

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

NO. 380-810-99

ELECTRONIC DATA SYSTEMS) IN THE DISTRICT COURT
CORPORATION,)
)
Plaintiff,)
)
VS.) COLLIN COUNTY, TEXAS
)
NICHOLAS E. CHENOWTH,)
)
Defendant.) 380TH JUDICIAL DISTRICT

ORAL DEPOSITION OF
LESTER M. ALBERTHAL, JR.
AUGUST 26, 1999

ORAL DEPOSITION of LESTER M. ALBERTHAL,
JR., produced as a witness at the instance of the
plaintiff, and duly sworn, was taken in the above-styled
and numbered cause on the 26th of August, 1999, from
9:12 a.m. to 10:17 a.m., before Stacy Jordan, CSR, in
and for the State of Texas, reported by machine
shorthand, at the offices of EDS, 5400 Legacy, in the
City of Plano, County of Collin, State of Texas,

25 pursuant to the Texas Rules of Civil Procedure.

1 A P P E A R A N C E S

2 FOR THE PLAINTIFF:
3 Mr. Stephen G. Gleboff
4 HUGHES & LUCE, L.L.P.
5 1717 Main Street, Suite 2800
6 Dallas, Texas 75201

7 FOR THE DEFENDANT:
8 Mr. Geoffrey S. Harper
9 LYNN, STODGHILL, MELSHEIMER, TILLOTSON, L.L.P.
10 750 North St. Paul Street, Suite 1400
11 Dallas, Texas 75201

12 ALSO PRESENT:
13 Ms. Marla Thornton

14
15
16
17
18
19
20
21
22

23

24

25

3

1	I N D E X	
1	WITNESS	PAGE
2	LESTER M. ALBERTHAL, JR.	
3	EXAMINATION BY MR. GLEBOFF	4
4	EXAMINATION BY MR. HARPER	23
	EXAMINATION BY MR. GLEBOFF	50

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

4

1 PROCEEDINGS

2 LESTER M. ALBERTHAL, JR.,

3 having been first duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. GLEBOFF:

6 Q. Would you state your name for the record,

7 please.

8 A. Lester M. Alberthal, Jr.

9 Q. Mr. Alberthal, do you live in Dallas?

10 A. Yes.

11 Q. Do you currently have a relationship with EDS?

12 A. Basically a consulting relationship, on-call,

13 if needed.

14 Q. Can you give us an idea from — if there's a

15 convenient time point, say, in the last 10 or 12 years

16 to start with, what your positions were with EDS.

17 A. Well, I guess the most obvious one was

18 December of 1986 when Perot left and I became president

19 and CEO.

20 Q. How long were you the president and CEO of

21 EDS, sir?

22 A. I was actually president five or six months

23 before that, so I really became CEO in December of '86

24 and then I was president, CEO, and later chairman

25 through December 31, 1998.

5

1 Q. Do you know a gentleman — and I'm not sure

2 that I'm going to get the pronunciation right; I've

3 heard it two different ways — named Nicholas Chenoweth?

4 A. Yes, I am.

5 Q. Who is that person, sir?

6 A. Nick was an EDS employee.

7 Q. Did you know Mr. Chenoweth to also be a

8 cyclist?

9 A. Yes.

10 Q. Were you, Mr. Alberthal, involved in the

11 formation of the cycling team called Team EDS?

12 A. Only from the standpoint that the idea was

13 presented by some of our leadership, and the conceptual

14 aspect of it, I was involved in.

15 Q. Okay. Can you explain to us, sir, what

16 the — what the idea was behind forming Team EDS.

17 A. The idea behind it was a thought process that

18 would allow us entree into some of the sporting events,

19 and for a lesser cost, have access to some of these
20 sporting event venues.

21 For example, our relationship with Team
22 EDS from a cycling standpoint and the Cycling Federation
23 allowed us access into the Olympic environment, and we
24 were able to get positions at the Olympics and other
25 sporting events where we could take customers. So it

6

1 was a way to get EDS' name out in front of the public
2 without being a major sponsor.

3 An example is, the Olympics were — to be
4 an Olympic sponsor, to use the Olympic rings, it cost
5 you somewhere — endless amounts of money. We weren't
6 after the ability to use the Olympic rings, but we did
7 want to have access to entertain customers, so it was a
8 marketing approach that allowed us access to — to
9 different sporting events.

10 And it encompassed over the years support
11 that we gave to racing, which Chevrolet and Pontiac were
12 our customers, and we would do something in racing. We
13 did the cycling. We did soccer. Soccer was very
14 important to our international customers, so we were a
15 sponsor in world soccer.

16 We also tried very hard in as many

17 different opportunities as we could to demonstrate
18 technology. An example, in automobile racing, we worked
19 with our customers and had a timing technology that
20 would time cars in certain positions and things of that
21 nature. On the World Cup, we did all of the venues, the
22 technical interface with reporters, the news media, so
23 we always tried to use our sports marketing support area
24 as a way to express and to demonstrate technology.

25 Q. What was the approximate time frame that Team

7

1 EDS started?

2 A. I do not recall when it started, but it was
3 basically the '90s, so it would have been after —
4 probably after 1990 sometime.

5 Q. What was Nick Chenowth's role in Team EDS?

6 A. As it developed over the years, he became the
7 manager of the group, of marketing support group that
8 was responsible for the — the different people and the
9 different venues that we did, whether it was cycling or
10 soccer or whatever it might be.

11 Q. Were you familiar with Mr. Chenowth's
12 activities as a competitive cyclist?

13 A. Only on the surface, not in any detail.

14 Q. You knew that he was a cyclist?

15 A. Yes.

16 Q. Did Mr. Chenoweth report to you about what was
17 going on with Team EDS?

18 A. Nick would, on occasion, give me a report to
19 keep me highlighted with what he was doing, and I would
20 say that that was, you know, every two or three months
21 at most, and it would be a brief 30-minute, 45-minute
22 kind of session.

23 Q. A face-to-face meeting?

24 A. Yes.

25 Q. Did you get any other reports formally through

8

1 the reporting chain or otherwise —

2 A. No.

3 Q. — on what Team EDS was doing?

4 A. No. It was not something I monitored
5 routinely.

6 Q. Okay. What was the reporting chain from, say,
7 Nick Chenoweth up to you in the '90s?

8 A. Nick was three or four levels down below me,
9 so it would have had to have been — probably most of
10 the time it would have been under Gary Fernandes because
11 Gary was responsible for our marketing — marketing
12 support as part of his responsibilities.

13 Under Gary, then, it would have been

14 probably John Harris for part of that time, and I don't
15 know who before John, and Vicki Yacovoni, and I can't
16 recall who the others might have been over that time,
17 but it was part of marketing support and that
18 organization. It changed with the times.

19 Q. Was Vicki Yacovoni the person to whom Nick
20 Chenoweth reported?

21 A. For a period of time, yes.

22 Q. Okay. Who is Vicki Yacovoni?

23 A. Vicki Yacovoni is a long-term EDS employee.
24 Of the 31 years that I was here, I know that she was
25 here 30 years and worked her way up through the

9

1 different positions. Started out as a secretary for one
2 of the officers in the company and basically worked her
3 way up to a manager of the marketing support area as
4 well as special events.

5 All of the people that would handle our
6 big meetings — you know, we'd go in for — we'd bring
7 in 200 managers from around the world, where they would
8 do all the coordination and all the planning of the
9 meetings and things of that nature.

10 Q. Who was the officer to whom Ms. Yacovoni was
11 secretary when she started out?

12 A. Mort Meyerson.

13 Q. Did Ms. Yacovoni report to you about the
14 goings-on of Team EDS?

15 A. No, not any more than in the same light that
16 she would — that Nick would have reported, just from
17 time to time. There was no direct reporting
18 relationship.

19 Q. Did you know Ms. Yacovoni to be an honest and
20 trusted employee of EDS?

21 A. To the best of my knowledge, Vicki was as
22 honest and trustworthy as could be. She was one of the
23 original people in the company, so she understood the
24 values of the company and everything we stood for, so I
25 have no knowledge or reason to believe that she did not

10

1 understand all that.

2 Q. Who was John Harris, or who is John Harris?

3 A. John Harris. A longtime employee of the
4 company, came up through the marketing ranks, managed
5 several different pieces of the operation over the years
6 and was — his last responsibility, that I'm aware of,
7 was heading up marketing support under Gary.

8 Q. Was Mr. Harris a trusted and honest employee
9 of EDS?

10 A. Yes, to the best of my knowledge. I had no

11 reason not to trust him or believe him completely.

12 Q. Who is Gary Fernandes, sir?

13 A. Gary Fernandes is a senior officer of the
14 company, also a long-term employee, joined the company a
15 year or so after I did, and has been with the company —
16 was with the company for 30 years up through the ranks.

17 Q. Did Mr. Harris report to you about Team EDS?

18 A. No.

19 Q. Okay. How about Mr. Fernandes?

20 A. Only when there was reason for us to talk
21 about it.

22 Q. Did — did you get involved with Mr. Fernandes
23 or any of the other people in this reporting chain in
24 preparing or planning the budgets for the team?

25 A. No.

11

1 Q. Did you know Mr. Fernandes to be an honest and
2 trusted employee of EDS?

3 A. Yes, I did.

4 Q. Were you a supporter of Team EDS,
5 Mr. Alberthal?

6 A. Yes. I supported the concept because I
7 thought it was something we needed to do, something we
8 needed to be involved in. Keeping in mind, when you use
9 the term EDS, to me that is all encompassing of all the

10 things that we did in marketing support as it relates to
11 athletics.

12 Our problem as a service company is it
13 was very expensive to try to do some of the kinds of
14 advertising that other people like Coca-Cola and product
15 companies did. So we had to utilize technology and
16 utilize our ability to make technology work to have
17 access to the different venues, and we did that with
18 world soccer and auto racing and the Cycling Federation
19 and also, to a lesser degree, but to somewhat with the
20 Olympics.

21 Q. Were the — the cycling efforts — when I say
22 cycling, I mean Team EDS and Cycling USA and really
23 anything else cycling-related that EDS would have done.
24 Were the cycling efforts of EDS exempt from the policies
25 and procedures that governed other aspects of business

12

1 at EDS?

2 MR. HARPER: Objection: form.

3 Q. You can answer the question, sir.

4 A. Absolutely not.

5 Q. What — in which department was the budgeting
6 done for the cycling efforts?

7 A. Our budgeting process was ground up, so it

8 would have started in that area and gone through the
9 management chain.

10 Q. Did you ever say anything to Mr. Chenowth to
11 give him the impression that he was somehow exempt from
12 EDS' policies and procedures related to budgeting and
13 expenses?

14 A. No.

15 Q. Did you ever tell him explicitly that he
16 was — he or the cycling efforts were exempt from EDS'
17 policies and procedures regarding budgeting and
18 expenses?

19 A. No.

20 Q. Did you ever authorize Mr. Chenowth to use any
21 unusual accounting or invoicing to finance Team EDS?

22 A. No.

23 Q. Did you ever tell Mr. Chenowth that he had
24 carte blanche, to use a phrase, in order to finance the
25 cycling activities in which he was involved?

13

1 A. No.

2 Q. Did you ever authorize Mr. Chenowth to
3 prepare or submit any false invoices for reimbursement
4 to EDS?

5 A. Absolutely not.

6 Q. Did you ever authorize Mr. Chenowth to prepare

7 or submit any false invoices in order to obtain payments
8 to EDS vendors?

9 A. Absolutely not.

10 Q. Did you ever authorize Mr. Chenowth to receive
11 any money from an EDS vendor?

12 A. Absolutely not.

13 Q. Is it permissible for an EDS employee — let
14 me start over so this will be clear.

15 During the time that you were the
16 president or the chairman of EDS, was it permissible for
17 an EDS employee to receive a payment or receive money
18 from an EDS vendor?

19 A. Absolutely not.

20 Q. Did you, sir, give Mr. Chenowth authority to
21 loan any EDS money for construction of the velodrome in
22 the City of Frisco?

23 A. No.

24 Q. Did you give Mr. Chenowth any authority to
25 exceed the budget that EDS had set for construction of

14

1 the velodrome in Frisco?

2 A. Not that I recall, no.

3 Q. Do you know a gentleman by the name of Martin
4 Nothstein?

5 A. Yes.

6 Q. Okay. Who is he?

7 A. He was one of the employees and cyclists under

8 Nick.

9 Q. Do you know what Mr. Nothstein's salary was at

10 EDS?

11 A. No.

12 Q. Did you authorize Mr. Chenoweth to pay

13 Mr. Nothstein any money over and above his EDS salary?

14 A. No.

15 Q. Did — to your knowledge, did Ms. Yacovoni

16 ever ask you for authority to pay Mr. Nothstein any

17 money over and above his EDS salary?

18 A. No.

19 Q. If you had wanted to, sir, as the president

20 and the chairman of EDS, could you have authorized a

21 salary to Mr. Nothstein in the amount of \$200,000?

22 MR. HARPER: Objection: form.

23 A. As a straight salary?

24 Q. Yes.

25 A. Yes, I had that authority.

15

1 Q. Were you ever asked by Mr. Chenoweth to

2 authorize a salary in the amount of \$200,000 or more for

3 Mr. Nothstein?

4 A. Not that I recall, no.

5 Q. Did Mr. Chenoweth ever ask you for authority to
6 employ any unusual accounting techniques in order to
7 finance the cycling efforts at EDS?

8 A. Not that I recall, no.

9 Q. Did he ever ask you for authority to prepare
10 or submit false invoices to EDS?

11 A. No.

12 Q. Did he ever ask you for authority to receive
13 money from an EDS vendor?

14 A. No.

15 Q. Did he ever ask you for authority to loan EDS
16 funds to the City of Frisco for construction of the
17 velodrome?

18 A. No.

19 Q. Did he ever ask you for authority to pay
20 Mr. Nothstein any money over and above his EDS salary?

21 A. No.

22 Q. Did he ever ask you for authority to have any
23 EDS vendor pay Mr. Nothstein money over and above his
24 EDS salary?

25 A. No.

1 Q. I want to ask you some questions specifically

2 about particular EDS vendors, Mr. Alberthal.

3 A. Okay.

4 Q. Are you familiar with a retail store, I guess

5 in Richardson, called the Richardson Bike Mart?

6 A. No.

7 Q. Did Mr. Chenoweth have any authority to submit

8 to EDS Richardson Bike Mart invoices that purported to

9 be for cycling equipment that was not, in fact,

10 purchased by EDS?

11 A. Not that I know of, no.

12 Q. Did Mr. Chenoweth ever ask you for authority to

13 submit any Richardson Bike Mart invoices that on their

14 face showed they were for cycling equipment which, in

15 fact, was not received by EDS?

16 A. No.

17 Q. Are you familiar with a bicycle support and

18 retail store called Texas Racing Works?

19 A. I've heard the name, but I'm not familiar with

20 it.

21 Q. Did Mr. Chenoweth ever ask you for authority to

22 submit Texas Racing Works invoices to EDS that purported

23 to be for cycling equipment that, in fact, was not

24 received by EDS?

25 A. No.

1 Q. Did Mr. Chenoweth have the authority to submit
2 invoices of Texas Racing Works that purported to be for
3 cycling equipment that, in fact, was not received by
4 EDS?

5 A. No.

6 Q. Did Mr. Chenoweth have the authority to receive
7 from Texas Racing Works cashier's checks payable to
8 himself, Mr. Chenoweth, which were the results — or
9 which were in like amounts as the invoices that had been
10 paid by EDS?

11 A. No.

12 Q. Did Mr. Chenoweth ever ask for authority from
13 you to receive cashier's checks from Texas Racing Works?

14 A. No.

15 Q. Did Mr. Chenoweth have the authority to receive
16 reimbursement from EDS for personal expenses?

17 A. If personal — personal expenses if they were
18 having to do with the job. Line management has the
19 authority to approve something, you know, if it was
20 business-related or something of that nature, but not as
21 a general, just go spend money and it gets reimbursed,
22 no.

23 Q. Did Mr. Chenoweth ever ask you for authority to
24 be reimbursed for non-business-related personal
25 expenses?

1 A. No.

2 Q. To the best of your knowledge, Mr. Alberthal,
3 did Gary Fernandes ever authorize Mr. Chenowth to submit
4 false invoices to EDS?

5 A. No.

6 Q. To the best of your knowledge, did
7 Mr. Fernandes ever authorize Mr. Chenowth to receive any
8 payments from EDS vendors?

9 A. No.

10 Q. How about John Harris? Do you know if he ever
11 authorized Mr. Chenowth to submit any false invoices?

12 A. No.

13 Q. Did Mr. Harris ever authorize Mr. Chenowth to
14 receive payment from EDS for personal expenses?

15 A. No.

16 MR. HARPER: Objection: form.

17 Q. To the best of your knowledge, did Vicki
18 Yacovoni ever authorize Mr. Chenowth to submit any false
19 invoices to EDS?

20 A. No.

21 Q. To the best of your knowledge, did Vicki
22 Yacovoni ever authorize Mr. Chenowth to receive any
23 payments from EDS vendors?

24 A. No.

25 Q. And to the best of your knowledge, did Vicki

19

1 Yacovoni ever authorize Mr. Chenowth to receive
2 reimbursement for non-business-related personal
3 expenses?

4 A. No.

5 Q. I'm not sure I asked you all of those
6 questions as to each person, but just so that it's
7 clear, to the best of your knowledge, did Mr. Fernandes
8 or Harris or Ms. Yacovoni ever authorize any false
9 invoices by Mr. Chenowth?

10 A. No, and they wouldn't have the authority to.

11 Q. Could anyone at —

12 MR. HARPER: Objection: nonresponsive.

13 Q. Let me ask you another question so that
14 Mr. Harper will be satisfied with the record we're
15 making today, hopefully.

16 Could anyone within EDS, during the time
17 that you were the president or the chairman, authorize
18 the preparation of a false invoice to be submitted for
19 reimbursement?

20 A. No.

21 Q. Can you explain that, sir.

22 A. Well, first off, that would be a violation of

23 company policy. Secondly, EDS is on open book. We are
24 audited by different audit agencies continuously, and
25 that's, in my mind, a basic illegal act, and there's no

20

1 way we could ever afford to have an incident of that
2 type from a reputation standpoint.

3 Q. Who are the entities or companies that are
4 able to audit EDS?

5 A. It would be an exhaustive list. You'd have to
6 get that from EDS, but every government entity that we
7 touch in any way with any job that we do. Then, you'd
8 have to look at every contract that we had, because each
9 and every contract has, you know, provisions for audit
10 and checking and so forth.

11 So when you net it all out, from the
12 government and GM, who at the time was our owner and had
13 a complete audit group, to just about anybody and
14 everybody. I mean, we always had an entourage of
15 different audit groups in here auditing one thing or
16 another.

17 Q. Mr. Alberthal, was Team EDS a pet project of
18 yours as the chairman? And by that, I mean such that it
19 didn't need support from any other contingency in EDS?

20 A. Not from my perspective, but I think that if

21 you ever serve as chairman, everyone always tries to
22 create an aura around their special job, that it has
23 special attention, so it doesn't surprise me that people
24 might have thought that it had that.

25 But from my perspective, it was a project

21

1 that made a lot of sense and that I supported from the
2 beginning conceptually, and it was something that
3 eventually proved to be very effective with our soccer
4 and Olympic access. It was a very successful program.

5 Q. Were you willing to authorize expenses by Team
6 EDS or the cycling ventures regardless of the amount of
7 those expenses?

8 A. No.

9 Q. Was it your belief that Mr. Chenoweth needed to
10 garnish support from other members of management at EDS?

11 A. I told Nick that — he was complaining several
12 times that he wasn't getting support from some of the
13 different managers, and I told him that it was his
14 responsibility to demonstrate to them the importance of
15 marketing support and how he could support them in their
16 marketing efforts and that, you know, if he couldn't do
17 that, then it was going to be questioned by different
18 people in the company and it would eventually be
19 questioned by me as to whether or not it made sense. So

20 like everything else in EDS, he had to perform, and his
21 peers had to sense and feel that it was supportive.

22 Q. Were you aware, sir, that Mr. Chenowth had a
23 van that was provided by EDS for his use?

24 A. No.

25 Q. Were you aware, sir, that his — his,

22

1 Mr. Chenowth's — mother had a van that was owned by
2 EDS?

3 A. No.

4 Q. Do you trust Mr. Chenowth, Mr. Alberthal?

5 A. I did.

6 Q. And was he a trusted employee of EDS?

7 A. To the best of my knowledge, he was.

8 Q. Did you expect him to live up to the same
9 rules of conduct and honesty as the other employees of
10 EDS?

11 A. Not only yes, but more so since he was in
12 marketing support and very visible to the customers and
13 prospective customers.

14 Q. Can you explain to me what you mean by that as
15 to the visibility of marketing?

16 A. Well, marketing support is our front
17 supporting salesman in the field and, you know, they're

18 the first introduction to prospective customers and
19 existing customers of who and what EDS stands for. So
20 your salespeople, your marketing people have always got
21 to, as the saying goes, walk the walk and demonstrate
22 what the company is all about.

23 Q. Mr. Alberthal, while you were the chairman of
24 EDS, did you have any knowledge of Mr. Chenoweth
25 submitting any false invoices to EDS for reimbursement?

23

1 A. No.

2 Q. Did you have any knowledge of Mr. Chenoweth
3 receiving any payments from EDS vendors?

4 A. No.

5 Q. Did you have any knowledge of Mr. Chenoweth
6 receiving reimbursement for any non-business-related
7 personal expenses?

8 A. No.

9 Q. Did you have any knowledge — and — and all
10 of these questions are during the time you were chairman
11 of EDS, so that we're clear. Did you have any knowledge
12 of Mr. Chenoweth arranging for or making any payments to
13 Marty Nothstein above and beyond his EDS salary?

14 A. No.

15 MR. GLEBOFF: I'll pass the witness.

16 MR. HARPER: Sorry. I have got to kind

17 of switch gears.

18 EXAMINATION

19 BY MR. HARPER:

20 Q. Mr. Alberthal, my name is Geoffrey Harper.

21 I'm an attorney with the law firm of Lynn, Stodghill,

22 Melsheimer & Tillotson. I have just a — hopefully not

23 too long set of questions for you as well, both about

24 the testimony you just gave and about some other issues.

25 You testified just a moment ago that you

24

1 told Nick that he needed to get support of others in the

2 marketing effort, and if he did not, not only would they

3 begin to question it, but you yourself would eventually

4 begin to question the program. Did there ever become a

5 time when you began to question that program?

6 A. No.

7 Q. Do you have an attorney representing you here

8 today?

9 A. Hughes & Luce.

10 Q. Okay. So Hughes & Luce is the law firm

11 representing you?

12 A. Yes.

13 Q. Okay. When was the first time you became

14 aware of this lawsuit?

15 A. A week or so ago.

16 Q. Okay. Prior to that date, had you received
17 any reports or heard from anyone that there had been
18 allegations that Mr. Chenowth had submitted improper
19 receipts to EDS?

20 A. No.

21 Q. You said a moment ago when you were testifying
22 that you considered Nick Chenowth a trusted employee and
23 your words were, I did trust Mr. Chenowth. Prior to
24 hearing about this lawsuit a week ago, would you have
25 considered Mr. Chenowth a trustworthy individual?

25

1 A. Yes.

2 Q. Did you trust Mr. Chenowth?

3 A. Yes.

4 Q. When Team EDS was originally put together, you
5 mentioned the fact that your involvement was that it was
6 presented by other leadership. Is that other leadership
7 a gentleman by the name of Mal Gudis?

8 A. I do not recall.

9 Q. Okay. Do you have any recollection as to who
10 it was that originally supported —

11 A. No.

12 Q. Okay. Do you recall, prior to the creation of
13 Team EDS, Nick — well, I guess it wouldn't be prior to.

14 Do you recall, in the early stages of Team EDS, Nick
15 Chenoweth when he was first national champion while
16 wearing a Team EDS jersey?

17 A. Do I recall that?

18 Q. Yes, sir.

19 A. Yes.

20 Q. Do you recall sending Nick a congratulatory
21 letter at that time?

22 A. I don't recall it, but I could have.

23 Q. Was that your standard practice at that point
24 when employees did something of national prominence,
25 to —

26

1 A. It was standard practice to send notes and
2 phone calls to employees anytime it was an opportunity
3 to congratulate them or to make positive statements
4 about their representation of the company.

5 Q. And soon after Team EDS was created and after
6 Nick Chenoweth won this, do you recall about in February
7 of 1990, Nick Chenoweth asking for a personal meeting
8 with you on ways to expand the sports marketing
9 department?

10 A. I don't recall.

11 Q. Do you recall having a meeting with Nick

12 Chenoweth where he requested permission to use the

13 General Motors wind tunnel for testing?

14 A. I recall him talking about it. I don't recall

15 him asking permission from me, because that wasn't a

16 permission I could give. That was something that he

17 would have had to work out with our management team at

18 GM and the GM management team.

19 Q. So that was something you would have had no

20 involvement in?

21 MR. GLEBOFF: Objection: form.

22 A. I don't recall having any involvement in it.

23 Q. Do you recall a gentleman by the name of — is

24 it Jim Poisant? I don't know if I got the pronunciation

25 right. Is that an individual within EDS that you have

27

1 knowledge of?

2 A. The last name was what, again?

3 Q. God help my spelling, but I think what I have

4 written down is Poisant. Poisant.

5 A. Jim?

6 Q. Yes.

7 A. Yes.

8 Q. Okay. Who is Jim Poisant?

9 A. Now, you're going way back. Jim was an

10 employee a number of years ago and did some work in

11 marketing support and, as I recall, different kinds of
12 event management, things that Vicki would have done.

13 Q. Is that, like, he probably would have been —
14 was he Vicki's predecessor?

15 A. I don't know, but that's possible. We'd have
16 to check the records.

17 Q. Do you recall whether or not Mr. Poisant was
18 involved in examining EDS' role in the 1992 summer
19 Olympics?

20 A. I don't recall.

21 Q. Okay. Do you recall whether Nick Chenoweth had
22 any involvement in EDS' involvement in the 1992 summer
23 Olympics?

24 A. I don't recall.

25 Q. Was EDS' involvement in the 1992 summer

28

1 Olympics controversial within EDS?

2 MR. GLEBOFF: Objection: form.

3 A. I think the way to answer that is, there's not
4 many things in EDS that aren't controversial. People
5 are free to question anything. So, were there people
6 that were controversial about it; probably. I don't
7 remember anything about the '92 Olympics that, in
8 itself, was controversial.

9 Q. Do you recall after the 1992 Olympics
10 discovering that Team — or that EDS was not —
11 initially not going to be allowed to participate in the
12 1996 Olympics?

13 A. No.

14 Q. You mentioned the — early on in your
15 testimony about the methods that EDS used to get into
16 the 1996 Olympic game, basically through their
17 involvement with USA Cycling. Do you recall that
18 testimony?

19 A. Yes.

20 Q. Do you know who negotiated that deal with USA
21 Cycling?

22 A. No, but I would assume that it's Nick.

23 Q. Were you pleased with that deal?

24 MR. GLEBOFF: Objection: form.

25 A. The deal seemed to make sense to me, as I

29

1 understood it.

2 Q. Do you recall whether there was any
3 controversy within EDS as to that decision?

4 A. Well, again, there's always a faction of EDS
5 is going to question things, so I don't remember it
6 being a controversial event that was going to be —
7 that, to me, demonstrated any problem or condition other

8 than people would question, you know, why are we doing
9 something? Why are we spending money? They questioned
10 all of marketing support. They questioned meetings, so
11 it wasn't anything out of the ordinary.

12 Q. As a matter of fact, your deal with USA
13 Cycling allowed you to get full Olympic hospitality
14 privileges for a cost of about \$2 million a year; isn't
15 that right?

16 A. I don't recall what the cost was, but it did
17 allow us full access.

18 Q. And do you recall the publicity that EDS
19 engendered for that deal?

20 A. No.

21 Q. I remember that. It was back when I was into
22 all the cycling. Do you recall whether or not the
23 1990 — I guess they called that — do you recall them
24 using a label for the 1996 Olympic preparation as
25 something called Team 1996 or Project 1996?

30

1 A. No.

2 Q. Did you ever know whether or not the
3 preparations for the 1996 Olympics were ever — the
4 Project '96 ever reported to you?

5 A. A project of that level would not have

6 reported to me, no.

7 Q. Okay. Who would that project have reported
8 to?

9 A. It would have gone up through the management
10 chain.

11 Q. Okay. So in this case, had Nick been involved
12 in it, Nick presumably would have reported to Vicki
13 Yacovoni, who presumably would have reported to Gary
14 Fernandes; is that correct?

15 MR. GLEBOFF: Objection: form.

16 A. I don't remember the exact management chain,
17 but it would have been, at that time — again, the
18 record should reflect who reported to who.

19 Q. Okay. Did you consider the 1996 Olympic
20 hospitality a success?

21 A. The reports I got back from Gary and from
22 others was that it was successful.

23 Q. Do you recall studies being done by EDS and
24 others as to the financial impact of Team EDS and the
25 1996 Olympics on the company?

31

1 A. I recall there being some discussions about,
2 once it was over with, what did we learn and what was
3 the impact and things of that nature, but I don't recall
4 any details of it.

5 Q. Do you recall any study done by a company
6 called the Bonham Group which valued EDS' — or Team
7 EDS' involvement in 1996 at \$6 million to the company?

8 A. The what group?

9 Q. Bonham Group.

10 A. No.

11 Q. When did EDS first become involved, to the
12 best of your knowledge, in promoting a sponsorship with
13 the World Cup?

14 A. It would have been in the early '90s. It was
15 a couple — probably three World Cups ago, something
16 like that.

17 Q. Do you know whose idea it was to get involved
18 with the World Cup?

19 A. I don't know whose idea it was, but it was one
20 that was strongly supported by our international
21 management structure because of the — of their belief
22 that it would help them in the marketplace with name
23 identity and things of that nature.

24 Q. Was that an idea that would have had to
25 receive your personal support prior to being

32

1 implemented?

2 A. Not particularly, no.

3 Q. Do you know if any presentations were ever
4 made to you regarding whether or not EDS should be
5 involved in the World Cup?

6 A. There were some discussions about World Cup
7 and other marketing support things, predominantly from
8 an information standpoint.

9 Q. Do you know whether the decision of EDS — I'm
10 sorry. I keep asking this question and you keep telling
11 me everything is controversial, but I guess I need to
12 ask it anyway. Do you recall whether the decision of
13 EDS to be involved in the World Cup was a controversial
14 decision?

15 A. Again, I don't — you know, all during this
16 time period, we were growing rapidly and watching
17 expense control and so forth, so anytime you'd spend
18 something in marketing support, it would always get
19 questioned by the technical side of the company.

20 So, you know, there is some faction of —
21 of questioning going on, so I'm sure there was some
22 controversy from that standpoint, but, again, that's the
23 normal inner company debates and discussions that go on.
24 You know, the marketing support people want to know why
25 the FCs spent so much money; the FCs want to know why

2 So, you know, when you ask that question,
3 you've got to put it in the category of being that kind
4 of controversy, not some, the whole company is running
5 around discussing it, and one person, the chairman, is
6 saying we're going to do it anyway.

7 Q. With the other items that we discussed about
8 being controversial, your statement to me was something
9 to the effect of — why there was controversy, was, not
10 much more than usual. Do you feel that the controversy
11 surrounding the decision to invest in the World Cup was
12 more controversial than, say, a normal marketing
13 decision?

14 A. No, I don't think so.

15 Q. Okay. Do you recall when EDS first decided to
16 invest in the velodrome in Frisco?

17 A. Do I recall the discussions? Yes.

18 Q. Do you recall who first proposed EDS building
19 the velodrome in Frisco?

20 A. The first discussion that I recall was when
21 Nick talked about the possibility of getting the
22 physical — what would you call it — track and
23 components or whatever from the Olympics out of Atlanta
24 and the possibility of working a relationship with
25 Dallas or Richardson or Plano to have it locally.

1 Q. Did you support that idea?

2 A. Conceptually. The position was that if the
3 city would support it, then — and finance it and
4 underwrite it, then we would — you know, we would be
5 able to — to work with them and utilize that as a local
6 sporting venue.

7 Q. Do you know who signed the contract with the
8 City of Frisco about building the velodrome?

9 A. No.

10 Q. Do you know who would have had authority to
11 sign that contract?

12 A. Authority to sign that contract would have
13 been John Harris or Gary in the management chain.

14 Q. Do you recall whether or not the decision to
15 support the velodrome was a controversial decision
16 within EDS?

17 A. Like others, from that standpoint.

18 Q. When you say, like others, are you saying that
19 you don't think the controversy was more than normal?

20 A. I think the velodrome may have had slightly
21 more than others because it was local and it got local
22 criticism, but, again, that's local and not outside
23 of — elsewhere in the company.

24 Q. Was it normal for an employee at Nick's

25 level — I guess you testified that he was five stages

35

1 below you. Was it normal for an employee at that level

2 to report to you as often as Nick did?

3 MR. GLEBOFF: Objection: form.

4 A. It was not uncommon for people to brief me on

5 things that were going on at all levels in the company,

6 and so from that standpoint, it was not uncommon. Nick

7 did not report to me and never did.

8 Q. Right, but I believe you said that he would

9 meet with you?

10 A. Every two or three months or so.

11 Q. Right.

12 A. No, that's not uncommon. I'd meet with

13 management at all levels. My office was open to anybody

14 that had a legitimate reason to meet.

15 Q. Did you feel in those meetings he kept you

16 fairly well apprised of the Global Sports activity?

17 A. At a high level, yes. From my standpoint, I

18 heard what I needed to hear.

19 Q. Did you feel that Nick's group was successful?

20 A. Yes.

21 Q. And when you say that you felt it was

22 successful, what, in particular, do you mean?

23 A. Well, at the level that I understood it, you

24 know, the World Cup activities, the Olympic activities,
25 the feedback that we received from customers,

36

1 prospective customers, and management throughout the
2 company, continued to grow and become more and more
3 positive, so to me that was success.

4 Q. Did you find that Nick was enthusiastic for
5 his job?

6 A. Yes.

7 Q. Did you think that Nick always worked hard at
8 his job?

9 A. Yes.

10 Q. Did you trust the reports that Nick gave you?

11 A. Yes.

12 Q. When EDS originally decided to start
13 supporting a cycling team, was Nick the only executive
14 within EDS with any sort of expertise in the cycling
15 field?

16 MR. GLEBOFF: Objection: form.

17 A. I don't recall, but I can't think of anyone
18 else that had expertise in that.

19 Q. Would it surprise you, then, that Nick was
20 given leeway in deciding which equipment was necessary
21 to build the team?

22 MR. GLEBOFF: Objection: form.

23 A. No, that wouldn't surprise me.

24 Q. Did you ever see a copy of Team EDS' budget?

25 A. Not that I recall, no.

37

1 Q. Would it surprise you to hear that the budget
2 of the team was cut every year?

3 MR. GLEBOFF: Objection: form.

4 A. It wouldn't surprise me, because the budgeting
5 process, as I said earlier, started at the bottom and
6 came up, and many times it was a wish list, and I can't
7 think of a budget that wasn't cut.

8 Q. The same thing happens to me. Would you agree
9 with me that it was important, then, that Team EDS stay
10 within its budget?

11 A. It was important for all parts of the budget
12 to stay within budget.

13 Q. Would you say it was more important for
14 controversial projects such as Team EDS to stay within
15 their budget —

16 MR. GLEBOFF: Objection: form.

17 Q. — in research and development?

18 MR. GLEBOFF: Sorry. Objection: form.

19 A. No, not particularly.

20 Q. Okay. Did you ever have any discussions with

21 anyone at EDS regarding specific expenditures for Team

22 EDS?

23 A. Specific expenditures, no, I don't recall.

24 Q. Were you made aware that in 1994, Vicki

25 Yacovoni decided that Team EDS needed to have a cash —

38

1 needed to have cash available to it to pay certain

2 vendors?

3 A. No.

4 MR. GLEBOFF: Objection: form.

5 Q. Would Vicki Yacovoni have had the authority to

6 pay any vendors in cash?

7 A. I would — I would say that, to the best of my

8 knowledge, nobody has authority to pay anything in

9 cash. If there were some sort of an exception, then it

10 would have to meet accounting and audit rules and

11 regulations.

12 Q. Why is it that no one at EDS — or that you

13 feel that no one at EDS had authority to pay cash for

14 anything?

15 A. Well, cash is very difficult to manage and

16 have audit trails, so, you know, petty cash, as a

17 concept, was always something that we challenged and

18 tried to minimize to the absolute minimum, so cash for

19 any other purposes would be even more scrutinized.

20 Q. So if Vicki Yacovoni had wanted to create a
21 petty cash for Team EDS, is it your opinion that that
22 request would not have been granted?

23 MR. GLEBOFF: Objection: form.

24 A. No, I don't know that it would not have been
25 granted, but she would have had to go get approval and

39

1 support. I don't believe at her level she would have
2 had the authority to do that solely on her own.

3 Q. Okay. Who would she have needed to ask for
4 permission?

5 A. It would have been her management chain and
6 whatever the accounting rules and regulations were at
7 that point in time.

8 Q. Recognizing that you were fairly high up the
9 food chain at EDS at this point, were you aware of what
10 EDS' regulations were about selecting a vendor?

11 A. Not in detail, other than everything was
12 competitive in one form or another.

13 Q. I mean, could a — a group just choose any
14 vendor it wanted for purposes of purchasing?

15 MR. GLEBOFF: Objection: form.

16 A. I don't recall at that level. It's possible
17 that they — they could have.

18 Q. It's possible that you just don't know?

19 A. Right.

20 Q. Okay. Were you aware that Team EDS, with this
21 cash fund that they developed, found an ability to buy
22 cycling equipment cheaper than they could have
23 otherwise?

24 MR. GLEBOFF: Objection: form.

25 A. No.

40

1 Q. You were never — you were never informed of
2 this?

3 A. Not that I recall, no.

4 Q. On your level, you just didn't know, or you —
5 or you don't know whether or not that was true or not?

6 MR. GLEBOFF: Objection: form.

7 A. Well, I don't know if it was true or not, but
8 even if somebody would have said something on cash, the
9 natural assumption would have been it would have
10 followed all given procedures.

11 Q. Would it surprise you to know that Vicki
12 Yacovoni told at least four people that she had had a
13 conversation with you regarding a cash fund for Team
14 EDS?

15 MR. GLEBOFF: Objection: form.

16 A. Yeah, it would surprise me.

17 Q. Do you have any idea why she would make that
18 statement?

19 A. No.

20 MR. GLEBOFF: Objection: form.

21 Q. Let me talk with you just a minute, if I
22 could, about Marty Nothstein. Well, no, let me back up.

23 Let me talk with you a little bit just
24 generally about the riders for Team EDS. Do you recall
25 that there was a policy within EDS that — an official

41

1 policy within EDS that all of the riders for the team
2 would be full-time employees of EDS?

3 A. Yes.

4 Q. Why was that policy in place?

5 A. Because we didn't want to do what other
6 companies do and go out and hire professional people to
7 be cyclists. If it was an extension of employees,
8 then — then we thought it made sense.

9 Q. Are you aware that several of your employees
10 would do little or no work other than Team EDS?

11 A. No.

12 MR. GLEBOFF: Objection: form.

13 Q. Did you know a rider by the name of Chris
14 Carlson?

15 A. I think I met — I met all the riders at one
16 time or another.

17 Q. Does the name Chris Carlson stand out in any
18 way for you?

19 A. Not particularly.

20 Q. I will represent to you that Chris Carlson was
21 a rider for Team EDS who is also an attorney within —
22 in-house counsel for EDS. Would it surprise you to know
23 that while he was paid to be in-house counsel,
24 Mr. Carlson would do legal work less than four months a
25 year?

42

1 MR. GLEBOFF: Objection: form.

2 A. The question is, would that surprise me? Yes,
3 that would surprise me.

4 Q. Okay. Would it be your understanding that a
5 member of Team EDS who is also an attorney would be a
6 full-time attorney for EDS?

7 A. No, that wouldn't surprise me. Again, Nick
8 always talked about these guys all had full-time jobs
9 and did their training on their own time.

10 Q. Do you recall a meeting with Nick in March of
11 1997 where he explained to you they were having a
12 problem of theft of equipment on Team EDS?

13 A. No, I don't recall that.

14 Q. Do you recall hearing at any time that a
15 gentleman by the name of Chris Carlson was taking
16 equipment from Team EDS?

17 MR. GLEBOFF: Objection: form.

18 A. No, I don't recall.

19 Q. Do you recall hearing at any time that a woman
20 by the name of Jennifer Evans was taking equipment from
21 Team EDS?

22 MR. GLEBOFF: Objection: form.

23 A. No, I don't recall.

24 Q. Do you recall when Marty Nothstein began to
25 work at EDS?

43

1 A. No.

2 Q. Do you recall what his position was within
3 EDS?

4 A. I only knew Marty as part of the cycling
5 team. I didn't know anything else about what his
6 position was.

7 Q. Would you say Marty was the most successful
8 rider of Team EDS?

9 MR. GLEBOFF: Objection: form.

10 A. I don't have any ability to judge success. I
11 know that he was, like Nick, successful.

12 Q. Do you recall a meeting in November of 1995 —
13 I'm sorry. I had it referred to as a committee meeting,
14 which means nothing, I'm sure, to either you or me. It
15 would have been with you, Gary Fernandes, and one other
16 individual, whose name I don't have, regarding whether
17 or not EDS was going to renew its commitment with USA
18 Cycling.

19 A. I don't recall that meeting, no.

20 Q. Do you recall having any presentation in 1995
21 where Nick Chenoweth made a presentation for an hour or
22 hour and a half regarding whether or not Team EDS — or
23 regarding if EDS would continue to support USA Cycling?

24 A. I don't recall a specific meeting, but it
25 doesn't surprise me that we would have had discussions

44

1 and presentations all along on justifying the things
2 that we were doing.

3 Q. Do you recall in any one of these meetings
4 after a particularly heated discussion asking for a
5 break in the meeting and asking to talk to Nick
6 privately?

7 A. No, I don't recall.

8 Q. Do you ever recall during at any one of your
9 meetings asking Nick, not in front of the other members,

10 exactly how much money it would take to continue the

11 cycling program?

12 A. I don't recall that specifically, but, again,

13 in discussions about whether something makes sense or

14 not, there was always discussions about how much did we

15 spend, what did our competition spend, what are we

16 getting for it, what are the benefits? There were

17 probably numerous conversations of that sort.

18 Q. Do you recall, during any of those

19 conversations, Nick Chenoweth saying to you that you

20 could continue your commitment to cycling for \$2 million

21 each, which would include payments to Marty?

22 A. No.

23 Q. Are you saying you don't recall, or are you

24 saying that conversation did not take place?

25 A. Well, your question said payments to Marty,

45

1 and I never approved payments to Marty.

2 Q. I understand.

3 A. Was there conversations about the budget and

4 some number of dollars and going forward? It could very

5 well have been, but, again, this isn't — there never

6 was a situation where I made decisions on the budget and

7 went around the management chain.

8 Q. During the time while you were chairman of

9 EDS, did you ever receive any complaints about Nick?

10 A. Nick personally?

11 Q. Yes, sir.

12 A. Not that I recall, no.

13 Q. After you left EDS, were you aware that they

14 started to dismantle the Global Sports division?

15 A. I only heard rumors that it was being

16 challenged.

17 Q. Do you know — of the rumors you heard, did

18 you hear who was challenging it?

19 A. No.

20 Q. You know that soon after you left, Gary

21 Fernandes was let go?

22 A. No, Gary Fernandes retired from EDS the same

23 time I did. There was — he was not here one minute

24 after I was. We both retired at the same time.

25 Q. Are you aware that John Harris was let go soon

46

1 after you left?

2 A. I'm aware that John Harris left EDS some

3 months after — after I left.

4 Q. Are you aware that within three weeks after

5 your leaving, the budget for Global Sports was cut from

6 \$14 million to less than \$5 million?

7 MR. GLEBOFF: Objection: form.

8 A. No.

9 Q. Are you aware that after you left — first of
10 all, do you know a gentleman by the name of Pat Sculley?

11 A. Yes.

12 Q. Who is Pat Sculley?

13 A. Pat Sculley is a longtime employee of EDS that
14 has served in a number of different managerial
15 positions.

16 Q. Did you ever have any conversations with Pat
17 Sculley regarding Team EDS or the Global Sports
18 division?

19 A. No.

20 Q. Are you aware of Mr. Sculley's views regarding
21 Global Sports?

22 A. No.

23 Q. Were you aware that after you left,
24 Mr. Sculley ordered Nick Chenoweth to back out of plans
25 to support USA Cycling?

47

1 MR. GLEBOFF: Objection: form.

2 A. No.

3 Q. Does that surprise you?

4 MR. GLEBOFF: Objection: form.

5 A. After leaving EDS, nothing surprises me. I

6 mean, it's a new era; it's a new regime. I mean, it's a
7 new thought process.

8 Q. That's exactly right. There was a new regime
9 and a new thought process after you left EDS; is that
10 right?

11 MR. GLEBOFF: Objection: form.

12 Q. And does it surprise you to know that this —
13 well, I'm sorry. I didn't get an answer to the last
14 question.

15 MR. GLEBOFF: Objection: form.

16 A. What was the question?

17 MR. HARPER: Can you read the last
18 question back?

19 (Record read.)

20 A. Yes.

21 Q. Were you aware that this, as you put it, new
22 regime ordered Nick Chenoweth to sever all ties with the
23 World Cup?

24 A. No.

25 Q. Does that surprise you?

48

1 A. I have difficulty answering the questions
2 about surprises, because I don't know what constitutes a
3 surprise or not.

4 From my perspective, I don't — you know,
5 I think that's a foolish decision, if that's what it
6 was. I'm not — I wasn't aware of it, but I think not
7 supporting the World Cup would be a bad decision, in
8 my — in my opinion, so from that standpoint, yeah, I
9 guess it would surprise me.

10 Q. Do you think it was also a foolish decision
11 not to support USA Cycling?

12 MR. GLEBOFF: Objection: form.

13 A. Again, from my perspective, from the time
14 frame that I made the decisions about what EDS was doing
15 in the marketplace, I thought it was the appropriate
16 thing to do. If a different look at the marketplace
17 comes up with different decisions, then so be it.

18 Q. Are you aware that EDS decided to disband Team
19 EDS?

20 A. I heard that rumor.

21 Q. Do any of these decisions regarding the
22 dismantling of Global Sports bother you?

23 MR. GLEBOFF: Objection: form.

24 A. I don't think it's my position to be bothered
25 one way or the another. Those are the decisions of EDS,

1 and it's not my decision.

2 Q. Are you aware that Nick Chenoweth was let go

3 from EDS?

4 A. I heard that.

5 Q. Where did you first hear about that?

6 MR. GLEBOFF: I'm going to object to the
7 question to the extent it would call Mr. Alberthal to
8 disclose any attorney-client communications, and to that
9 extent, I will instruct him not to answer. You — if
10 you can rephrase your question so as to eliminate the
11 possibility of disclosure of a privileged conversation,
12 then I will allow him to answer.

13 MR. HARPER: I think that's a very valid
14 objection.

15 MR. GLEBOFF: That's a first.

16 MR. HARPER: And well-phrased, no less.

17 Q. You stated you had heard that Nick Chenoweth
18 was let go. Did you hear about — have you heard
19 anything about Nick Chenoweth being let go from anyone
20 besides an attorney at EDS?

21 A. I'm trying to recall. I get rumors and
22 did-you-know questions and comments from people day in
23 and day out. I'm trying to recall. I think I first
24 heard about Nick's leaving the company from my
25 secretary.

1 Q. During the entire time that you knew Nick
2 Chenoweth, while you worked with Nick Chenoweth, do you
3 ever recall him lying to you?

4 MR. GLEBOFF: Object to the form.

5 A. No, not that I know of.

6 Q. Did you ever recall a moment where he was
7 untrustworthy?

8 A. No, not that I know of.

9 MR. HARPER: I'll pass the witness.

10 EXAMINATION

11 BY MR. GLEBOFF:

12 Q. I've just got a couple of questions,
13 Mr. Alberthal. Were managers who were responsible for
14 projects at EDS that were subject to criticism or
15 subject to controversy authorized to do anything
16 creative or off the books to pay for their projects?

17 A. Absolutely not.

18 MR. HARPER: Objection: form.

19 A. Absolutely not.

20 Q. Are you familiar with Mr. Chenoweth's work
21 schedule at EDS?

22 A. No.

23 Q. Do you know how many hours a day he worked?

24 A. No.

25 Q. Do you know whether he came to work on

1 Fridays?

2 A. No.

3 MR. GLEBOFF: Pass the witness.

4 MR. HARPER: No more questions.

5 (Deposition concluded at 10:17 a.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 CHANGES AND SIGNATURE

2 WITNESS NAME: LESTER M. ALBERTHAL, JR.

3 PAGE LINE CHANGE REASON

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

53

1 I, LESTER M. ALBERTHAL, JR., have read the
2 foregoing deposition and hereby affix my signature that
3 same is true and correct, except as noted above.

4

5 _____

6 LESTER M. ALBERTHAL, JR.

7

8 THE STATE OF _____)

9 COUNTY OF _____)

10

11 Before me, _____, on this
12 day personally appeared LESTER M. ALBERTHAL, JR., known
13 to me (or proved to me under oath or through
14 _____) (description of identity card or other
15 document) to be the person whose name is subscribed to
16 the foregoing instrument and acknowledged to me that
17 they executed the same for the purposes and
18 consideration therein expressed.

19 Given under my hand and seal of office this

20 _____ day of _____, 1999.

21

20 for the witness for examination, signature and return to
21 me by September 22, 1999;

22 That the amount of time used by each party at
23 the deposition is as follows:

24 Mr. Stephen G. Gleboff - 26 minutes

25 Mr. Geoffrey S. Harper - 39 minutes

55

1 That pursuant to information given to the
2 deposition officer at the time said testimony was taken,
3 the following includes counsel for all parties of
4 record:

5 Mr. Stephen G. Gleboff, attorney for plaintiff

6 Mr. Geoffrey S. Harper, attorney for defendant

7 I further certify that I am neither counsel
8 for, related to, nor employed by any of the parties or
9 attorneys in the action in which this proceeding was
10 taken, and further that I am not financially or
11 otherwise interested in the outcome of the action.

12 Further certification requirements pursuant to
13 Rule 203 of TRCP will be certified to after they have
14 occurred.

15 Certified to by me this ____ day of

16 _____, 1999.

17

18 _____

19 Stacy Jordan, Certified
Shorthand Reporter No. 7499
in and for the State of Texas
20 Dickman Davenport, Inc.
3000 Carlisle, Suite 113
21 Dallas, Texas 75204
(214) 855-5100 (800) 445-9548
22 e-mail: info@dickmandavenport.com
www.dickmandavenport.com
23 My commission expires 12-31-00

24
25

56

1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition was/was not returned
3 to the deposition officer on _____;

4 If returned, the attached Changes and
5 Signature page contains any changes and the reasons
6 therefor;

7 If returned, the original deposition was
8 delivered to Mr. Stephen G. Gleboff, Custodial Attorney;

9 That \$_____ is the deposition officer's
10 charges to the plaintiff for preparing the original
11 deposition transcript and any copies of exhibits;

12 That the deposition was delivered in
13 accordance with Rule 203.3, and that a copy of this
14 certificate was served on all parties shown herein on
15 _____ and filed with the Clerk.

16 Certified to by me this _____ day of

17 _____, 1999.

18

19

Stacy Jordan, Certified
Shorthand Reporter No. 7499

20

in and for the State of Texas

21

Dickman Davenport, Inc.
3000 Carlisle, Suite 113

22

Dallas, Texas 75204

(214) 855-5100 (800) 445-9548

23

e-mail: info@dickmandavenport.com

www.dickmandavenport.com

24

My commission expires 12-31-00

25