 A. I want to say about six months, probably
13 September. It's when those invoices were so frequent,
14 the ones from Texas Racing Works. I can't tell you a
15 date. But it's when they were so frequent, the paid

16 by Nicks, from Texas Racing Works. And that's when I
17 went in to Dick — Dick was in town that week and I
18 just said I wanted to talk to him.

19 Q. Where did the conversation take place?

20 A. In our small conference room.

21 Q. You told Dike Wiles that Nick was
22 submitting invoices from Texas Racing Works that were
23 marked paid by Nick Chenowith to be reimbursed on
24 expense reports, and you had talked to Brett Hydrik
25 and he told you that Nick Chenowith really wasn't

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1 paying these?

2 A. Right.

3 Q. And Dick's response to you was, you better
4 be sure, and he directed you to talk to Nick about it?

5 A. Right.

6 Q. And then did you at some point get back to
7 Dick Wiles on this issue?

8 A. Dick called me probably every other day
9 after that to see if I had followed up, and if not,
10 why not? And what was I going to do about it? But I
11 was afraid that maybe he knew something and that he
12 was in on the whole thing, so I just listened to
13 Nick's excuse, and I didn't pursue it any further.

14 Q. Did there ever come a time in processing the
15 Texas Racing Works invoices when you were concerned
16 about how much equipment we were purchasing from Marty
17 Nothstein?

18 A. Yes. In 1996 is — is when we — when
19 somehow — I don't remember the circumstances, but I

20 was brought to my attention of the fact that the
21 equipment purchases from Marty were not really
22 equipment purchases for Marty. They were paychecks
23 for Marty.

24 Q. Okay. Can you describe that to me?

25 A. What would happen is Texas Racing Works

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1 would send me an invoice, and the invoice would be
2 labeled Marty Nothstein or equipment for Marty
3 Nothstein or equipment for Marty Nothstein and U.S.
4 National Cycling Team, so I would pay that invoice per
5 Nick's approval and I would pay that invoice. That
6 check would be cut that night or soon thereafter and
7 sent from EDS to Brett Hydrik at Texas Racing Works.
8 He would then put it into his account, and I guess he
9 would send a check to Marty.

10 Q. Okay. How do you know all this?

11 A. I was verbally told about it, but I — you
12 know, I never saw it firsthand, but I was told.

13 Q. By who?

14 A. By Brett Hydrik, Steve Walsh, and of course,
15 Nick Chenowith.

16 Q. They all described that process the way you
17 just described it?

18 A. Yes.

19 Q. How did the checks get to Brett Hydrik?

20 A. They were either Airborne Expressed or
21 FedExed or couriered or he came up here once.

22 Q. Did you ever have any discussions with Brett

23 Hydrik about the payments to Marty?

24 A. You know, other than — whenever Brett

25 started opening up to me how disgusted he was about

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1 Nick, he started also telling me that he was disgusted

2 about this whole scenario of Marty, and that — that

3 he was afraid for his future, afraid for his family,

4 and he was scared.

5 Q. Did he tell you why he was scared?

6 A. He told me because — he was scared because

7 he was afraid that he would have to go to prison

8 because — this is — his exact words were, D'Rinda,

9 you realize this is called laundering money.

10 Q. And what did you say to him?

11 A. That's when I freaked out, and I don't

12 remember what I said to him.

13 Q. You say you freaked out; does that mean you

14 were concerned at that point, too?

15 A. Yes, I was.

16 Q. Can you describe to me what you were

17 concerned about?

18 A. I was concerned because I didn't — I didn't

19 really know that it was — that's what it was that was

20 going on. And I was afraid that I would — I, too,

21 would go to jail. That's mainly what I was afraid

22 of. I was afraid for my future, for my child, for my

23 career, for my selfish life.

24 Q. Were the invoices for Texas Racing Works

25 invoices that you were directed to keep under Nick's

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1 authorization limit? Were they part of the invoices

2 that fit that category?

3 A. Yes, they were always to stay. When Vicki

4 was there, they were always to stay under \$10,000, and

5 then when Vicki passed and his authorization went up

6 to 20, all invoices were to stay under 20, so

7 therefore, no other manager could see them.

8 Q. And did Nick tell you that specifically?

9 A. Yes, he did.

10 Q. And why did he tell you that was the fact?

11 A. He didn't want anyone else to see what he

12 was doing.

13 Q. And by anyone else, that meant his manager,

14 Vicki Yacovoni?

15 A. Yes, it does.

16 Q. Did that indicate to you that she didn't

17 know what was going on with him?

18 A. To me, I don't think she did.

19 Q. And you say that why?

20 A. He also — with his whole reasoning behind

21 staying under the invoice limit is because he said

22 that he didn't want to bother them with all the

23 craziness of the weird vendors that we have. We had

24 vendors that nobody else had, and not always was that

25 just Texas Racing Works or Richardson Bike Mart, he

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1 wanted — you know, we had one for a coolant company.
2 We had one for — you know, we just had odd ones, and
3 he didn't want to have to answer to every single one
4 of the invoices that he had coming along, so he —
5 that was what his reasoning was, is because he didn't
6 want to have to answer to every single one of the
7 invoices because of the fact that they were — a lot
8 of them were bizarre.

9 Q. Do you know how the dollar limits on the TRW
10 invoices were kept below that authorization level for
11 him, 10,000 at one point and then 20,000 after that?
12 How were they kept at that level?

13 A. Brett was told.

14 Q. And who told Brett?

15 A. Either Nick did or I did.

16 Q. And if you did, you told him at Nick's
17 direction?

18 A. Always.

19 Q. Did you ever — do you remember discussing
20 with Brett Hydrik that issue?

21 A. No.

22 Q. And when we talk about Marty, we're talking
23 about Marty Nothstein?

24 A. That's correct.

25 Q. Was Marty an EDS employee?

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1 A. Yes.

2 Q. In Global Sports Marketing?

3 A. Yes. He was labeled as such. He never did

4 an ounce of work for us, though.

5 Q. What was his job? What did he do for EDS?

6 A. Cycled.

7 Q. Rode his bicycle?

8 A. Yes.

9 (Exhibit No. 11 marked.)

10 Q. D'Rinda, I'm going to show you what's been

11 marked as Taylor Exhibit 11. Do you see that

12 document?

13 A. Yes, I do.

14 Q. How many pages is that?

15 A. Six.

16 Q. I'm sorry. How many?

17 A. Six.

18 Q. And looking at page 1 of Taylor Exhibit 11,

19 can you tell me what that is?

20 A. It's a screen print of the CAS expense

21 report.

22 Q. What's the request number on that?

23 A. 828781059.

24 Q. And is this an expense report for Nick

25 Chenowith?

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1 A. Yes, it is.

2 Q. Filed by yourself?

3 A. Yes, it is.

4 Q. Can you tell by looking at — let me call

5 your attention to page 2 of Taylor Exhibit 11. Can

6 you tell by looking at page 2 whether that expense

7 report was approved or not?

8 A. Yes, it was.

9 Q. Can you tell me who approved it?

10 A. John Harris.

11 Q. I call your attention to page 5 of Taylor
12 Exhibit 11. Do you see that page?

13 A. Yes, I do.

14 Q. Can you tell me on the bottom of that page
15 what you see?

16 A. I see two receipts for Richardson Bike
17 Mart.

18 Q. And are those receipts different in some way
19 from the receipts we've been discussing earlier?

20 A. Yes, they are. They are
21 computer-generated.

22 Q. And do you remember getting these receipts
23 from Nick Chenowith?

24 A. Yes, I do.

25 Q. To file an expense report for reimbursement?

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1 A. Yes.

2 Q. Can you tell by looking at this — is
3 there — can you tell by looking at these two
4 Richardson Bike Mart receipts, which are page 5 of
5 Taylor Exhibit 11, how they were paid?

6 A. American Express.

7 Q. Can you read the American Express number off
8 for me?

9 A. Yes. 378302579301007.

10 Q. And do you recognize that number?

11 A. Yes.

12 Q. And what is that number?

13 A. That's Nick's personal American Express

14 card.

15 Q. And based on looking at this receipt, that

16 indicates to you that he paid Richardson Bike Mart

17 with his personal American Express card?

18 A. Yes.

19 Q. And that's different from the receipts we

20 discussed earlier?

21 A. Yes.

22 Q. Why is it different?

23 A. It's computer-generated. There's also —

24 there's no next as to what it is. There is no

25 description like there was on the others.

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1 Q. What's the amount of that receipt?

2 A. One of them is \$188.36. The other one I

3 can't make out. The other one is \$22.08.

4 Q. And is there a signature at the bottom of

5 both of those receipts?

6 A. Yes, there is.

7 Q. Whose signature is that?

8 A. Nick Chenowith's.

9 Q. Do you recognize his signature?

10 A. Yes, I do.

11 Q. When you received the computer-generated

12 Richardson Bike Mart receipt that I showed you just a

13 minute ago that was part of Taylor Exhibit 11, did you

14 go back to Nick and question anything related to that?

15 A. No, I didn't.

16 Q. But that was the receipt given to you by

17 Nick?

18 A. Yes.

19 Q. So that you would file an expense report so

20 that he could be reimbursed for those costs?

21 A. Yes.

22 Q. So you didn't ask Nick why these new

23 receipts were computer-generated showing that an

24 American Express card was used and none of the others

25 had the same thing?

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1 A. Right.

2 Q. During the time frame when you had concerns

3 about expenses that were being paid on behalf of Nick

4 Chenowith, did you ever have occasion to talk to

5 anybody else about your concerns, other than what

6 you've mentioned, Dick Wiles and Brett Hydrik?

7 A. I talked to my mother, and I talked to my

8 fiance, and I talked to a very good friend of mine,

9 but I never — I met with her. She was an EDSer, and

10 I never went into depth about any of it because I

11 didn't want her to be privy to any of it either.

12 Q. Did you ever have occasion to call Nick

13 Chenowith's previous admin?

14 A. Yes, I did.

15 Q. And who was that?

16 A. Her name was Jennifer White.

17 Q. And can you describe that? Was it a

18 telephone call?

19 A. Yes, it was. I had called her and I was
20 speaking kind of low because I didn't want Nick to
21 overhear me, but I had told her that I didn't think —
22 I didn't understand why — why the sundry invoices for
23 Texas Racing Works were so elaborate, and I had a
24 problem with the fact that I thought it was Marty, and
25 I was beginning to know that it was because they were

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1 starting to give me more information that it was for
2 Marty payments. And so then she went on to me and I
3 said, I just don't know if I want to work here and do
4 this, because I don't know if it's right, and she said
5 that she believed — believed Nick when he said it was
6 a part of Alberthal's approval and the process that we
7 would go through to keep Marty on board.

8 Q. And she said that Nick told her that?

9 A. Yes.

10 Q. Had you heard similar things from Nick?

11 A. Yes.

12 Q. When you took over from Jennifer, was there
13 a Texas Racing Works invoice file that you inherited
14 from her?

15 A. No. She took all of her files with her.

16 Q. Was that strange to you?

17 A. Yeah, I thought it was really odd.

18 Q. Do you have any idea why she took all of her
19 files with her?

20 A. I don't have a clue.

21 Q. Did you ask her, though?

22 A. I asked — I asked her why we didn't — I
23 don't recall what her answer was, but I remember
24 asking Nick and he just said, well, she was — she was
25 loopy that way, and I remember one time I called her,

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1 and I said, I got — on my work list I have a
2 notification text that you haven't sent in a sundry
3 invoice, and I got a few of those when I came over.
4 And she said, oh, I've got all of those at home, and
5 she never had them here. Because she went up to —
6 she was in Stuart Reeves' office at that time, so I
7 guess she just didn't take any of those files with
8 her.

9 MR. HENDRIX: Can we go off the record
10 for just a second?

11 (Off the record.)

12 Q. D'Rinda, do you know whether there was a
13 contract between EDS and Marty Nothstein, other than
14 the employment agreement that Marty would have signed
15 as an employee?

16 A. Right. I found out about — because I had
17 been told before that there wasn't a contract.

18 Q. Told by whom?

19 A. Steve Walsh. But it turns out when we ended
20 Team EDS, we started receiving letters from his lawyer
21 stating that there was a contract. I never looked at
22 the letters; I handed them off to Nick. But there was
23 a contract supposedly, and I never saw it, for Marty
24 between Marty and EDS via Nick — Nick Chenowith, and

25 I know that he had signed it because that was said to

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1 me by Steve but —

2 Q. But you never actually saw a contract

3 between EDS and Marty Nothstein?

4 A. No, I did not.

5 Q. Your only knowledge that one actually

6 existed was something that Steve had told you?

7 A. Right.

8 Q. Do you remember when those conversations

9 took place?

10 A. I'm so bad. March.

11 Q. Of '99?

12 A. Of '99, February or March.

13 Q. And you say you started to receive letters

14 from from Marty's lawyer?

15 A. Uh-huh.

16 Q. Do you remember the lawyer's name?

17 A. No. They're in Pennsylvania. I don't

18 remember. I didn't — I — also, whenever I gave the

19 letter to Nick, he took it with him. He never left me

20 a copy.

21 Q. Were the letters — they were mailed to EDS?

22 A. Yes.

23 Q. You received them?

24 A. Uh-huh.

25 Q. Did you open the envelope?

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1 A. I opened it only to put it in Nick's box.
2 Two of them were addressed confidential, and then one
3 of them I did open, but it just said that they were
4 representing Marty.

5 Q. There were a total of three letters?

6 A. I think so.

7 Q. In the March time frame?

8 A. Uh-huh, February, March.

9 Q. From Marty's lawyer?

10 A. Uh-huh.

11 Q. Two of which were marked confidential. Yes?

12 A. Yes.

13 Q. Which you did not open?

14 A. Right, I did not open.

15 Q. One was marked confidential which you did
16 open?

17 A. Yes.

18 Q. But you didn't read it?

19 A. No, I did not.

20 Q. You gave those letters directly to Nick?

21 A. Yes.

22 Q. He took the letters?

23 A. Yes.

24 Q. And did you ever see the letters again?

25 A. No. He — he called Chris Carlson.

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1 Q. Who called Chris Carlson?

2 A. Nick Chenowith called Chris because I did

3 say, is that a letter — whenever — the first one
4 that I opened up said the lawyer's name and said that
5 he was representing Marty, and so that's when he said
6 I'm going to talk to Chris about this, and so — and
7 that's all I knew about it.

8 Q. So in the March time frame when you got one
9 of the letters, he took it from you and told you that
10 he was going to contact Chris Carlson?

11 A. Right.

12 Q. Do you know in fact whether he ever did?

13 A. No, I don't.

14 Q. He just told you?

15 A. Yeah.

16 Q. Was there a standard procedure or policy
17 within Global Sports Marketing about employees
18 claiming personal expenses on expense reports?

19 A. Personal expenses? No, what Nick would do
20 sometimes is he would tell an employee, he would say,
21 let me treat you to dinner or let me pick up that
22 expense for you and just reimburse it back to EDS.
23 I'll make sure that I tell D'Rinda that it's okay.
24 And once your expense report comes to her, she'll
25 approve it.

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1 Q. Were these things coded as employee
2 recognition?

3 A. Most of them were.

4 Q. But some weren't?

5 A. Right.

6 Q. Why was that?

7 A. Either I missed them or Nick didn't want to
8 flag anything.

9 Q. To your knowledge, was Nick Chenowith ever
10 given any gifts of bike equipment or other types of
11 equipment from Vicki Yacovoni?

12 A. No.

13 Q. How about from John Harris?

14 A. No.

15 Q. Can you describe for me — there were some
16 expenses of yours that were paid on expense reports?

17 A. Yes.

18 Q. Can you describe them for me?

19 A. From the very beginning, you mean?

20 Q. If you would, please.

21 A. Okay. When I first started with EDS, Nick
22 wanted me to expense a suit to EDS because he didn't
23 like the way I dressed, and I couldn't afford to dress
24 the way other people dressed in the department. So he
25 had me buy a suit and reimburse it back to EDS. It

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1 was \$80, and Vicki Yacovoni called Nick in and told
2 him about it. He said, yeah, I had agreed to do that
3 for her and — but it won't happen again.

4 He came up from that meeting, brought me
5 into his office, and got very upset and told me that I
6 was to never allow any of my expense reports where he
7 has given me the authorization to expense something
8 for employee recognition or any other thing back to
9 EDS — I mean, for anybody else to see. It was to be

10 always submitted through another employee, so that,
11 therefore, it stayed under Nick's domain, Nick's
12 authorization.

13 So I contacted — Nick told me to talk to
14 Wynne Willis, and that he would talk to her about what
15 he wanted to do with my expense reports. So the next
16 time I had a suit, I submitted it under Wynne Willis'
17 name and then submitted it and it went up to Nick
18 Chenowith. Therefore, I approved it and nobody else
19 saw it. At that point, she would cut me a check, and
20 I would deposit it into my account.

21 Q. How many times did that happen with Wynne
22 Willis?

23 A. I think only once.

24 Q. Do you remember how much that was for?

25 A. I want to say it was \$100 to \$200.

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1 Q. And did you ever have discussions with Wynne
2 Willis about that?

3 A. No. Other than this is what's going to
4 happen.

5 Q. And then did Wynne Willis actually give you
6 a check?

7 A. Yes.

8 Q. What time frame was that?

9 A. That was back when I first started. That
10 was the '95-'96 time frame.

11 Q. Was that the second suit?

12 A. Second suit, yeah.

13 Q. So the first one ultimately was approved by
14 Vicki?
15 A. Right.
16 Q. And after that, you had a discussion with
17 Nick where he told you don't let anything go to
18 Vicki. From now on, any of your expense reports, have
19 somebody else submit them?
20 A. Right.
21 Q. And so on that second suit for \$100 to \$200,
22 you actually submitted the expense report yourself for
23 Wynne Willis?
24 A. Right.
25 Q. Did you then go in as Nick Chenowith on the

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1 system and approve it?
2 A. Yes, I did.
3 Q. And then Wynne Willis gave you a check — a
4 personal check?
5 A. Yes, I think so.
6 Q. Which you cashed?
7 A. Yes.
8 Q. And what was the next time after that that
9 you remember?
10 A. I can't remember exactly the time frames,
11 but I know that it probably happened twice a year
12 until this year and — maybe once or twice a year, but
13 more than likely, twice a year. And then for 1999, he
14 had me —
15 Q. Oh, wait. Before we get there, twice a year
16 for suits?

17 A. Uh-huh.
18 Q. Okay. I'm sorry. Go ahead?
19 A. And so for 1999, there was expenses that I
20 incurred that Nick advised me he wanted me to submit
21 an expense report again, and we went through Steve
22 Walsh, and so — and I talked to Steve about it and
23 Nick had talked to Steve about it, and so I submitted
24 them through as Steve and then went in as Nick and
25 approved them and Steve gave me a check.

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1 Q. Do you know how much that was for?
2 A. That one was for \$800, and then the next one
3 was for my ski trip from Nick, and that one was, too,
4 through Steve, and that was \$1,400.
5 Q. Did you have actual receipts for that?
6 A. Yes, I did. I submitted all of them.
7 Q. So they were filed on the expense report.
8 Did you have receipts for the suits that you bought
9 also?
10 A. Yes.
11 Q. So they would have been filed on the expense
12 report for whoever you filed it under?
13 A. Right.
14 Q. The first one under Wynne Willis, and then
15 after that, was it Steve Walsh?
16 A. Uh-huh.
17 Q. Was there anybody else that you filed
18 expense reports under?
19 A. I think — I think Kelly Martin, I did. As

20 well, I think Nick talked to Kelly Martin and told

21 her — but I'm not sure. I don't know if we — I

22 don't know.

23 Q. And you brought some documents with you

24 today?

25 A. Yes, I did.

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1 Q. Before we mark these, let's go through

2 them.

3 A. Okay. This first one is — the first one is

4 for —

5 Q. Why don't we do this, why don't we mark

6 these. Let's leave this one off. Why don't we mark

7 these four. Is this in the order that you want to

8 talk about them?

9 A. Yeah, that's fine.

10 (Exhibit Nos. 12-15 marked.)

11 Q. I'm going to show you what's been marked as

12 Taylor Exhibit 12. Is that one of the documents that

13 you brought with you today?

14 A. Yes, it is.

15 Q. Can you tell me what that is?

16 A. It is a bank statement of my account of the

17 deposit that I made showing — \$700 of it went to

18 checking and — of the \$1,400 — and \$700 went to

19 checking, and I had done this deposit, the \$1,400,

20 actually on the same day; however, \$700 — the other

21 \$700 amount did not — it went into — it went into

22 April's — into my savings account.

23 Q. Okay. Let me make sure I understand this.

24 On Taylor Exhibit 12, that's a bank statement of

25 yourself showing \$700 deposited on what day?

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D'RINDA TAYLOR - MAY 20, 1999 94

1 A. On 3/8 — March 8th, 1999.

2 Q. And that was part of the \$1,400 that Steve

3 Walsh reimbursed you?

4 A. Right.

5 Q. Was that \$1,400 a check that Steve Walsh

6 gave you?

7 A. Yes, it was.

8 Q. Was it one check in the amount of \$1,400?

9 A. Yes.

10 Q. A personal check from Steve Walsh?

11 A. Yes.

12 Q. And Taylor Exhibit 13 shows a \$700 deposit

13 in what?

14 A. Into my savings account.

15 Q. Savings account? What's the date of that?

16 A. It's 4/22/99. I'm sorry — it's 4/13/99.

17 Q. And the \$700 that's denoted on Taylor

18 Exhibit 1 and the \$700 that's denoted on Taylor

19 Exhibit 13 amount to the \$1,400 check that Steve Walsh

20 gave you?

21 A. That's correct.

22 Q. And that was all just deposited on one day?

23 A. Yes, it was.

24 Q. And was that the first — the March date

25 that was listed on Taylor Exhibit 12?

D'RINDA TAYLOR - MAY 20, 1999 95

1 A. Yes, it was.

2 Q. And this was for your ski trip that was
3 reimbursed?

4 A. Right.

5 Q. And you took your receipts and filed an
6 expense report for Steve Walsh?

7 A. Right.

8 Q. And then went in and approved it as an
9 expense?

10 A. Yes, I did.

11 Q. I'm going to show you what's been marked
12 Taylor Exhibit 14, and is this one of the documents
13 that you brought with you today?

14 A. Yes, it is.

15 Q. Can you tell me what that is?

16 A. That is a bank statement again of showing a
17 deposit of \$2,000.

18 Q. And what does that denote?

19 A. That shows that that is from an invoice
20 payment that was made to me — a check payment that
21 was made to me by Skip Cutting because I had submitted
22 an invoice to him for \$2,000 worth of administrative
23 work because Nick author — told Skip and I to do that
24 because of the fact that I didn't receive a bonus that
25 I was supposed to through EDS.

D'RINDA TAYLOR - MAY 20, 1999 96

1 Q. And if I show you Taylor Exhibit 15, which
2 is also a document that you brought with you today, is
3 that \$2,000 — does that match with the deposit that
4 you're showing on your bank statement on Taylor
5 Exhibit 14?

6 A. No. This is from — the invoice itself is
7 shown from 1998, but at the same time, I sent him
8 another invoice that was for '99, which because of
9 moving and everything, I have lost the one for '99 or
10 I just can't find it right now. So — and I don't
11 have my bank statement for September showing that this
12 \$2,000 deposit; however, I do show — for '99 I show
13 my bank statement for \$2,000, that I did deposit it.

14 Q. Okay.

15 MR. HENDRIX: Can we take just a short
16 break? I need to return a phone call.

17 (Recess.)

18 Q. Okay. I'm confused. And I'm sure the
19 record is confused, so let me go back over this
20 again. Taylor Exhibit 15 is an invoice that was
21 generated by yourself?

22 A. Right.

23 Q. You generated this invoice at Nick
24 Chenowith's direction?

25 A. Yes.

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D'RINDA TAYLOR - MAY 20, 1999 97

1 Q. Go back to the beginning when this whole
2 concept of a bonus was discussed with Nick. Can you
3 describe that for me?

4 A. What it was is several people were — had

5 been submitted for bonuses and raise increases. I was
6 approved by John on the initial meeting that John and
7 he had, and his admin was out of town or not in the
8 office whenever that was preapproved. When it was
9 submitted into the computer, however, his admin saw
10 how much I was going to be making, didn't have a
11 problem with any of the other managers, but saw how
12 much I was going to be making and that it was going to
13 be more than her, so she stopped my raise and my
14 bonuses. So Nick came to me and he said — and Nick
15 had told me that this had happened. He said, what I
16 want you to know is you're going to get the amount of
17 money that you said — that I had already promised
18 you, but we're just going to go through a different
19 method.

20 He came up with this plan. He talked to
21 Skip about it. I didn't submit it for about a month
22 and a half to two months because I had bad vibes about
23 it. So anyway, eventually I did and I sent it in.
24 The Exhibit 15 states that it's an invoice, 98DT01.
25 The other invoice states 99DT01; however, during my

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1 move — I've moved recently — and I cannot find my
2 '99 invoice. However, this 1998 was submitted to Skip
3 Cutting per Nick's request and Skip Cutting then paid
4 me \$2,000. I then deposited that into my account.

5 In 1999, the same thing happened, and he
6 sent — he gave me a check for \$2,000. And on
7 Exhibit 14, in my savings account, it shows the

8 denoted deposit for \$2,000.

9 Q. Okay. Now, let me make sure that I
10 understand. You mentioned that Nick had a bonus plan;
11 is that right? He put together a bonus plan that
12 included everybody in the organization?

13 A. Right.

14 Q. And that included you?

15 A. Yes.

16 Q. He had decided to give you a \$4,000 bonus?

17 A. Right.

18 Q. He had a discussion with — the John you
19 mentioned is John Harris?

20 A. Right.

21 Q. And this is according to him, Nick telling
22 you this?

23 A. Yes.

24 Q. John approved it?

25 A. Right.

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1 Q. And then when the actual bonus was submitted
2 to be paid, it went up to John's office and John's
3 admin who is —

4 A. Prisca Harris.

5 Q. Prisca Harris.

6 A. Prisca Morrison.

7 Q. Prisca Morrison? Was it Prisca Harris
8 Morrison?

9 A. No, I don't know what her new — I think her
10 new last name is Prisca Littleton now, but — but it's
11 one of those Prisca Harris, Prisca Morrison, Prisca

12 Littleton.

13 Q. So it's your understanding that when the
14 bonus was submitted to be paid, when it got to Harris'
15 office, Prisca Morrison Littleton Harris — John
16 Harris' admin, Prisca —

17 A. Right, there you go.

18 Q. — she stopped it?

19 A. Yes.

20 Q. And you know that because Nick told you
21 that?

22 A. Right.

23 Q. And at that point, he told you — he said,
24 but don't worry about it, I'm still going to pay you
25 that money?

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1 A. Also, what she did was there was a bonus
2 check that had come for me, and when it did reach my
3 office, she had — she had called me and said, put
4 that check aside, send it back to me, don't deposit it
5 because I want to talk to John about it first.

6 So I had to send my own bonus check back up
7 to Prisca, and then she was going to call me and let
8 me know if I would be able to get it back or if I —
9 or what was going to be done with it.

10 Q. Was that the same \$4,000?

11 A. It was a \$1,000 bonus, I believe.

12 Q. That was different?

13 A. That was a different — but it was all part
14 of the same bonus plan. And so with that, she went

15 ahead and sent that back — well, she had her — one
16 of her supporting admins call me and tell me to come
17 and get it, but she — Nick had said that she said the
18 additional \$4,000 that I would not get as my pay,
19 because then I would be making more than her.

20 Q. And that's what Nick told you?

21 A. That's what Nick told me.

22 Q. When Nick told you that, he also told you,
23 but don't worry about the \$4,000 because I'll make
24 sure that you get that?

25 A. That's exactly right.

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D'RINDA TAYLOR - MAY 20, 1999 101

1 Q. And did he tell you how he was going to make
2 sure that you got that?

3 A. No, he didn't at that time until he came to
4 me later and he told me that he would have Skip do it.

5 Q. What time frame was that when that happened?

6 A. June, July. It could even be before that,
7 of '98. April or something like that. I don't have
8 my — it had it on my computer when that was all
9 approved.

10 Q. So as best you can remember, Nick came back,
11 told you that the \$4,000 was turned down, you weren't
12 going to get that, but that he would make sure you got
13 it, and that was the end of that conversation?

14 A. Right.

15 Q. At some point after that, he came back to
16 you and told you about, here's how we're going to do
17 it?

18 A. Right.

19 Q. And that's when he told you that you needed
20 to submit invoices to Skip Cutting?
21 A. Right.
22 Q. And he would cut you a check?
23 A. Right.
24 Q. Did he tell you what these invoices should
25 contain?

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D'RINDA TAYLOR - MAY 20, 1999 102

1 A. Just — yes, he did. He told me that they
2 should contain administrative services.
3 Q. So what's been marked as Taylor Exhibit 15
4 is, in fact, what you generated at Nick's direction?
5 A. That's correct.
6 Q. Related to the \$4,000 bonus —
7 A. Right.
8 Q. — that he promised you?
9 A. Right.
10 Q. And this — what's the date on this invoice
11 marked Taylor Exhibit 15?
12 A. This one is September the 15th, 1998.
13 Q. And is that on or about the time that you
14 generated this invoice?
15 A. Yes, it is.
16 Q. Did you submit this invoice to Skip Cutting?
17 A. Yes, I did.
18 Q. How did you get this invoice to Skip
19 Cutting?
20 A. I faxed it.
21 Q. You faxed it over to him?

22 A. Uh-huh.

23 Q. Did you have a discussion with Skip Cutting
24 about this invoice?

25 A. Yes, I did.

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1 Q. And was that on or about September 15th of
2 '98?

3 A. Yes.

4 Q. Can you describe that conversation for me?

5 A. He had actually called for another reason.
6 He said, yeah, Nick told me that you're going to have
7 an invoice for me, and I said, yeah, I'm going to
8 submit an invoice, and he said how — you're going to
9 label that as administrative services, right? And I
10 said, yeah, I'm going to label it that way. And so
11 that's how that happened.

12 Q. And what's the total on that invoice marked
13 Taylor Exhibit 15?

14 A. \$2,000.

15 Q. Okay. And why is it that it's not for
16 \$4,000?

17 A. Because I don't know — I think we just
18 split it up that way. Oh, I remember why, because the
19 bonus checks — the original game plan was for me to
20 get a \$2,000 bonus in third quarter and a \$2,000 bonus
21 in fourth quarter. And so the fourth quarter rolled
22 around and we were doing so bad financially in Global
23 Sports that I didn't submit it until January '99.

24 Q. And that was at Nick's direction?

25 A. That's correct.

D'RINDA TAYLOR - MAY 20, 1999 104

1 Q. And is all the information that's contained
2 on Taylor Exhibit 15, was that information that was
3 supplied to you by Nick Chenowith?

4 A. That's correct.

5 Q. This invoice denotes — what purpose does it
6 denote on here?

7 A. For administrative services needed for
8 office maintenance and recordkeeping for Team EDS.

9 Q. And did you, in fact, provide administrative
10 support to Skip Cutting?

11 A. No. The only time that I ever gave him
12 administrative services was to consult him about a
13 template or whatever, but never —

14 Q. And that was a telephone call?

15 A. Yeah.

16 Q. So this was a false invoice that was —

17 A. Yeah.

18 Q. — generated and submitted? And that was in
19 order so that you could be paid the bonus that he had
20 promised you?

21 A. That's correct.

22 Q. And you faxed this invoice to Skip Cutting?

23 A. Yes, I did.

24 Q. And Skip Cutting cut a check to you?

25 A. Yes, he did.

1 Q. And did he actually give you that check?

2 A. Yes, he did.

3 Q. How did you get that check from Skip

4 Cutting?

5 A. He was here for a staff meeting anyway and

6 so he gave that to me at that point.

7 Q. And did you cash that check?

8 A. Yes, I did.

9 Q. And did you deposit it into your bank

10 account?

11 A. Yes, I did.

12 Q. And would that have been on or about

13 September 15th, 1998?

14 A. Yes, it would.

15 Q. And then there was a second check — a

16 second — I'm sorry, a second invoice that you

17 generated during the 1999 time frame?

18 A. Right.

19 Q. Do you know about when that was?

20 A. That was right on January the 1st.

21 Q. And did that invoice look very similar to

22 Taylor Exhibit 15?

23 A. Exactly. The only thing that was different

24 was the invoice number said 99DT01.

25 Q. And the invoice date?

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1 A. Oh, of course, and the invoice date.

2 Q. And how did you get this invoice to Skip

3 Cutting?

4 A. I faxed it to him.

5 Q. And did Skip Cutting then cut a check to pay
6 you for this invoice?

7 A. Yes, he did.

8 Q. Did the 1999 invoice list the same purpose?

9 A. Yes, it did.

10 Q. For administrative services?

11 A. Yes.

12 Q. And did you, in fact, provide any
13 administrative services to Skip Cutting?

14 A. No.

15 Q. How did that check — the check for the 1999
16 invoice, how did that check get to you?

17 A. That was — I think he brought that as
18 well.

19 Q. And did you cash that check?

20 A. Yes, I did.

21 Q. And you deposited it in your invoice and
22 that's what's denoted on Taylor Exhibit Number 14?

23 A. Right.

24 Q. Can you tell me — can you tell me where —
25 when the check was deposited?

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D'RINDA TAYLOR - MAY 20, 1999 107

1 A. On the — on that one?

2 Q. Right?

3 A. September time frame. I don't have — I am
4 not the best at keeping my books, but — and I tried
5 to get a statement of records, but they don't go —
6 they didn't go back that far, so they would only go —

7 Q. I think I already asked you that, that it

8 was deposited on or about September 15th.

9 A. Right.

10 Q. And that's Taylor Exhibit 15. The check
11 associated with the deposit on Taylor Exhibit 14 was
12 deposited when?

13 A. January the 15th.

14 Q. January the 15th? Do you know where Skip
15 Cutting got the money to pay the invoice to you?

16 A. He then submitted an invoice to us and then
17 we paid him back.

18 Q. Do you know what the invoice was — what did
19 the invoice say?

20 A. It said administrative services for D'Rinda
21 Taylor for Team EDS.

22 Q. And was that an invoice that was submitted
23 to you —

24 A. Yes, it was.

25 Q. — by Skip Cutting?

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1 A. Yes, it was.

2 Q. How did you get the invoice?

3 A. He faxed it to me?

4 Q. He faxed it to you? And you then coded in
5 the payment into the CAS system?

6 A. Yes, I did.

7 Q. As a sundry invoice payment?

8 A. Yes, I did.

9 Q. And did you show that invoice to Nick?

10 A. Yes.

11 Q. And he approved it?

12 A. Yes, he did.

13 Q. And directed you to file a sundry invoice

14 payment so that that payment would take place?

15 A. Yes, he did.

16 Q. Do you know how Skip Cutting got his checks

17 from EDS?

18 A. He had electronic transfer into his checking

19 account.

20 Q. So there was an EFT?

21 A. Yes, it was.

22 Q. Were there any other payments from Skip

23 Cutting that you received, other than the two we've

24 talked about so far totaling \$4,000?

25 A. No.

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1 Q. Were there any other payments that you

2 received that we haven't discussed today —

3 A. No.

4 Q. — other than your normal compensation?

5 A. Right, no.

6 Q. Were there any other receipts that Nick

7 Chenowith gave you to file on expense reports, other

8 than the ones that we've already discussed, that you

9 were concerned were not appropriate?

10 A. Oh, D/FW Town Car.

11 Q. Okay.

12 A. I received — he never took the shuttle.

13 And he — and Vicki Yacovoni actually tried to talk

14 him out of D/FW Town Car, and he came back to her with
15 justification that he was six foot, six, and he needed
16 to have a separate car; that he was too clammed up in
17 a van, so Vicki allowed him to go with D/FW Town Car.

18 Q. You know that how?

19 A. He told me. I know that — I know that she
20 had a talk with me, and she said why doesn't Nick use
21 the shuttle, and I said I don't know, you'll have to
22 talk to Nick. And so she contacted him and that's
23 what he told me is that he told her that he was six
24 foot, six, and he couldn't be clammed up in a van,
25 plus he had bike equipment half the time that he

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1 traveled, and so he needed his own separate car to do
2 that. And he wasn't married, even though he had a
3 girlfriend that lived with him, so he didn't have
4 anybody to take him to the airport supposedly.

5 So — but there was a D/FW Town Car invoice
6 that was submitted to my attention for Christmas time
7 frame for \$394, and I put it on his desk and it went
8 back and forth to my desk to his with — mine had a
9 big question mark as to what it was. Finally, I
10 addressed it with him, and I said with it going back
11 and forth like a yo-yo, that I went to him and I said,
12 so, what is this for? And he said, well, that is for
13 a limo service, and I said, I know, but it was around
14 the holiday time frame and we didn't have any
15 customers. And he said, well, that's employee
16 recognition.

17 Q. And that was his description to you?

18 A. That was his description and he said to pay
19 it.

20 Q. Did you code it as employee recognition?

21 A. I don't remember. I don't remember.

22 Q. Okay. Were there any other expenses that
23 you were given to file on expense reports that caused
24 you concern?

25 A. There was other invoices of his girlfriend's

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1 workout clothes. His girlfriend — and that one, I
2 said, what is this? And he said, oh, nothing and he
3 put it aside. And I think that if I wouldn't have
4 questioned it, then he would have just let it slide in
5 there. There was another time that —

6 Q. Wait a minute. That girlfriend workout
7 clothes, was that — where was that an invoice from?

8 A. Oh, I don't remember. I want to say
9 Oshman's. I don't remember where it was from. It may
10 even have been Richardson Bike Mart, but I remember it
11 stated on there, women's athletic wear, women's
12 athletic wear. And I — I knew it wasn't Team EDS
13 women's, but I just knew it probably wasn't. So
14 that's when I went to him about that. And it turned
15 out to be Christy's, his girlfriend.

16 Q. Did he tell you that?

17 A. No.

18 Q. How do you know it was Christy's?

19 A. I don't know. I just assumed because of —
20 her — she works out just as much as he did, so I

21 thought that that was probably hers.

22 Q. So he gave you this receipt that included
23 women's athletic apparel, you questioned it, went back
24 to him and said, what's this? And he took it back
25 from you, and said, oh, nothing?

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1 A. Yeah.

2 Q. And then didn't actually claim it on his
3 expense report?

4 A. Right.

5 Q. Another time he did try to submit an expense
6 report, and I don't remember the amount, but I
7 remember that it was pretty excessive, and it was for
8 Blockbuster Music Video, and it was around \$300 —
9 \$300 to \$400. That's what I want to say. I'm not
10 sure about the amount. But I went to him and I was
11 like, what is this for? And he said, well, it's for
12 spin class routines, and it's for Christy, and I said,
13 well, I shouldn't pay this. And he said, you don't
14 think so? Well, okay. And he took it back. So he
15 didn't claim that one.

16 And there was a few times where I said — I
17 would nonchalantly — because I didn't want to bring
18 up to him as an issue on things because he would get
19 pretty irate about something, so I would come to him
20 and say, this — you know, I wouldn't even say
21 anything. I would just put the — whatever the
22 expense receipt was, I would put it on his desk back
23 for him to see that I wasn't really going to do

24 anything, just without saying it, and so I wouldn't
25 have to confront the issue and confront him, and then,

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1 plus, just he wouldn't have to be — he wouldn't have
2 to justify to me, and I wouldn't have to listen to
3 it.

4 Q. Okay. We appreciate you coming in and
5 talking with us today. And you mentioned that you
6 would agree to come back tomorrow for a little while.
7 What time do you think you could come in tomorrow?

8 A. I would like to come in really early so I
9 can take my son to school.

10 Q. Before we get to that, let me just say that
11 you remember that you signed a confidentiality
12 agreement?

13 A. Uh-huh.

14 Q. And that's still in effect, not to discuss
15 what we talked about with anyone else.

16 A. Okay.

17 Q. We appreciate you coming in, and we'll go
18 off the record.

19 (Statement concluded; 6:12 p.m.)

20

21

22

23

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D'RINDA TAYLOR - MAY 20, 1999 114

1 CHANGES AND SIGNATURE

2 WITNESS NAME: D'RINDA TAYLOR

3 PAGE	LINE	CHANGE	REASON
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D'RINDA TAYLOR - MAY 20, 1999 115

1 I, D'RINDA TAYLOR, have read the foregoing

2 deposition and hereby affix my signature that same is

3 true and correct, except as noted above.

4

5

D'RINDA TAYLOR

6

7

8 STATE OF *

9 COUNTY OF *

10

11 Before me, , on this day

12 personally appeared D'RINDA TAYLOR, known to me (or

13 proved to me under oath or through)

14 (description of identity card or other document) to be

15 the person whose name is subscribed to the foregoing

16 instrument and acknowledged to me that they executed

17 the same for the purposes and consideration therein

18 expressed.

19

20 Given under my hand and seal of office this

21 day of , 1999.

22

23 NOTARY PUBLIC IN AND FOR
24 THE STATE OF

25

My commission expires:

25

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D'RINDA TAYLOR - MAY 20, 1999 116

1

STATE OF TEXAS)

2

COUNTY OF DALLAS)

3

4 I, Rachelle D. Ray, Certified Shorthand Reporter,

5 in and for the State of Texas, certify that the
6 foregoing proceedings were reported stenographically
7 by me at the time and place indicated.

8

9

10

11

12 Given under my hand on this day of

13 , 1999.

14

15

RACHELLE D. RAY, Certified
Shorthand Reporter No. 6178
in and for the State of Texas
Dickman Davenport, Inc.
3000 Carlisle, Suite 113
Dallas, Texas 75204
e-mail: info@dickmandavenport.com
www.dickmandavenport.com
My commission expires 12/31/00

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