

- **11-19-2019 EMAIL from Sales@numericracing.com**

“I would like my MSI laptop computer back that you never sent out. A RMA was made on the 11th but it was never shipped so I would like it returned to me with all the other stuff I have been asking for. Aspen’s sewing machine, my favorite shorts and whatever else you may have. Thank you. I would like a response to this.”

- **11-19-2019 EMAIL from dgeberth@gmail.com**

“I would like my MSI laptop computer back that you never sent out. **It belongs to me.** A RMA was made on the 11th but it was never shipped so I would like it returned to me with all the other stuff I have been asking for. Aspen’s sewing machine, my favorite shorts and whatever else you may have. Thank you. I would like a response to this. I don’t need any passwords or ID’s that you simply refused to give me anymore because I have it all figured out. I also found a bunch more money that you embezzled from the business.”

- **01-11-2020 Pasco Sheriff’s Report 20-001568**

Statement: “Upon my arrival, I made contact with Daniel who advised he believes an ex-employee, Faith Antonio, stole the hard drive out of his work computer. **Daniel stated he gave the computer to Faith in September of 2019, so she could send it to MSI for repairs. The computer had a broken monitor and needed to be fixed... When the computer was returned on November 25, 2019, he discovered it was still broken.** Faith had never sent the computer out for repair. Faith personally had the computer shipped to Daniel via UPS. Daniel stated he has not used the computer since.”

“After further investigation, **I recognized the computer contained all saved files and information from Daniel’s business, however, the computer would not run any programs.**”

- **1-15-2020 Case Notes from GoDaddy**

CCI needed old emails from WSE (Workspace Email)... emails were removed on 1/11 purchased and new wse plan and restored emails

- **1-21-2020 Case Notes from GoDaddy**

CCI wanting to recover his old emails but they are gone forever refunded workspace and gtg.

Subject: MSI Computer

From: <sales@numericracing.com>

Date: 11/19/2019, 10:13 PM

To: <faitha[REDACTED]@gmail.com>

CC: [REDACTED]tmomail.net>

I would like my MSI laptop computer back that you never sent out. A RMA was made on the 11th but it was never shipped so I would like it returned to me with all the other stuff I have been asking for. Aspen's sewing machine, my favorite shorts and whatever else you may have. Thank You. I would like a response to this.

Subject: My MSI Computer

From: Daniel Geberth <dgeberth@gmail.com>

Date: 11/19/2019, 10:26 PM

To: faith [REDACTED]@gmail.com, +1 [REDACTED] 65@tmomail.net, Tabitha ([REDACTED])
<[REDACTED]>

I would like my MSI laptop computer back that you never sent out. It belongs to me. A RMA was made on the 11th but it was never shipped out so I would like it returned to me with all the other stuff I have been asking for. Aspen's sewing machine, my favorite shorts and whatever else you may have. Thank You. I would like a response to this. I don't need any passwords or ID's that you simply refused to give me anymore because I have it all figured out. I also found a bunch more money that you embezzled from the business.

INCIDENT/INVESTIGATION REPORT

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Agency Name <i>Pasco Sheriff's Office</i>
ORI <i>FL0510000</i>

Case# <i>20-001568</i>
Date / Time Reported <i>01/11/2020 16:55 Sat</i>
Last Known Secure <i>09/01/2019 00:00 Sun</i>
At Found <i>11/25/2019 00:00 Mon</i>

Location of Incident	Premise Type <i>Unknown</i>	Zone/Tract <i>Z4</i>
#1 Crime Incident(s) <i>Theft Petit \$100 Less Than \$750 812.014.2E</i>	(Com)	Weapon / Tools <i>NOT APPLICABLE</i>
	M	Entry
		Exit
#2 Crime Incident	()	Weapon / Tools
		Entry
		Exit
#3 Crime Incident	()	Weapon / Tools
		Entry
		Exit

Activity
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# of Victims <i>1</i>	Type: <i>INDIVIDUAL/ NOT LAW</i>	Injury: <i>None</i>	Domestic: <i>N</i>
Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB	Race
	<i>1,</i>	Age	
Home Address		Home Phone	
Employer Name/Address		Business Phone	Mobile Phone
VYR	Make	Model	VIN

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CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)									
Type:					Injury:				
Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
			Age						
Home Address							Home Phone		
Employer Name/Address							Business Phone		Mobile Phone
Type:					Injury:				
Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
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Home Address							Home Phone		
Employer Name/Address							Business Phone		Mobile Phone

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L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)									
VI #	Code	Status Fm/Tc	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
<i>1</i>	<i>32</i>	<i>INFO</i>	<i>\$500.00</i>		<i>1</i>	<i>NVIDIA QUADRO GRAPHICS CARD</i>	<i>NVIDIA/Quadro</i>		

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Officer/ID#	<i>HAMMELMAN, N. (PAT3, SQ33) (6154)</i>		Invest ID#	<i>HAMMELMAN, N. (PAT3, SQ33) (6154)</i>		Supervisor	<i>BUKOWIECKI, C. (PAT3, SQ33) (4285)</i>		
Status	Complainant Signature	Case Status	<i>Unfounded</i>	01/14/2020	Case Disposition:	Page 1			

REPORTING OFFICER NARRATIVE

OCA 20-001568
Date / Time Reported Sat 01/11/2020 16:55

Pasco Sheriff's Office

Victim [REDACTED]	Offense THEFT PETIT \$100 LESS THAN \$750
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RELATED CASES: 20000839
 STAT DATA: None
 BWC ACTIVATED: Yes
 SUPPORT DOCUMENTS: None

On 01/11/2020, at approximately 1539 hours, I responded to [REDACTED] reference to a delayed petit theft.

Upon my arrival, I made contact with [REDACTED] who advised he believes an ex-employee, Faith Antonio, stole the hard drive out of his work computer. [REDACTED] stated he gave the computer to Faith in September of 2019, so she could to send it to MSI for repairs. The computer had a broken monitor and needed to be fixed. [REDACTED] advised he fired Faith from his company, [REDACTED] November of 2019 because he discovered she was making fraudulent purchases with the company's credit card (Reference Case # 20000839). When the computer was returned on November 25, 2019, he discovered it was still broken. Faith had never sent the computer out for repair. Faith personally had the computer shipped to [REDACTED] via UPS. [REDACTED] stated he has not used the computer since.

[REDACTED] advised he was served a protection order from Faith removing his firearms, and preventing him from contacting her on 01/10/2020. After being served the protection order, he became curious about what else Faith may have done. He then took apart the computer on 01/10/2020, and recognized a part was missing from the computer. He called the Sheriff's Office today 01/11/2020, because he believes the part missing was the hard drive for the computer. [REDACTED] advised the hard drive contains drawings which are pertinent to his business as well as other miscellaneous intellectual property.

Inside the computer, I observed an empty spot which it appeared something had been removed from. I requested [REDACTED] connect the computer to an external monitor which I observed inside of his residence. After connecting the computer to the external monitor, I was able to determine the hard drive was not missing from the computer. The computer had a solid state drive in lieu of a hard drive which is why [REDACTED] could not find a hard drive inside of the computer. After further investigation, I recognized the computer contained all the saved files and information from [REDACTED] business; however, the computer would not run any programs. After further research, I determined the missing piece to be the graphics card. The graphics card is a NVIDIA Quadro. The NVIDIA Quadro graphics card is specifically needed to run the victim's business programs. I attempted to run his business programs and was met with an error message. [REDACTED] advised the graphics card is worth approximately \$500.00.

I photographed the computer and later uploaded the photographs to Evidence.com.

I attempted to contact Faith via a telephone number provided by [REDACTED]. The number [REDACTED] provided me with is now out of service. Faith has a last known [REDACTED]. I discovered a possible phone number for Faith via a query in TLO. I called 727-400-7182 and left a voicemail asking if Faith could call me back. It should be noted this phone number was listed as only 86%, and the voicemail was not set up.

I provided [REDACTED] a business card with the case number to this incident.

At this juncture, I have exhausted all possible leads in the case. I recommend this case be inactivated.

A wants and warrants check on all parties was met with negative results.

No further action.

CASE SUPPLEMENTAL REPORT

Printed: 02/04/2020 12:25

Pasco Sheriff's Office

OCA: **20001568**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: UNFOUNDED

Case Mng Status: NA

Occurred: 09/01/2019

Offense: THEFT PETIT \$100 LESS THAN \$750

Investigator: DANIELS, A. G. (2399)

Date / Time: 01/14/2020 10:36:04, Tuesday

Supervisor: MADDEN, A. (3848)

Supervisor Review Date / Time: 01/15/2020 10:30:20, Wednesday

Contact:

Reference: Supplement Completed

Support Documents: None

On January 14, 2020 while assigned to the front desk at District 1, I received the following email from the victim,

[REDACTED] wrote: "I made a mistake the other day when I opened up my laptop and saw where a hard drive should be was missing. I am not a computer guy and I panicked thinking she took it out. My employee checked it out further and it has a solid state hard drive in it that I am not familiar with. The monitor was not working so we hooked it up to a separate monitor and all my intellectual property is there. The deputies reported that the graphics card was missing but it is in there. I don't want to pile on stuff that isn't true. So can you take care of this case number the deputies created when they came to my house. Case # 20-001568. Sorry for this and I was in full panic mode thinking she had all my drawings and designs. I just didn't know because I just don't know the insides of a computer.

Thank You.

Regards,

I will email Deputy N. Hammelman a copy of the email.

Based on [REDACTED] email I request this case to be inactivated.

Nothing further to report.

CASE SUPPLEMENTAL REPORT

Printed: 02/04/2020 12:25

Pasco Sheriff's Office

OCA: **20001568**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: UNFOUNDED

Case Mng Status: NA

Occurred: 09/01/2019

Offense: THEFT PETIT \$100 LESS THAN \$750

Investigator: HAMMELMAN, N. (6154)

Date / Time: 01/16/2020 20:56:15, Thursday

Supervisor: ZOCCOLI, J. A. (3082)

Supervisor Review Date / Time: 01/20/2020 22:00:30, Monday

Contact:

Reference: Supplement Completed

RELATED CASES: None

STAT DATA: Reclassify Graphics Card from Stolen to Information Only

BWC ACTIVATED: No (Was contacted by desk officer)

SUPPORT DOCUMENTS: None

On 01/14/2020, I was contacted by Desk Officer A. Daniels, who advised [REDACTED] stated he made contact with a computer specialist. The specialist advised there was nothing missing from his computer. Based on the new information I request this case be unfounded.

No further action.

ICR: 1 x \$26.00 = \$26.00

Case Notes for ShopperId 48387915, 6/1/2014 to 3/8/2021

Product: Email - Unlimited Business (Unlimited Business Storage) - US Region - (recurring)

Created: 1/21/2020 9:20:39 PM
Created By: eschoenfeld
Modified: 1/21/2020 9:20:39 PM
Modified By: eschoenfeld

Case#: 59195541
Domain: Email Plan 2
Product Cancelled Date:

Notes Section

Entered Date / By	Note
1/21/2020 9:20:39 PM / eschoenfeld	cci wanting to recover his old emails but they are gone forever refunded workspace and gtg.

Case Notes for ShopperId 48387915, 6/1/2014 to 3/8/2021

Product:

Created: 1/15/2020 11:07:49 PM Case#: 58851054
Created By: zwillich Domain:
Modified: 1/15/2020 11:07:49 PM Product Cancelled Date:
Modified By: zwillich

Notes Section

Entered Date / By	Note
1/15/2020 11:07:49 PM / zwillich	cci needed old emails from wse...emails were removed on 1/11 purchased and new wse plan and restored emails

Case Notes for ShopperId 48387915, 6/1/2014 to 3/8/2021

Product:

Created: 12/5/2019 12:54:04 AM
Created By: rbills
Modified: 12/5/2019 1:05:58 AM
Modified By: rbills

Case#: 56601170
Domain:
Product Cancelled Date:

Notes Section

Entered Date / By	Note
12/5/2019 1:05:58 AM / kogden	cancelled content migration. advised 5 to 7 business days for the money to get back to his account.
12/5/2019 12:54:04 AM / rbills	CCI needing to get email situation figured out. Helped him access on his devices. Transferred to hosting after that as there was a content migration in the account.

Case Notes for ShopperId 48387915, 6/1/2014 to 3/8/2021

Product: Office 365 Email Essentials

Created: 12/1/2019 2:25:12 AM
Created By: wquiroz
Modified: 12/1/2019 2:25:12 AM
Modified By: wquiroz

Case#: 56342923
Domain: dan@numericracing.com
Product Cancelled Date:

Notes Section

Entered Date / By	Note
12/1/2019 2:25:12 AM / wquiroz	Answered questions about Daniel's in progress O365 migration.

- **April 22, 2020 Injunction Against Dating Violence Hearing in the Sixth Judicial Circuit Court in Pinellas County, Florida:**

GEBERTH: Well, a -- I was there in November, and I brought a deputy with me. I -- I -- I brought a -- I had a deputy escort me because I was afraid that she would do this specific reason, stating that I pointed a gun at her or threatened her or what-not, so I went there escorted with a deputy to re -- **to recover my workstation laptop**, which she denied that she ha -- that that's what she denied -- that she didn't have. So -- so they came out with a tracking number, and **then several days later I got my computer**, and I actually sent her a \$2,000 check out of my personal checking account.

- **March 4, 2021 DGP'S Response to Request for Production of Documents in the Bankruptcy Adversary Proceeding**

13) Any non-privileged **emails, text messages, or other correspondence** between you and any other person from **January 1, 2015 to present**, in any way relating to the facts of this adversary proceeding.

Response: DGP objects to this Request on the grounds that it is unconscionably overbroad, vague, ambiguous, and unduly burdensome.

- **March 25, 2021 DGP'S Amended Response to Request for Production of Documents in the Bankruptcy Adversary Proceeding**

13) Any non-privileged **emails, text messages, or other correspondence** between you and any other person from **January 1, 2015, to present**, in any way relating to the facts of this adversary proceeding.

Response: DGP objects to this Request on the grounds that it is unconscionably overbroad, vague, ambiguous, and unduly burdensome.

- **July 1, 2021 Hearing on Motion to Extend Injunction in the Sixth Judicial Circuit Court in Pinellas County, Florida**

THE COURT: All right. So we're back on case **20-002405-FD** at the petitioner's motion to extend the injunction, the third bifurcated session for it. Looking around, I'm going to announce just who I see.

I see Ms. McHugh, **Mr. Solomon**. I see the respondent and also the petitioner, **Brad Kanter** (phonetic) **who was present last time**, a Donna King (phonetic), and **Allison Thompson** (phonetic), and a **Victoria Cruz-Garcia**. So just for the record, I announced the individuals I see present at the hearing.

ANTONIO: Yes, exactly what it says, but where does that say that I was employed by DGP Products?

SOLOMON: And so you had access to the -- Mr. Geberth's company checking account, correct?

ANTONIO: On what time -- from what time frame?

SOLOMON: Well, did you have access while you were working at DGP Products --

ANTONIO: I was never working --

SOLOMON: -- when business --

ANTONIO: -- for DGP Products.

SOLOMON: Okay. In **2014** forward?

ANTONIO: No, I've never worked for -- he had two employees in 2014.

SOLOMON: I'm not asking -- ma'am -- ma'am, you're changing my question.

ANTONIO: I'm not because this should be litigated in the bankruptcy court, and here you are trying to do this again. And it's -- and this should be saved for the motion for summary judgment that's on docket on -- on --on August 2nd, not now. So if you want to save that for then. So according to the motion for summary judgment where it says by Florida law, and -- and the federal labor standards act define definition of an employee is one that has records. Does your client have any records, and you said -- you stated no. And Florida law says any definition of a full-time employee.

So -- so sir, if you're -- if your client had wanted to hire me, or whatnot, he did not pay me as an employee. I did not have full access -- full control -- full control would be somebody who would have -- would be doing their taxes, would be as he has plenty of (unintelligible)

MR. SOLOMON: Objection. This is nonresponsive, Judge.

THE WITNESS: Because you are trying to litigate something --

THE COURT: All right.

THE WITNESS: -- that we should be in another --

THE COURT: I'm going to --

THE WITNESS: -- court.

THE COURT: Hold on. I'm going to sustain the objection as nonresponsive. Your next question, Mr. Solomon.

Q (By Mr. Solomon) Yeah. So 30 percent of the time, you work -- you performed services for Mr. Geberth's business, correct?

ANTONIO: Where did -- where did we get this from?

Q Is it correct, ma'am?

ANTONIO: I did not work for DGP Products.

Q Did -- for 30 percent of the time, did you perform services for DGP Products --

ANTONIO: No.

Q -- ever since 2014?

ANTONIO: No.

Q Okay. So --

ANTONIO: It says right there --

Q -- your entire relationship --

ANTONIO: -- and it says right there is that I helped him, like any girlfriend would do.

Q Your entire relationship --

ANTONIO: Stop twisting my words.

Q Your entire relationship you helped him with his business, correct?

ANTONIO: My -- my entire relationship? No.

Q Now --

ANTONIO: That's incorrect.

Q -- you -- you were receiving a \$600 a -- a week stipend, correct, for the services that you rendered at DGP Products?

ANTONIO: No.

Q And didn't you tell Mr. Geberth that if he didn't pay you \$1,200, what you were really worth, you were going to quit?

ANTONIO: No.

Q And when -- when -- if he didn't pay you the \$1,200 a week that you were demanding --

ANTONIO: I never demanded. Stop twisting my words. This is not --

MS. MCHUGH: Judge, again, I'm going to -- I'm going to again object to the questions that include facts that are not in evidence. In fact, it's very contrary to what she's trying to say.

THE COURT: So it's a leading question, and then, she's answering it, so she's indicating no or yes as the question. So I'll -- I'll overrule the objection because I think it's leading, but I think it's appropriate.

Q (By Mr. Solomon) Did you ask Mr. -- did you tell Mr. Geberth that he wasn't -- if he wasn't prepared to double your compensation that you had demanded severance --

MS. MCHUGH: I would also object to relevancy.

THE COURT: I -- as -- as -- as regretful as it is, it's relevant to these proceedings because the allegations are that she -- that the respondent is using litigation to continue the acts to continue to harass and continue to place in fear the petitioner. So those are the nature of the allegations that have been in the motion that have been asked about, that there's no basis, that you never stole, that you never did anything, so clearly, cross on those issues is relevant.

So it's -- he's crossing on the issues related to the -- the legal claims that Mr. Geberth has made against Ms. Antonio. So it's -- it's relevant to the proceedings. And so as much as the Court really wants to discuss the ins and outs of another case that this Court is not hearing and not deciding, it's -- it's been made relevant by the pleadings and the direct, so I'm going to allow the cross on it.

Overruled.

Q (By Mr. Solomon) Now, did you tell Mr. Geberth on **November 14, 2019**, when you decide to appreciate me and stop accusing me of these ridiculous things, I will come back solely to work. If that's not the case, I will gladly accept severance and be on my merry way?

ANTONIO: I did not. Does your client have full access -- access of his own email account as he has framed me with everything else, so.

Q Did you say I will work on the website so that you can continue to run the business on your own? If you can't be man enough --

ANTONIO: As I repeat, no, I did not --

Q -- to part -- if you can't -- if you cannot be man enough to part ways in a positive way that I deserve, then I -- then you proved my point. Did you tell him that on **November 14, 2019**?

ANTONIO: No, I did not.

Q Did you send an email to Mr. Geberth on **November 14, 2019**, at 7:38 a.m. telling him you weren't coming in to work?

ANTONIO: No, I did not.

Q How about on November 12 -- Thursday, **November 12th (2019)**? I've put it up on the screen for you.

ANTONIO: And it says Faith@NumericRacing.com, and I did not have access to that email.

Q Did you say to Mr. --

ANTONIO: And he -- did you not say that I was terminated from November 11th?

Q Did you cite -- did you write an email to Mr. Geberth, \$1,200 a week if you had read correctly, there is no way in hell \$600 a week for all I do that is not enough -- that -- oh, for all that I do is enough. Thanks for caring so much about your significant other and for my livelihood. Did you write that to Mr. Geberth?

ANTONIO: There are two different conversations in there, sir, so, no.

Q Did you tell -- did you write that -- you didn't write that to Mr. Geberth?

ANTONIO: As you can --

Q That's your testimony?

ANTONIO: -- see, there's two different conversations in there.

Q Ma'am, I -- my only question is --

ANTONIO: No.

Q -- did you write that to Mr. Geberth?

ANTONIO: I answered that, sir, and I said no. I said it three times already.

Q Did you -- if -- did you say to Mr. Geberth on **November 12th (2019)**, if you don't want to give me \$1,200 a week, I will go elsewhere?

ANTONIO: This is not mine, so no.

Q It's not yours?

ANTONIO: No, it's not mine. Another -- another attempt to framing me. So Dan just paid up for my F'd up teeth. Is that a way that I -- is that a way that I -- I -- I talk? No.

MR. SOLOMON: Can we put up the November 14th?

MS. MCHUGH: I don't -- Judge, I'm going to object to discovery violations. I was never provided any of these in discovery. And Your Honor has said in -- in -- in every motion setting and hearing, that discovery should be exchanged five days before the hearing.

THE COURT: All right. So were these emails provided in advance?

MR. SOLOMON: They're her emails, and this is in --

THE WITNESS: They are not my emails.

THE COURT: All right. Mr. Solomon, all I'm asking is if they were provided in advance?

MR. SOLOMON: I -- I don't -- I don't know. They're her emails. I didn't provide them, and I don't have any order requiring me to do so.

THE COURT: Okay.

ANTONIO: **Those are not my emails.**

THE COURT: So Mr. Solomon's belief is that there's no discovery requirements in a civil hearing. So we'll just go by what he said, so he's got his expert witness here. He's clearly indicated he has no reciprocal discovery requirements.

MR. SOLOMON: I've been denied all discovery.

MS. MCHUGH: Your Honor, could I please --

THE COURT: No, I -- Mr. Solomon, I -- I don't mean to be contentious with you, but you've indicated that you have no requirements whatsoever to discover documents over, so if that is your belief that's consistent with the rules of civil procedure, and with these hearings, then certainly, by all means, continue to proceed.

MR. SOLOMON: I never received a request for any of my documents, Your Honor.

MS. MCHUGH: Judge, I have a demand for discovery attached to my notice of appearance.

THE COURT: Well, Mr. Solomon does not think the rules of civil procedure apply to a civil hearing, so we're going to continue --

MR. SOLOMON: That's not what --

THE COURT: -- and we're going to --

MR. SOLOMON: That's not what --

THE COURT: All right.

MR. SOLOMON: That's not what I said, Judge.

THE COURT: Okay. Well, then, what would you say about you -- I asked if they were sent, and you said well, I don't know, they're her emails. Now, was that an answer -- was that responsive to the Court's inquiry if they were sent in discovery?

MR. SOLOMON: I did not receive a request for discovery, and there is no order requiring (unintelligible) --

THE COURT: Let's go through the filings then. Ms. McHugh, when was that filed?

MS. MCHUGH: I would have to flip over to the beginning of the case. Let me get on the clerk's page. I'm going to have to log in.

MR. SOLOMON: These are impeachment documents, anyway, Your Honor.

THE COURT: So now the document has changed in purpose from I don't need to discover it because there was no demand to its impeachment.

MR. SOLOMON: Well, I take offense at the issue of -- at the way in which the Court addressed me, but I will go -- under the circumstances, I didn't say that. I said originally that they are impeachment, and I am on cross-examination for impeachment. How would I have known what she was going to raise as an issue? **She has said that because we lied in documents that is what caused her the imminent fear, and I am showing you that through her testimony and her emails on impeachment that that's not accurate.**

THE COURT: So Mr. Solomon --

MR. SOLOMON: And I have no --

THE COURT: So Mr. Solomon, I'm looking at, filed in the case, notice of appearance and demand for discovery by Ms. McHugh. Do you indicate that you have any reciprocal discovery requirements to Ms. McHugh if she filed a demand for discovery? I'd like to know your position on that issue.

MR. SOLOMON: I don't know. I'd have to look at it. I haven't seen -- I don't -- I don't have that document.

THE COURT: What is the area in which you practice law, sir?

MR. SOLOMON: I practice in commercial litigation and in family law.

THE COURT: **And so do you understand what a request for reciprocal discovery is?**

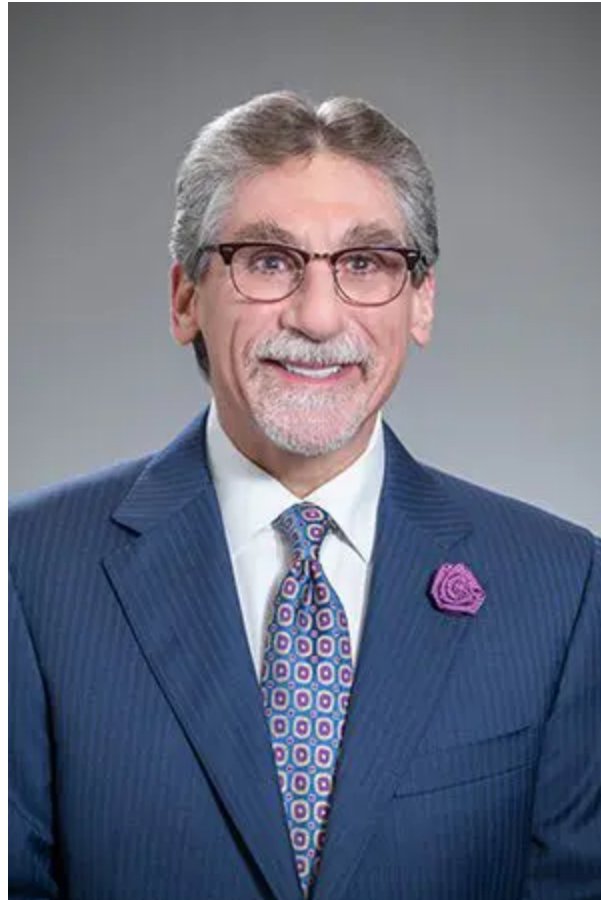
MR. SOLOMON: **No.**

THE COURT: Okay. Then you may proceed, if that is your representation that you did not understand the reciprocal request for discovery.

I'm going to allow it, and this transcript will stand for what it is. I -- I don't know how else to address these issues and compel the parties to act civilly towards one another. It's been abundantly clear for the last year -- or the last how many months have we been in -- four or five months -- that the parties continue to litigate personal issues between the two of them. That's been abundantly obvious.

The Court is not concerned about the issues between the parties. The Court is concerned about the issues between the respondent and the petitioner. So we're going to continue because we've

Mr. Solomon earned his Bachelor of Arts Magna Cum Laude from the University of Pennsylvania in 1977 and his Juris Doctor with Honors from University of Florida College of Law in 1980. Mr. Solomon is admitted to practice in all state and federal courts in Florida, as well as before the United States Supreme Court, the United States Circuit Courts of Appeals for the Second, Fifth and Eleventh Circuits, and the United States Tax Court. Mr. Solomon has also served as a Certified Circuit Court Mediator and is a graduate of the Harvard Negotiation Project at Harvard Law School.



Mr. Solomon handles and tries cases in virtually every area of commercial practice. Mr. Solomon's experiences include advocacy and aggressive representation of clients in real estate lending disputes, mortgage/lien foreclosures, loan work-outs, construction contract matters, construction defect claims, trade regulation disputes, employee contract violations, unfair trade practice and competition claims, business torts, partnership disputes and dissolution, legal malpractice claims, creditor claims in bankruptcy, franchise claims, securities fraud matters, tax claims, racketeering claims, receiverships, commercial landlord/tenant cases, land use disputes, zoning contests, regulatory compliance, and private disputes. In addition to matters arising primarily in a commercial setting, Mr. Solomon regularly handles and tries complex, high-conflict family law matters that require an experienced negotiator, skilled advocacy, and a deep understanding of intimate business transactions or complex, layered financial arrangements.

Mr. Solomon's practice takes him throughout Florida and to many states throughout the country. In furtherance of Mr. Solomon's broad-based nationwide practice and experience, Mr. Solomon has appeared and represented clients in more than twenty district courts, including the United States District Courts of the Southern and Eastern Districts of New York, the Western District of North Carolina, the Southern and Northern Districts of Texas, the District of Colorado, and in various United States Bankruptcy Courts and state trial courts around the nation. Mr. Solomon has also appeared and argued appeals before the

United States First, Second, Fifth, and Eleventh Circuit Courts of Appeal, before four of the six Florida District Courts of Appeal, and before the Florida Supreme Court.

A member of several professional associations, Mr. Solomon has twice served as chair of The Florida Bar's Rules of General Practice and Judicial Administration Committee, and currently serves on the executive committee of the Rule of General Practice and Judicial Administration Committee. Mr. Solomon has served previously as chair of The Bar's Civil Procedure Rules Committee and on the executive committee of the Appellate Court Rules Committee. Over the years, Mr. Solomon has also chaired numerous Joint Rules Committees and Workgroups designated by the Florida Supreme Court. Mr. Solomon is currently the Rules Committees' liaison to the Florida Courts Technology Commission.

Mr. Solomon has authored several legal articles, the most recent article is titled, "[First Breach? Not So Fast: Navigating Florida's Prior Breach Doctrine](#)", FLA. BAR J., 92:7 (July/August 2018). Mr. Solomon has also lectured on issues affecting financial institutions and private investors and regularly teaches the art of trial practice. Mr. Solomon's lecture topics have included: "The Foreclosure Process", "The Purpose and Benefit of Forbearance Agreements", "The Failing Durrett Doctrine", and "Avoiding the Bankruptcy Stay".

In addition to his professional practice, Mr. Solomon is actively engaged in community and philanthropic endeavors. Mr. Solomon is past President of the Board of Trustees of Hillel Academy and has served on the Board of Directors of the CEO Council of Tampa Bay. Mr. Solomon has also held positions of leadership in the United Jewish Appeal Young Leadership Cabinet, vice president of Congregation Kol Ami, chairman of the Tampa Jewish Federation's Attorneys Division, chairman of the Jewish Federation's Russian Resettlement Task Force, chairman of the Tampa Jewish Community's Capital Acquisitions Committee, executive committee member of the Gulf Ridge Council of the Boy Scouts of America, and cabinet captain for the annual United Way Campaign.

Mr. Solomon was awarded the 2022 Florida Bar President's Award for his contributions to the COVID-19 Task Force that studied the impact of COVID-19 on the legal profession and on the citizens of Florida. The work of the Task Force was recognized by Chief Justice Carlos G. Muñoz in a published opinion. Mr. Solomon is designated by Martindale-Hubbell ([Lawyers.com](#)) as an AV-rated attorney, emblematic of an attorney who has been recognized for reaching the pinnacle of professional excellence and who has exhibited the highest levels of skill and integrity.

Contact Us

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had three bifurcated hearings, and I'm going to allow, over objection, the documents that are being shown, being shared over Zoom, that are being offered for impeachment purposes only, and were not discovered.

All right. So now, we're going to go through, and Ms. Antonio, please listen to the questions. Ms. McHugh, I've allowed you to create your record, and we're going to continue.

MS. MCHUGH: Can -- can I just -- I just want to put one more thing on the record. I have -- I have been precluded out of -- it's come out in this hearing many times that Mr. Geberth has threatened her with falsifying documents to put on social media --

EXCERPTS OF REDIRECT EXAMINATION BY MCHUGH

THE COURT: Yes, so what I see is it looks like -- so I'll announce for the record just so it's clear what I'm seeing on my end is it looks like your inbox for your emails, and it -- you have a current email up that says from Faith Antonio sent July 1st, 2021, 4:26 p.m. And it's got an image and a screenshot.

Q (By Ms. McHugh) Did you just send this to me, Ms. Antonio?

ANTONIO: Yes, 'cause I didn't know how to screenshot.

Q Okay. What is this?

ANTONIO: This is a --

MR. SOLOMON: I object. I object, if this demand for discovery which was served more than a year before the present petition, is -- is applicable, and I don't know that it is, but if it is, this wasn't provided to us.

THE COURT: So are you saying that the demand for discovery is applicable or not applicable so I can understand your position, Mr. Solomon?

MR. SOLOMON: I think it's not applicable because it is --

THE COURT: What's the time frame of this text message conversation that we're looking at?

THE WITNESS: This happened in July of 2018.

THE COURT: All right, Ms. McHugh, you may continue.

Q (By Ms. McHugh) What -- was this the only incident of this, or have there been other instances like this?

ANTONIO: No, there's a lot of instances throughout the -- throughout our relationship.

THE COURT: And so now for the record, it looks like I'm viewing an image that -- again, this hasn't been offered into evidence but proffered so far as -- so this looks like a computer monitor that's broken in -- in a few pieces on a desk. And then also, it looks like a cat condo next to that.

MS. MCHUGH: Your Honor, I would move, I'm gonna say, this (unintelligible) but being on Zoom, logistically, I can send it to the Court right now.

I could forward it. I would like to move this into evidence as the Petitioner's Composite 20.

THE COURT: Mr. Solomon, any objection?

MR. SOLOMON: Object to the **time frame** and to the **authentication**. It's composite and not everything has been authenticated.

(Please review attached transcript that captures Solomon Law's conduct of abusing professional standards, civil procedure, obstruction, and bringing the unrelated Adversary Proceeding where Geberth is not a party to that litigation into an Injunction Court Case. These proceedings were highly traumatizing and abusive)

- **July 21, 2021 Bankruptcy Adversary Pre-Trial Hearing**

MS. ANTONIO: And the last one is No. 13.

THE COURT: Okay. Text messages.

MS. ANTONIO: Emails.

THE COURT: Emails, correspondence with third parties that relate to allegations of theft. Non privileged. How do you know it's overbroad? Has he told you that he has hundreds of thousands of texts and emails? Has he been out there in angst with all of his friends and acquaintances and relatives?

MS. THOMPSON: I don't know that, Your Honor. It's just so non-specific. It doesn't identify to who or when, you know.

MS. ANTONIO: Relating to any of the transactions. So if anything was purchased and therefore a receipt was sent via email or **the communications between me and Daniel Geberth through email, as Mr. Solomon has presented in the injunction case, that he does have some communications that he referenced that he would be using in this case.** I think that –

THE COURT: So emails to you? Emails and texts to you?

MS. ANTONIO: He says that there's emails between me and Mr. Geberth.

THE COURT: Okay. So you're looking for just -- the scope is just between you and Mr. Geberth.

MS. ANTONIO: And any transactions that receipts were sent to Faith@NumericRacing or Dan@NumericRacing.

THE COURT: Transaction receipts for what?

MS. ANTONIO: The transactions that are listed in the Complaint. Plaintiff claims that it's unbeknownst to him that these transactions occurred.

THE COURT: Okay. So allegedly unauthorized transactions that are the subject of emails or texts from vendors, and the emails and texts between himself and Ms. Antonio, from the relevant date to the --

MS. THOMPSON: That will take me a little bit longer probably, Your Honor. I'll start working on it today --

THE COURT: Okay.

- **July 26, 2021 Hearing on Motion to Extend Injunction in the Sixth Judicial Circuit Court in Pinellas County, Florida**

THE COURT: All right. Mr. Solomon, how do you wish to proceed at this time?

MR. SOLOMON: I'd like to call Mr. Kanter.

THE COURT: All right. How -- what do you -- what do you anticipate his testimony lengthwise being?

MR. SOLOMON: I don't know. I'll try and run through it as quickly as I can, less than an hour.

MR. SOLOMON: Well, this will be -- I'll go as quickly as I can. I'll hit the highlights. But it depends on how long Ms. McHugh decides to go on it, but I don't anticipate my -- it's hard to say exactly because I don't -- Mr. Kanter is an expert. I'll go through his credentials. I have three very -- three topics. I'll try my best to be as succinct and as efficient as possible.

THE COURT: And so what's the relevancy of his testimony from your perspective, Mr. Solomon?

MR. SOLOMON: Legitimate purpose.

THE COURT: What do you mean legitimate purpose?

MR. SOLOMON: Well, everything that has happened since Mr. Geberth found out about the fraud and the embezzlement is going to be demonstrated and supported by Mr. Kanter's analysis, including the authentication of the emails that Ms. Antonio has denied sending.

THE COURT: So how can -- just so I understand, how can this expert testify to the intent of Mr. Geberth?

MR. SOLOMON: He can show that the issue -- he's not testifying about the intent. He's testifying about the facts as they're found -- as Mr. Geberth found them. And he's authenticating and validating the fraud and the embezzlement which is what incensed Mr. Geberth. **And all of those actions took place -- all of the things that they're complaining about took place in 2019 and certainly before April 22nd of 2020.** We're on an extension here. And since most of what they're complaining -- all of what they're complaining about in their motion as we went through it on trial brief relates to litigation matters, we think that the validation of the claims over Ms. Antonio's -- we think disingenuous objections and counter-testimony is relevant for the Court's consideration of legitimate purpose.

We believe that the fraud is rampant, the embezzlement was extensive, and that Mr. Kanter's testimony will demonstrate that Ms. Antonio has fabricated, unjustifiably denied the extent of her theft. And once Mr. Geberth found out about the extent of the theft, fraud, and embezzlement, that the -- his actions were reasonable. And certainly, the actions that were taken in the litigation, which is all they are complaining about in their amended motion for extension of the injunction, were based upon actions alleged in the bankruptcy case that were inappropriate --

THE COURT: And so to err on the side of caution, I'm going to allow a proffer. So that way if -- let's say hypothetically I sustain an objection to relevancy at the end, then it'll be proffered for the records.

And the appellate purpose will be preserved as to that issue as to -- you know, if you can authenticate emails that she said she didn't send and he has a basis to do that, I can see relevancy. If he can't, then I don't potentially. I don't know until I hear it. So I can't -- I can't rule on the relevancy based on the proffer -- based on the stated purpose until I hear the testimony.

MS. McHUGH: Okay. And just understanding that trying the bankruptcy case here puts us at a disadvantage because Ms. Antonio doesn't have an opportunity to present what she's presenting in bankruptcy court. **This would be one-sided.**

And also, expert testimony is to assist the trier of fact in areas that are not common knowledge to the trier of fact.

THE COURT: Well, authentication of emails is not common to this Court. So if there's a way that -- the proffered purpose is certainly -- it would be clear-cut that it would be relevant if she testified that's an altered email and he was able to, in his expert opinion, offer an opinion based on his training and experience that it was an authentic email, clearly that would be relevant to these proceedings because she -- it would be impeachment. It would be that those statements were, in fact, made as it relates to being an employee.

THE COURT: Mr. Kanter, will you raise your right hand, sir?

THEREUPON, BRAD KANTER, the witness herein, having been duly sworn, was examined and testified as follows:

THE COURT: All right. Mr. Solomon, you may inquire.

MR. SOLOMON: What's your name?

KANTER: Brad Kanter.

SOLOMON: Introduce yourself to the Court and tell him your credentials and experience with respect to the two particular issues we're talking about here, your forensic background and your ability to testify about the meta data and to validate the email traffic.

KANTER: So my background is **I'm a CPA**. I've been in accounting and operated businesses for about 30 years. I have a CVA, certified valuation analyst. **I'm a certified fraud examiner. I have a master's in accounting, specializing in forensic accounting.** I am certified from AICPA as a certified financial forensic specialist. I am a member of NAEA, which means I hold an enrolled agent's license given by the U.S. Department of Treasury for tax specialization. And I've spent the better part of 12 years representing clients with respect to the IRS, IRS fraud, commercial litigation cases, marital cases.

And with respect to the digital forensic component, we do a decent amount of digital forensic investigation work with respect to these cases, trying to uncover emails and the headers, the traffic, if you will, that is -- underscores where these items originate as it also relates to information that's attached and the origin and the -- and receive person on the -- on the data.

SOLOMON: What did you do to determine the authenticity of the email traffic that we went through during Ms. Antonio's testimony?

KANTER: So we -- we ran a **forensic email program that we did not pull it from the computer directly because want to avoid alteration.** So what we do is we have a computer forensic program that dials in to the server, for example, **Microsoft 365**, to get the raw -- the authenticated, unaltered data from the servers like, you know, Gmail or Microsoft. And we pull that data first to make sure that, you know, **they're unaltered**, that they're -- that they're, you know, **native**, if you will.

But behind that is what they call the metadata which is, you know, simply data for the emails that reflect where it came from, who it went to, servers that it may have gone through. And that's what we pull to, you know, legitimize was that authentic or not. So this is an example of the metadata.

And you can see how -- you know, even though it showed Dan to Dan, in the programming language, it's giving you who it's really from and who it's going to and the date. It does pull the same subject matter. It gives you, you know, IP addresses. It gives you the server that it came from. And it reauthenticates that information that you see under received. The envelope sender is faith@numericracing.com. And it's to dan@numericracing.com. And below that shows the

received date, timestamp, and then, you know, the "from" and "to." But you have to go to properties on the emails to get that information to invoke this information.

Q Have you determined that the emails that we shared with Ms. Antonio and -- from which we read during her direct testimony were prepared by and came from Faith Antonio's email account?

KANTER: Yes, in the cases where we show that and have uncovered that, yes.

Q And were all of the --

KANTER: We confirmed that.

Q And the emails that we selected were selected based upon your input; is that right?

KANTER: That's correct.

Q You had selected those emails. And when you did, did you select only emails that you could, without question, identify as having been generated by Faith Antonio?

KANTER: That's correct. To avoid confirmation bias or tunnel vision, which is -- you know, which are two issues that come up in the forensic investigation world, you know, for judges, prosecutors, et cetera, I've been trained to do our best to avoid confirmation bias and tunnel vision. So anything we're posting for representation to be objective we've identified as authentic.

THE COURT: So the Court is certainly aware of those and is hearing testimony of Mr. Kanter who is present at these proceedings about those emails. **But the problem is now admitting them that it's just going to be an email received from you without any testimony as to the basis.** So that's the Court's concern with the record so far that's been laid at the hearing.

MR. SOLOMON: **I believe there was -- there is a basis now. There -- I knew she would object. She wouldn't authenticate them. And because of the order of the testimony, I connected up with his testimony.**

THE COURT: Well, we haven't even -- we haven't even gotten to the documents yet. So you showed things to a witness. And now you're referencing through another witness. And now you're seeking to admit. And we're doing an electronic hearing. The Court is not in possession of any of these documents. None have been premarked. And that's now admission of documents works, can't work, because now I'm just going to accept an email and receive it and stamp it received into evidence as the sense of no witness that the Court has been present for that that email has testified to other than the Court having to remember what was scrolled through --

- **08-02-2021 Hearing on Amended Motion for Summary Judgment in the Bankruptcy Adversary Proceeding – Excerpt from Unofficial Transcript**

Attorney's in appearance for DGP: Stanford Solomon, **Victoria Garcia-Cruz**, Allison Thompson.

THOMPSON: Good morning, your honor. Allison Thompson. On behalf of DGP PRODUCTS, Inc. We also have **Victoria Cruz Garcia** present through Zoom, and Mr. Daniel Geberth.

THE COURT: Let me see. Ms. Cruz Garcia, what is your role in this adversary proceeding?

GARCIA: I'm just observing today, your honor.

THE COURT: Okay. Are you with Mr. Solomon's firm now?

GARCIA: I am. I came back.

THE COURT: I see. Okay. You've come full circle.

GARCIA: Yes, one could say that. Your honor.

THOMPSON: **We're still compiling the emails that Miss Antonio's requested.** She named two emails in one of her recent motions. They were provided as an exhibit to our response. I believe it was. I'd have to look and see what they were provided for. **But once I provide all of the emails that she's requesting, I'm able to provide those specifically as a response.**

THE COURT: I wanted to talk a little bit about the. I think federal law applies. Not Florida law, the federal law. If we look at the 11th Circuit, I'm going to refer to Tesoriero, 965 F, third at 1184. That case cites ML Healthcare, 880 F third, 1293 at Pinpoint site 13. Seven. It's an 11th Circuit case from 2018. Four factors are identified when deciding to impose sanctions.

Number one, whether the party seeking sanctions was prejudiced as a result of the destruction of evidence and whether any prejudice could be cured.

Number two, the practical importance of the evidence.

Number three, whether the spoliating party acted in bad faith. Bad faith would mean without justification, reasonable justification.

And number four, the potential for abuse if sanctions are not imposed. Rule 37 of the Federal Rules of Civil Procedure were amended five or six years ago to address spoliation of electronically stored information.

If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, the court, upon finding

prejudice to another party from loss of the information, may order measures no greater than necessary to cure the prejudice, or only upon finding that the party acted with the intent to deprive another party of the information's use in the litigation.

- A. Presume that the lost information was unfavorable to the party who is producing it?
- B. Or who didn't produce it b. Instruct the jury. Well, we don't have that. I'm the Trier of fact.
- C. Dismiss the action or enter a default judgment. So we've got case law under Rule 37 to look to, too. So I'm going to look at the four factors when I'm determining this, and it's crucial that I have that audit report when I do that.

- **August 8, 2021, DGP'S Response in Opposition to Defendants Motion for Contempt and Enforcement and/or Sanctions Due To Discovery Abuse [D.E. 188]**

“Emails and text messages pertaining to pertaining to unauthorized transactions that are the subject of emails or text messages from vendors and emails and text messages between DGP principal and Debtor. DGP requested additional time to gather these materials and the Court agreed (Doc. No. 203, pg. 5).

- **September 2, 2021 – DGP'S Notice of Filing Communications Regarding Unauthorized Transactions (Doc 269)**

Exhibit 1 – 11/15/2019 Text message from Antonio to Geberth embezzlement.

Exhibit 2 – 11/12/2019 Email between Antonio and Geberth unauthorized payment.

- **September 8, 2021 Bankruptcy Adversary Hearing:**

THE COURT: Okay. So I had a list of five. Two of them I take away because we've already dealt with those. I have the emails from Numeric Racing email client with the Dan, Faith, and Admin sender for the time frame January 2016 to November 2019. Have you given those to her, Ms. Thompson?

MS. THOMPSON: I believe, Your Honor, at the last hearing, you asked for all documents in which Ms. Antonio is accused of embezzlement, and **I've given her all of those documents. All of those emails.**

THE COURT: Okay. Well, **what about all of the emails?** What if there's an email from Dan to Faith that says, sure, go ahead and get that, you know, club membership over there at Innisbrook?

MS. THOMPSON: That wasn't what was requested, Your Honor.

THE COURT: Okay. Where are the emails that -- what's the email request that you can point me to?

MS. THOMPSON: It was in the transcript from the hearing where --

THE COURT: Well, I got to find where it is in her motion to compel. I don't see it in here. When did you ask for it, Ms. Antonio?

MS. ANTONIO: It's in here.

MS. ANTONIO: It must have been in -- we -- I believe that we discussed it in another matter, Your Honor.

THE COURT: Okay. Then that must have been a voluntary thing that we were asking them to show their hand, show their cards, so to speak, on what they believe showed that you embezzled. It wasn't a full scope of all emails from all time regardless of subject. Now if you wish to make that request, make it. Send --

MS. ANTONIO: I originally requested it with my production requests that they said that they would --

- **MOTION TO COMPEL SECOND REQUEST FOR PRODUCTION**

DOCUMENT REQUEST #2: Please provide email records for the emails listed as: faith@numericracing.com, dan@numericracing.com, and admin@numericracing.com **in native format** including all ingoing and outgoing emails from April 2, 2016, to October 15, 2020, from DGP's domain at numericracing.com.

Plaintiff's Response: DGP objects to this Request on the grounds that it is unconscionably overbroad, vague, ambiguous, and unduly burdensome. It is unknown what Debtor means by "email records".

DOCUMENT REQUEST #3: Produce a copy of all letters or correspondence between Daniel Geberth, Faith Antonio, Aspen Geberth, and any other person or entities relating to the conduct and incidents made the basis of this lawsuit, including text messages and letters in its **native ESI format**.

Plaintiff's Response: DGP objects to this Request on the grounds that it is unconscionably overbroad, vague, ambiguous, unduly burdensome, and neither relevant nor likely to lead to the discovery of admissible evidence.

DOCUMENT REQUEST #6: Any and all documents or other tangible materials of any nature whatsoever which you plan to have marked for identification at a deposition or trial, introduce into evidence at a deposition or trial, or about which you plan to question a witness at a deposition or trial.

Plaintiff's Response: DGP objects to this Request on the grounds that it is unconscionably overbroad, vague, ambiguous, and unduly burdensome.

- **November 10, 2021 Adversary Pre-Trial Hearing:**

MS. CRUZ-GARCIA: Your Honor, if I may, I have a complete catalog and also have on the zip drive all of the emails and all of the transmission of every single email and document that has been sent to Ms. Antonio.

And, as the Court is aware, there have been several hearings where the Court has reviewed prior interrogatories, prior requests to produce and has narrowed the scope for us to produce every receipt that has been mentioned in the complaint, every bank statement, every credit card statement, and we produced all of that, Your Honor.

THE COURT: So, you do intend to be using those things?

MS. CRUZ-GARCIA: Yes, Your Honor, and we have disclosed it. And if I may approach with the list --

THE COURT: So, wait a minute. Do you think that you've given her everything --

MS. CRUZ-GARCIA: That's correct.

THE COURT: -- that would comply with this Rule 26(a)(3)(A)(iii)?

MS. CRUZ-GARCIA: **Yes, Your Honor.** And if there is anything that needs to be supplemented as a result of the depositions that we haven't been able to complete, then at that time we will supplement them.

But based on the catalog that we have, **we have produced every piece of paper that we possibly not only obtained from our client but also from non-party production, in addition to supplementing documents that she requested only via email.** Not through a discovery request, not through a non-party production, we've obtained and produced that as well.

THE COURT: I think that Plaintiff needs to produce the stuff, as we modified prior Request No. 13 in response to Request No. 2.

MS. CRUZ-GARCIA: And those were produced on September 9th, the emails that were reduced in scope, if you will, or tailored by the Court and we did file a responsive document. But I will clean up this response and refer to the document number, as already provided.

THE COURT: Okay, so you will then clean up --

MS. ANTONIO: So, you said you sent that by email to me?

THE COURT: Hold on. We will clean up the response to Request No. 2, which involves a restatement of prior Request No. 13. But I'm limiting the scope to that, which we discussed at the July 21st hearing.

MS. ANTONIO: I would like to see the emails because I haven't received anything from them.

THE COURT: Okay, I want you to upload that.

MS. CRUZ-GARCIA: We already filed it with the Court, Your Honor --

THE COURT: Okay.

- **November 12, 2021**, the Court entered an Order suspending operation of Local Rules 7001-1(j)(5) and 7026-1(c) and directing all discovery requests, responses, and materials be filed of record until ordered otherwise (Doc. No. 406). **DGP never complied.**
- **November 17, 2021 Bankruptcy Adversary Pre-Trial Hearing:**

MS. ANTONIO: Everything that I requested when we went through the second production request that they say they provided me. **There has been no communication, no emails from them, no production of anything.**

MS. CRUZ-GARCIA: If I may, Your Honor?

THE COURT: Yes.

MS. CRUZ-GARCIA: With regards to the email, the email is specific to Request No. 2, that the Court wanted us to include the document number where we disclosed the emails. That was **Document 269. We already filed that and provided all the emails between the parties between the same time period that Ms. Antonio has suggested.**

- **January 6, 2022 Status Conference on Discovery Issues:**

MS. ANTONIO: So if they have a foundation of these transactions and they're saying: Well, it was used from Faith@Numeric Racing, **I'm asking for those emails from them.** And now they don't have them?

THE COURT: What they have is what they've given you. Did you put in there that that's all you had, Ms. Cruz-Garcia?

THE COURT: And I've already said, maybe three times in open court and at least once in writing, if they come up with anything else that would have fallen in your request that they want to use to try to prove their case against you, **I will not let them use it.**

- **March 14, 2022 Trial Day One**

SOLOMON: **Other emails in the email server,** other statements that we got from Mr. Geberth that we didn't have to get from a third party, **they're his statements.**

- **April 4, 2022: Notice of Filing Complete Email Referenced By Faith Elyzabeth Antonio Filed by Stanford R Solomon (Doc 846)**

- **April 4, 2022: Excerpt from Antonio's Response in Objection to DGP's Notice of Filing Complete Email and Motion for Sanctions:**

1. On April 4, 2022, Plaintiff filed Notice of Filing Complete E-mail Referenced by Faith Elyzabeth Antonio (Doc. No. 846).
2. **Plaintiff cites to Defendant's Proposed Exhibits ranging from 1 to 53 (Doc. No. 771), stating that Defendant included only two messages of the complete email exchange between the parties (containing a total of eight (8) messages) as her proposed Exhibits 6 and 7.**
3. Defendant's proposed exhibits, contain emails received by Plaintiff's principal, Daniel Geberth, and were admitted as a genuine in DGP's Response to Defendant's First Request for Admissions (Doc. No. 507).
4. **Plaintiff now attempts to supplement the record and produce documents that it had assured this Court of producing to the Defendant but failed to do so.**

5. **Plaintiff had intentionally withheld relevant, responsive, and non-privileged documents which now they are attempting to produce additional (unauthenticated) documents on the eve of trial after discovery has been closed.**
6. What is unusual to the Defendant is **Plaintiff attempting to supplement the Defendant's exhibits for trial.** This is unjustified and improper, to say the least.
16. The only email records supplied to Defendant was filed on September 2, 2021 with DGP Products, inc. d/b/a Numeric Racing's Notice of Filing Communications Regarding Unauthorized Transactions (Doc. No 269) **which contained several clipped emails and not a complete email chain that Plaintiff is attempting to produce after the close of discovery, see Doc. No. 269-2, Ex. 3A, and attached hereto as Exhibit "A".**

Exhibit “A”

From: [Daniel Geberth](#)
To: [Daniel Geberth](#)
Subject: The Narcissist
Date: Tuesday, November 12, 2019 8:58:31 AM
Attachments: [image001.png](#)

\$1200 a week. If you had read correctly, there is no way in hell \$600 a week for all that I do is enough. Thanks for caring so much about your significant other or my livelihood. I am appreciative that I can be home in the morning when I am stiff and hurting, not that you care. Why would I want to be there when you aren't present or show interest in me. Please tell me, I keep asking. I am not gonna go sit alone in the office most of the day, when I can be home where people aren't slamming things or yelling and actually having a conversation with me. That behavior is not okay. Sit in that office with me while I am there or build the shit out of the shifters. Your business could be making more money if you would actually sit there with me and be productive instead of focusing on your house.

If you don't want to give me \$1200 a week, I will go elsewhere.

By the way, sometimes I took out money to pay my brother etc or to get things that you asked me to get. I asked permission. You just fail to pay attention.

AT THE END OF THE DAY, YOU ARE RAGING OUT CUZ YOU ARENT GETTING LAID. I KEEP TELLING YOU WHY AND YOU REFUSE TO CORRECT YOUR BEHAVIOR. SO I DON'T KNOW WHAT TO TELL YOU.

"Wow! Dan just paid for my fucked up teeth so I'm going to show him some appreciation and fuck him."

Do you see the problem here? You buy me things to fuck you? Get out of here. I know maybe because you dated whores and prostitutes, that's how you think a relationship works. You have to be nice like personality wise in order to get laid. It's how you treat someone. Love and affection buys everything. Sad to see helping me wasn't out of the goodness of your heart.

We have been together for 5 years. Too bad its not love making. Its just fucking. AND again, it was totally okay for me to suffer for two years but you can't handle it when I am going through something myself. Maybe things would change if you would love the shit out of me, but you don't know how to love. Its quite apparent. You show it by materialism, all I require is affection and attention. Which is free.

If you would have checked out [dgpproducts.com](#) when I had asked you to, you would have seen the website. Its code wasn't working. Don't tell me how long it takes to build one, I don't ask you why it takes you so long to design the products that you aren't designing right now.

From: dan@numericracing.com <dan@numericracing.com>

Sent: Monday, November 11, 2019 11:08 PM

To: faith@numericracing.com

Subject: The Know It All

Yes you did take a dig at me but you since have taken it down. What exactly do you do for me that I can't have someone else do or do for myself. **NAME SOMETHING** and not from over 5 years ago. A ride to the doctor. My pants. Dinners you make. Sex! LMFAO! I'll get someone else to give me a ride or take a uber. Then I won't feel obligated to do anything for you or anyone. Also bring the rest of my indica I paid for and my pants back. This bag of gummies is not 3 tubes of it. You do not run my business. You are not here every day. You still ask me the same fucken questions over and over again. What cable does a 987 Cayman S take. The same one it took the day before. NM201. I know everything about this business. Every nut, bolt, part, cable, installations etc.... The only thing you do

From: Daniel Geberth
To: Daniel Geberth
Subject: The Narcissist
Date: Tuesday, November 12, 2019 8:58:31 AM
Attachments: image001.png

\$1200 a week. If you had read correctly, there is no way in hell \$600 a week for all that I do is enough. Thanks for caring so much about your significant other or my livelihood. I am appreciative that I can be home in the morning when I am stiff and hurting, not that you care. Why would I want to be there when you aren't present or show interest in me. Please tell me, I keep asking. I am not gonna go sit alone in the office most of the day, when I can be home where people aren't slamming things or yelling and actually having a conversation with me. That behavior is not okay. Sit in that office with me while I am there or build the shit out of the shifters. Your business could be making more money if you would actually sit there with me and be productive instead of focusing on your house.

If you don't want to give me \$1200 a week, I will go elsewhere.

By the way, sometimes I took out money to pay my brother etc or to get things that you asked me to get. I asked permission. You just fail to pay attention.

AT THE END OF THE DAY, YOU ARE RAGING OUT CUZ YOU ARENT GETTING LAID. I KEEP TELLING YOU WHY AND YOU REFUSE TO CORRECT YOUR BEHAVIOR. SO I DON'T KNOW WHAT TO TELL YOU.

"Wow! Dan just paid for my fucked up teeth so I'm going to show him some appreciation and fuck him."

Do you see the problem here? You buy me things to fuck you? Get out of here. I know maybe because you dated whores and prostitutes, that's how you think a relationship works. You have to be nice like personality wise in order to get laid. It's how you treat someone. Love and affection buys everything. Sad to see helping me wasn't out of the goodness of your heart.

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- **April 27, 2022 Transcript of Adversary Proceeding Trial**

BY CRUZ-GARCIA:

Q: So yesterday, you said that Mr. Geberth accessed -- and correct me if I'm wrong -- your PayPal account?

ANTONIO: Yes.

Q: And added emails?

ANTONIO: Yes.

Q: And then today he accessed your T-Mobile and sent himself a text message to appear that it was from you; correct?

ANTONIO: Yes, he has a history of it.

Q: Okay. And you said that the reason why he had access to these accounts was because you shared your passwords and logins with him because you were boyfriend and girlfriend at the time? You were in a relationship; correct?

ANTONIO: I never said -- I never said I shared my information. I said that I would leave my accounts open on my laptop or computer or devices, or forget to log out of them, so he had access of it, the same as he did when we ended -- I ended the relationship. I forgot to log out of numerous accounts, and he logged in and changed the information.

Q: So you're saying that if you log in, for example, to PayPal today, and then you log in, let's say, this computer right here today on PayPal. And you don't touch that computer for two weeks. In two weeks, when we open the computer, the PayPal account is still going to be open? It doesn't time out? Is that your testimony?

ANTONIO: I do not know.

Q: Okay. So the fact that you used the computer and put passwords and left the accounts open does not necessarily mean that weeks and months after, it's still readily available for everyone to access?

ANTONIO: Sure there is. If there is -- if you click in, for instance, Google, and you accidentally, like, or save your passwords into the browser, then there's access.

Q: Well, didn't you say yesterday that you had a history of sharing passwords with each other?

ANTONIO: I never --

Q: That he had access to your stuff and you had access to his stuff?

ANTONIO: That's how we had access, whether -- if there was a saved password in a browser, then that's how it works.

Q: All right. And so is it your testimony that your accounts, user names and passwords were shared with Mr. Geberth at some point?

ANTONIO: No, that's not my testimony.

Q: Then what is it?

ANTONIO: As I just said, I had accounts on computers or laptops and at times they were saved to the browser. So therefore, if I had accidentally clicked -- because you know when you sign in, there's a pop-up that says, "Would you like to save your password?" And in inad -- I can't talk. In inadvertence sometimes, yes, it's clicked and it's saved. Or for ease, because when you're in a long term -- or if it's fraud of long term for a five-year relationship, then you don't think anything to it.

Q: But if you broke up with Mr. Geberth in November of 2019, as a result of many years of domestic abuse and rages, wouldn't the first thing you would do would be to change all your passwords?

ANTONIO: If I'm fleeing a relationship because I'm scared to go back because he has guns in his house and it's displayed, I'm not going to go back to his house and go into the computer and -
-

Q: Absolutely. Absolutely.

ANTONIO: So that's the answer.

Q: But you could change it from your computer or your phone; correct?

ANTONIO: No. If it's stored in a browser in his home, how am I supposed to do that?

Q: Ma'am, you could change your password online.

ANTONIO: Yes, and at times when you're stressed out and you're in fear, things like that, you don't remember that there are certain accounts that are still open.

BY MS. CRUZ-GARCIA:

Q: Ms. Antonio, isn't it true that after your breakup, the sheriff's office had to recover the laptop from DGP, from your home?

ANTONIO: No, that's not true.

Q: Please turn to Exhibit 30. Oh, so if there is a police report retrieving the laptop from your home, then that would be incorrect?

ANTONIO: Yes, because I shipped it back to Daniel Geberth, and there's a shipping label, so he received it by FedEx. So he did not have -- he didn't have the -- he arrived at my home looking for it, and I provided the sheriff the receipt And I could produce that if you need that.

Q: No, I see. So you broke up and you had the laptop in your possession, and then shipped it back so that there wouldn't be any issue; correct?

ANTONIO: He asked for it back and I shipped it back to him.

Q: Sure.

ANTONIO: Yeah.

Q: So, but you had the laptop in your possession, and you knew you were going to ship it back to Mr. Geberth, right? (see police report: MSI)

ANTONIO: Yes, of course.

Q: Okay. So wasn't that the perfect opportunity to go in and erase all your passwords?

ANTONIO: I don't understand that. If it's -- that's not even my laptop; that was his laptop and it was still broken.

Q: But if they were your -- didn't you just say that you would log in and save the passwords on the laptop?

ANTONIO: I never said that it was this laptop. This was he -- this was my testimony the other day, that he got angry and he -- and enraged, and he took his laptop and slammed it on the ground, broke it, and then asked me to have it fixed for him, and it didn't get fixed. I had it in my possession during the time when we were breaking up, and then I shipped it back to him so I didn't have to see him.

CRUZ-GARCIA: Well, there was **You-Fix-It charge** from before when you repaired the laptop; right?

ANTONIO: That was not for his laptop; was it?

CRUZ-GARCIA: That's what you said at a prior hearing.

ANTONIO: And you removed that charge because you said that that was Dan's laptop or Aspen's iPhone.

CRUZ-GARCIA: Sure. It was for Dan's benefit. It was his laptop, but it was --

ANTONIO: But which laptop --

Q: Hold on.

ANTONIO: Which laptop was it because it was multiple laptops that he's done that -- done that with. That was not the first and last time that he had enraged himself and broken an electronic device.

Q: So it's your testimony that the laptop that was broken, you fixed it. And then the laptop that you took was the same one that you fixed, that you had fixed a year before?

ANTONIO: No, I did not. Now you're creating another narrative. I said that there was multiple instances. So, of course, throughout the years, **Daniel Geberth had more than one laptop**, and he's had several instances where he has **enraged** himself and he throws whatever is in his way, and he threw down his laptop. On one instance, he asked me, "Could you bring it to uBreakiFix." And it got fixed. **And then there's another one shortly before our relationship ended, and he asked me to find a place to get it fixed. That one did not get fixed.** I did not go into his laptop and you're already trying to say that that is the laptop where I would have to change his information. I never testified what device or a device.

Q: Okay. Please turn to Exhibit 30.

THE COURT: Ma'am, you testified yesterday there was only one time you took a laptop to your house, so I do not know what you --

MS. CRUZ-GARCIA: I know, Your Honor, but I'm following the Court's advice.

MS. ANTONIO: But that was to my house. The other one I took directly to uBreakiFix, not to my house. I didn't keep it on my person.

THE COURT: Well, which -- did you keep it on your person the last time, the second one?

MS. ANTONIO: Yes, because I was trying to find a different manufacturer to do it.

THE COURT: Okay. Thank you.

- **May 2, 2022 Transcript of Adversary Proceeding Trial – Cross Examination of Daniel Geberth**

BY MS. ANTONIO:

Q And Mr. Geberth, there's also an additional email that you had sent to Ms. Antonio titled "The Narcissist," is that correct?

GEBERTH: I'd have to see the email. It's an email chain.

Q Do you have any knowledge of any email that's titled -- that has the subject line of "The Narcissist?"

GEBERTH: Yes. You called me a narcissist in an email, but I would have to see the entire email chain to recall the email.

Q My pleasure.

(Court and courtroom deputy conferring regarding exhibit.)

THE COURT: Is there a different one that you would like for him to have?

MS. ANTONIO: I believe it's my Exhibit -- it's Exhibit 116. I have it. It's located on page 34.

THE COURT: Looks like a --

MS. ANTONIO: It's my own personal one, that's why. It would be right after -- right before the -
- right after the "Know It All" email.

BY MS. ANTONIO:

Q Now, Mr. Geberth, did you -- in this email, can you -- did you see where it says "my priority now?"

GEBERTH: This is a screenshot off a phone. I can't tell. There's no "To" "From." The email's incomplete. This is not an entire email chain.

Q Mr. Geberth, that's not my question. We actually -- me, myself, and Judge McEwen actually went line-by-line with this, "The Narcissist" email.

MS. CRUZ-GARCIA: That's incorrect, Your Honor. What we're looking at is a screenshot of an incomplete email that ends mid-sentence. We did not review this in court.

THE COURT: Okay. May I ask if this was admitted to or not in the Request for Admissions? That's what this 116 is, Defendant's First Request for Admissions. If he admitted it, then can we move on?

MS. CRUZ-GARCIA: Hang on one second, Your Honor.

THE COURT: Did he admit the authenticity of this?

MS. CRUZ-GARCIA: I can tell you in one second, Your Honor.

MS. ANTONIO: Yes, he did.

MS. CRUZ-GARCIA: It's Exhibit 14 to the Request for Admissions and it is a screenshot of a partial email.

THE COURT: I don't care if it's a picture of his dog. If he admits it, it's legitimate, and that's accurate, then it's admitted, and we shouldn't be arguing about that part. We should only be arguing about what he means. Did he deny it or did he admit it?

MS. CRUZ-GARCIA: Your Honor, the question that's being asked is "Admit that each of the following documents, including this one, in the Request for Admissions, is a true and accurate reproduction of a genuine original." Right? There's nothing as to whether it's the complete, none of that. And to that sole question, the response was -- and then it says, "email -- and this is Exhibit 14 -- screenshot of email, "The Narcissist," and the response is admitted. That it is a screenshot of an email. Whether or not it's complete, whether or not it's the actual email --

THE COURT: What did you take by being authentic. Read the first part of that. So you all are parsing words on that?

MS. CRUZ-GARCIA: It's a true and accurate reproduction of a genuine original.

THE COURT: Yes. There was -- I thought there was an email chain. Mr. Geberth accurately remembers a chain. So we'll read -- we'll compare this to whatever's in the record, and we'll read it word-for-word to see whether we've just wasted a bunch of time. What was the number where you filed the complete email chain?

MS. CRUZ-GARCIA: And, Your Honor, that document number is 266, and this is precisely the email that Ms. Antonio said was not -- we couldn't use the entire exchange because it said from Dan Geberth to Dan Geberth. And therefore we moved on, and I said, "We're not introducing 266."

MS. ANTONIO: I would like to enter this exhibit into evidence.

MS. CRUZ-GARCIA: Did I hear that right, Your Honor?

THE COURT: Exhibit 7?

MS. ANTONIO: Well, it's already admitted, just to that portion.

MS. CRUZ-GARCIA: That we argued over the authenticity of this email because it said from Dan to Dan, and now we're moving it into evidence?

THE COURT: Well, wait a minute. 266 is yours. What is 7? You had them look at 116.

MS. ANTONIO: To Exhibit 116 to the --

THE COURT: Okay, I heard 7. Maybe I'm not hearing correctly.

MS. ANTONIO: No. Exhibit 116 of the screenshot that he just read form.

THE COURT: Okay. So Exhibit 116. Any objection?

MS. CRUZ-GARCIA: Yes, Your Honor. So 116 is the Request for Admissions and all of the exhibits? I think she's read from --

THE COURT: No, just Exhibit 14.

MS. CRUZ-GARCIA: Exhibit -- as to Exhibit 14? That screenshot does not have "to" "from" or anything and it's incomplete, and **therefore we submit Document TR03640, which is the complete.**

THE COURT: **Yes, except that that has a wrong name on it. It's got Geberth to Geberth. Right?**

MR. SOLOMON: But we explained why that was.

THE COURT: **Well, that's not the original either.** That's not what the screenshot was. How about we just admit the words that he agrees he typed.

MS. CRUZ-GARCIA: Sure.

THE COURT: Is there a problem with that?

MS. CRUZ-GARCIA: No, Your Honor.

THE COURT: Okay. On the screenshot, sir, for everything that you can see there, do you agree that you wrote those words?

GEBERTH: Yes.

THE COURT: Okay, fine. We're going to admit only Exhibit 14 of Exhibit 116 of Faith Antonio. Any objection?

MS. CRUZ-GARCIA: No, Your Honor, with that caveat.

MS. ANTONIO: Do you -- are you on -- on **November 26, 2019**, do you see the statement, "**Customer moved to office 036?**" Would you agree that that is when DGP started its migration from Workspace to Office 365?

MS. CRUZ-GARCIA: 000249. On the very bottom, 11/26/2019, 20:39 p.m., Crystal Revell.

GEBERTH: **Yeah**, they -- after talking to GoDaddy, they advised me it would be better to have a WordPress email account and they switched it over. **But all of my old emails that were currently on the Workspace email, got deleted, and then I had to ask them to try to restore them, which they weren't able to restore them.** And you can see an order for it a couple days later.

THE COURT: I'll let her go. He's testified that he all the emails from the whole time, and I just heard him say that they couldn't restore them. So keep going.

BY MS. ANTONIO:

Q And on January 15th of 2020, and this would be 245 --

MS. CRUZ-GARCIA: What time?

MS. ANTONIO: 5:00 p.m. -- well, I'm sorry, 4:09 p.m.

GEBERTH: Okay.

BY MS. ANTONIO:

Q: Do you see where it says, "CCI needed old emails from Workspace, WSE Workspace. **Emails were removed on January 11th (2022)**, purchased a new plan and restored emails." Do you see that?

GEBERTH: Yes. **This is where I went to Microsoft 365 and all the emails that were on the old system were accidentally deleted. And then I contacted them and I said, "Where'd all my emails go?" So I asked them, and the tried to restore all the old emails back onto**

Workspace 365. They were unsuccessful in restoring most of the emails. The only ones I had left were on my computer.

Q So on the last one -- my last one, I promise -- 244. It says January 21st, 2020.

GEBERTH: Okay. Well, there's like ten of them here. What time?

Q 2:20 p.m. It says, "CCI wanting to recover his old emails, but they are gone forever. Refunded Workspace."

GEBERTH: Yeah, that's exactly what I just told you just a minute ago.

Q: Now, Mr. Geberth, were the emails --

GEBERTH: The emails weren't deleted. **The actual -- the original emails were deleted.** The email addresses were not deleted.

Q: Mr. Geberth, was your emails from Daniel Geberth -- or emails from Daniel Geberth -- I'm sorry, Daniel Kennedy, John Gaydos and Ira Ramin. Is it -- is this the reason why you contacted them, to request emails from Faith@NumericRacing because that you didn't have -- no longer had these emails in your possession?

GEBERTH: And I don't keep emails for that long, so I asked them to send me any communications that they had with you over the last few years, because I don't typically keep emails for four or five years.

Q: So did you -- what is the reason why you have emails submitted to this Court from Daniel Geberth to Daniel Geberth?

GEBERTH: Because all the emails that are in Faith Antonio now are forwarded to Daniel Geberth at -- Dan@NumericRacing. **So if you want to test an email, send one to Faith@NumericRacing.com. I guarantee you it will come right to my phone.**

Q: Now, how can one determine --

GEBERTH: **And it'll say it's from Daniel Geberth.**

Q How can one determine that this is an original email or that between the forwarding, that the contents of said emails were not changed in any manner?

GEBERTH: **We can get the metadata information on anything that's new from the Workspace 365, which is all currently after this date.**

Q Why didn't you provide that to the Court?

GEBERTH: Provide what? We provided metadata --

Q: The original emails.

GEBERTH: We provided metadata or permission to.

Q: So are you confirming that these are not original emails?

THE COURT: Come on. Let's stay on task. He said that what wasn't deleted was what he had in his computer. Did I hear that correctly?

GEBERTH: Correct.

BY MS. ANTONIO:

Q: And do you have the metadata for that?

GEBERTH: I'm sure if I give it to Bill, the IT guy, he could pull all the information up off of it.

THE COURT: Which email?

THE WITNESS: The Narcissist, she's talking about.

MS. ANTONIO: The Narcissist.

THE COURT: Okay. The one that's at the top portion of their 266.

MS. ANTONIO: The one, the Daniel to Daniel Geberth.

GEBERTH: That I admitted to.

COURT: Is there something that you disagree with in 266?

ANTONIO: The bottom portion of that email is not the original.

COURT: Okay. Even if his mother helped him with it, I mean, if it doesn't harm you, why are you making a big deal out of it?

ANTONIO: **Because it's false evidence of trying to introduce –**

COURT: Well too bad you didn't hire an expert to drag the metadata.

- **August 29, 2022 Transcript of Adversary Proceeding Trial:**

BY MS. CRUZ-GARCIA:

Q Mr. Kanter, how did you receive this email?

KANTER: We retrieved this from the **forensic email collection** that we did.

Q: Did you get just the email -- just this email exchange that we see at Exhibit 4, or from Mr. Geberth?

KANTER: No.

Q Did you retrieve it yourself --

KANTER: Yes.

Q -- from the database for DGP?

KANTER: That's correct.

Q: And was this email part of a complete chain of communication?

KANTER: Yes.

MS. ANTONIO: I'm going to object because it was never produced to me during discovery.

MS. CRUZ-GARCIA: This is Document 266.

THE COURT: Okay. Document 266?

MS. CRUZ-GARCIA: Yes, Your Honor, and it was filed and produced. We filed it on April 4th of 2022. We filed it with the Court. Notice of filing of complete document, and it is Document 846.

THE COURT: It's part of 846?

MS. CRUZ-GARCIA: It's Document 846, and it's Exhibit 266.

THE COURT: Exhibit 266. Okay and --

MS. CRUZ-GARCIA: And we discussed this on day -- what day is this?

THE COURT: And June 16th, part of it came in?

MS. CRUZ-GARCIA: I'm sorry, Your Honor?

THE COURT: June 16th, part of it came in?

MS. CRUZ-GARCIA: That's correct, Your Honor.

THE COURT: The first email was identified by Mr. Geberth, and it came in June 16th in part.

MS. ANTONIO: That's after, when trial starts. That's like six months after I requested it.

THE COURT: Okay, do you -- well, the time for you to have discussed that was when they first raised it. So, that was back in --

MS. ANTONIO: -- That was when we were having the trial.

THE COURT: That was in May.

MS. ANTONIO: Our first trial day was April.

THE COURT: I understand that.

MS. ANTONIO: Okay.

THE COURT: But Mr. Geberth discussed it in May, and you didn't make an objection then.

MS. ANTONIO: I guess it passed me, okay.

THE COURT: But it could be that it's in some dropbox because, remember, we've had a lot of, I didn't, didn't.

THE COURT: Okay, just to satisfy the Court, I'm going to ask the Plaintiff to find out when it was originally delivered to her and if it was responsive to some email -- I mean some request for production. So, hold on just a second while I check something so I can ascertain what part of that email it's in. (Reviewing document.) Are you sure that's in Exhibit 266? Let's see.

MS. CRUZ-GARCIA: Sorry -- yes.

THE COURT: I'll have to figure out if it's in evidence or not, but he's relying on this as something that he found in his forensic analysis.

MS. CRUZ-GARCIA: Your Honor, if I may?

THE COURT: Yes.

MS. CRUZ-GARCIA: **We produced the document on April 4th of 2022, the entire exchange as it was obtained from Mr. Kanter.** Ms. Antonio has portions of that entire chain in her exhibit notebook that we have already -- **

THE COURT: That's not the issue. The issue is: Did you have it and did you turn it over to her when she first requested production of it?

MS. CRUZ-GARCIA: When we first -- when she first requested production of the email exchanges, Your Honor, we produced what we had. Subsequent to that there was some discussion as to whether or not these emails, the narcissist, the redline racing, whether or not they were a continuous communication. **I then went back to Mr. Kanter, he accessed the system, and produced the entire exchange. And as soon as we got it, we filed it.** And we've --

THE COURT: Wait a minute. That's like telling me that we didn't look for everything the first time we were asked, but the second time we were asked, we did.

MS. CRUZ-GARCIA: Your Honor, I didn't have access to anybody's database. I asked my client, and I produce what he produces to me. Whether or not there were pieces of these emails exchanged at another hearing, and whether or not that connection was made as to how it was a continuous communication --

THE COURT: That's not the issue. The issue is when **you're asked to produce all email**, all email must be produced.

MS. CRUZ-GARCIA: And we produced all we had, Your Honor, and we requested –

THE COURT: Time out. I'm not sure that you're prejudiced by this, because we have looked at this before, and we've looked at it for months.

MS. ANTONIO: I didn't look at it for months. So now --

THE COURT: Now wait, it came up -- I know Mr. Geberth talked about it on May 2nd, that is months ago, ma'am. (Referencing the Screenshot (116))

MS. ANTONIO: Your Honor --

THE COURT: Wait. It's up to counsel to ensure and supervise ESI collection. So how you could not have known about this is a mystery to me.

MS. CRUZ-GARCIA: Me, personally, Your Honor, **because I'm not the first attorney that worked on this case.**

THE COURT: There are things you do, and you have the duty to supervise. There are things you do to assure. You say: I want these devices looked at, these are the words I want looked at, I want you to print them all, you know, things like that. So I'm not sure how this got missed, but it was produced in April, it's already been the subject of testimony, there is some portion of it that is in evidence, and --

BY CRUZ-GARCIA:

Q And how did you obtain access to the emails? What device did you use?

KANTER: We use a forensic email collector program which --

Q I'm sorry, I didn't mean that. What device did you access in order to obtain the emails?

KANTER: Oh. We accessed the Microsoft server.

Q And did you also do inspections of computers owned by DGP?

KANTER: Yes.

Q What computers did you inspect?

KANTER: The laptop that was provided.

Q To your knowledge, where did that laptop come from?

KANTER: It came from Ms. Antonio.

Q Were there any passwords saved for Ms. Antonio's accounts on that computer?

KANTER: We didn't determine that, but we believe information was not all there when we got the computer --

Q Okay.

KANTER: -- we don't know to what degree but --

Q So when you accessed the email chain, did you find that the subject lines of a continuous communication – a continuum of communications between the parties, the subject line had changed?

KANTER: Yes.

Q: What were those subject lines that changed, from what to what; do you remember? You don't have to say them in order, but just what the subject lines were.

KANTER: No, I don't remember off the top of my head. I'd have to refresh my recollection on that, but I do know they changed, even though the thread was the same.

Q: And if you were to -- did you bring that laptop here today?

KANTER: (No audible response)

Q: If we were to request that you bring the laptop tomorrow, would you be able to do that?

KANTER: Yes.

Q: And pull that chain of email?

KANTER: Well, the chain of email was pulled from -- we can pull it either from there or from the source, the Microsoft source, yes.

Q: And you would be able to corroborate the IP addresses for each of the portions of the emails in open court?

KANTER: Correct.

MS. ANTONIO: I object to that. So now there's a laptop that I owned that he has? Okay.

THE COURT: That's not what he just testified to.

MS. ANTONIO: That's what I heard.

THE COURT: He said it was DGP's laptop; right?

KANTER: Correct. It was just in Ms. Antonio's possession.

THE COURT: The email at 6:21:34 p.m. on November 11th was one that Ms. Antonio did not agree to. That's at page 161 of Docket 963. So the IP address would be very relevant. Would the

laptop enable you to show not only the IP address of the originator but also the original email address?

KANTER: The metadata will show both. And, just for the record, we don't need the laptop because I have the data from the server. So I have that separately that I can bring in and show.

BY MS. CRUZ-GARCIA:

Q: Where do you have that?

KANTER: On a physical hard drive.

Q: Oh, okay, but you had it. All right.

THE COURT: And would the metadata also enable you to have your memory refreshed as to the sequencing of alleged subject matter changes?

KANTER: I'd have to see the actual emails because that's where the subject lines would change.

THE COURT: I see, okay.

BY MS. CRUZ-GARCIA:

Q And for this email, it says Daniel Geberth -- "from Daniel Geberth to Daniel Geberth," did you also do the IP - - the metadata analysis to confirm that it was not sent by Mr. Geberth to Mr. Geberth?

KANTER: That's correct.

Q Tell me what you did. Tell the Court what you did to analyze that.

KANTER: So when we retrieved the emails, we then were able to look at the metadata which reflects -- essentially metadata is data about data, it's sort of a back-end data, and it gives you information that is not formatted for the user in a user friendly way.

So it gives IP addresses, it gives a little more of the programming language at some level. That's not literally programming language, but it gives some of that to hone in an ID, authentication of what is in the email. So on page 156, the metadata reflects the actual sender and who it was sent to, how it originated, and the IP address --

- **August 29, 2022 Adversary Proceeding Trial Tr. Testimony of Brad Kanter (DGP's "Expert" Witness) pp. 143-147**

MS. ANTONIO: So my issue is if -- I requested for them to produce all the emails from the Numeric Racing, and that, you know, you know, they didn't provide a whole line, whether it's unrelated or not or between me and Dan for several years, there's nothing. So my thing is, if they're saying that they had emails, and they don't produce -- they only produce one or two here instead of the whole segment for me to go through, and they've presented it to the Court without me having -- that was my issue: that if they had access to the email records, right, and they're showing what they want instead of that there a whole line, you know, from maybe 2019 between me and Dan or vendors and stuff what I was requesting, they didn't produce anything of that. So I am left here, you know, they obviously --

THE COURT: Ma'am, again, how are you prejudiced when you had this report since April and now it's August?

MS. ANTONIO: I'm not saying that specifically, I'm saying that if they had access to the email records, they should have provided me the whole thing for me to be able to go through in discovery.

THE COURT: Okay, then you're talking about they had -- they did not supplement their production?

MS. ANTONIO: Correct.

THE COURT: Okay. Mr. Kanter has noted -- and **he said so from the stand that there were emails that had been deleted**, whether he said so from the stand or in his report, one or the other -- and so if they could not -- **because the emails were deleted, and we don't know by whom because it was a laptop that had been in your possession, and they didn't have it to produce to you, then they didn't have it to produce to you.** Now once he got it, should they have given everything? We can discuss that.

MS. ANTONIO: On the desktop, there's no laptop, that's why I said I was very confused what they're talking about on a laptop.

THE COURT: He said that he got them out of a laptop.

MS. CRUZ-GARCIA: **That he accessed it from the server. And, Your Honor, just to clarify --**

THE COURT: Wait a minute, he accessed them from a server or from a laptop?

KANTER: **Server.**

MS. CRUZ-GARCIA: From the server, the actual server –

THE COURT: Okay, but --

MS. CRUZ-GARCIA: -- through the laptop.

THE COURT: Through the laptop. Okay, I want to get to the bottom of this. If there should have been production, there should have been production. Because if there's a very long line of emails, and there's one in there that Daniel says, "You know, I know I've given you freedom to do whatever you want, use my accounts, use the bank account, but now I'm going to stop it," okay, if there's that in there, then that means permission, which negates embezzlement intent --

MS. CRUZ-GARCIA: Sure.

THE COURT: -- so if that's in there, she needs to see it. And I think –

MS. CRUZ-GARCIA: Right, and that was the original issue, Your Honor. These emails were produced in -- because the subject lines were different, they were produced, as printed -- I assume, **I wasn't involved**, so I assume by Mr. Geberth, given to Allison, who was the prior attorney. When we filed an interim report, is that what Your Honor called it, interim report --

THE COURT: Preliminary.

MS. CRUZ-GARCIA: -- a preliminary report, and we gave Ms. Antonio the preliminary report, **she filed that preliminary report with the Court on November 8th of 2021**, way before this trial started. Within that report, was email that's Exhibit 25 is Document 389 just for the record, and it was page 71 of 235.

RE: DGP Products Inc- Antonio- Communications ▾ Inbox × Adversary Bankruptcy/Plaintiff

Allison Thompson <athompson@solomonlaw.com>
to me, Jennifer, Stanford ▾

Ms. Antonio,

I am in receipt of your filing.

My last day with the firm is this Friday, September 17th. From that day forward, please send all communication to Sandy Solomon of directing communication to me.

Sincerely,

THE SOLOMON LAW GROUP, P.A.

Allison Thompson



09/17/2021	Substitution of Counsel. Stanford R. Solomon of The Solomon Law Group, P.A. is Substituted for Allison D. Thompson of The Solomon Law Group, P.A. . (Deanna) (Entered: 09/27/2021)
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THE COURT: Okay, but that's not what she's complaining about. She says --

MS. CRUZ-GARCIA: I'm getting to that, Your Honor, if I could have just one leeway.

THE COURT: Well, I know what's in there. Don't tell me things --

MS. CRUZ-GARCIA: No, but in that Document 389 in November of 2021 --

THE COURT: Okay --

MS. CRUZ-GARCIA: -- this email is in there.

THE COURT: Okay.

MS. CRUZ-GARCIA: And the other email is at **Document 389, page 69**, and again repeated at 199. After November, Ms. Antonio filed some motion to strike, or motion to disqualify Mr. Kanter, and mentioned all of these emails. **That's how this genesis came about where I finally sat down with Mr. Kanter, and asked him where are these emails coming from, because I am not the original attorney, and he said they are all part of this chain. He printed the chain for me, emailed it to me in pdf so I could not manipulate it. And as soon as I got it, I filed it, and that's how it came about.**

THE COURT: Okay, so the chain was provided in April?

MS. CRUZ-GARCIA: That's right, Your Honor, of all of these piecemeal emails that have been produced here and there, all continuous from the very first email in the chain that relates to buying and selling a product and talking about a customer --

THE COURT: Okay, time out --

MS. CRUZ-GARCIA: -- all the way through.

THE COURT: -- so you're saying that, to your knowledge, **every single email that exists that can be retrieved has already been provided to Ms. Antonio by no later than April of 2022?**

MS. CRUZ-GARCIA: **Yes, Your Honor.**

THE COURT: Okay, there's nothing else, ma'am.

EXHIBIT 17

Brad Kanter

From: Daniel Geberth
Sent: Tuesday, November 12, 2019 8:58 AM
To: Daniel Geberth
Subject: The Narcissist

Sender: Faith Antonio = faith@numericacing.com

\$1200 a week. If you had read correctly, there is no way in hell \$600 a week for all that I do is enough. Thanks for caring so much about your significant other or my livelihood. I am appreciative that I can be home in the morning when I am stiff and hurting, not that you care. Why would I want to be there when you aren't present or show interest in me. Please tell me, I keep asking. I am not gonna go sit alone in the office most of the day, when I can be home where people aren't slamming things or yelling and actually having a conversation with me. That behavior is not okay. Sit in that office with me while I am there or build the shit out of the shifters. Your business could be making more money if you would actually sit there with me and be productive instead of focusing on your house.

If you don't want to give me \$1200 a week, I will go elsewhere.

By the way, sometimes I took out money to pay my brother etc. or to get things that you asked me to get. I asked permission. You just fail to pay attention.

AT THE END OF THE DAY, YOU ARE RAGING OUT CUZ YOU AREN'T GETTING LAID. I KEEP TELLING YOU WHY AND YOU REFUSE TO CORRECT YOUR BEHAVIOR. SO I DON'T KNOW WHAT TO TELL YOU.

"Wow! Dan just paid for my fucked up teeth so I'm going to show him some appreciation and fuck him."

Do you see the problem here? You buy me things to fuck you? Get out of here. I know maybe because you dated whores and prostitutes, that's how you think a relationship works. You have to be nice like personality wise in order to get laid. It's how you treat someone. Love and affection buys everything. Sad to see helping me wasn't out of the goodness of your heart.

We have been together for 5 years. Too bad it's not love making. It's just fucking. AND again, it was totally okay for me to suffer for two years but you can't handle it when I am going through something myself. Maybe things would change if you would love the shit out of me, but you don't know how to love. It's quite apparent. You show it by materialism, all I require is affection and attention. Which is free. 😊

If you would have checked out dgpproducts.com when I had asked you to, you would have seen the website. Its code wasn't working. Don't tell me how long it takes to build one, I don't ask you why it takes you so long to design the products that you aren't designing right now.

From: dan@numericacing.com <dan@numericacing.com>
Sent: Monday, November 11, 2019 11:08 PM
To: faith@numericacing.com
Subject: The Know It All

Yes you did take a dig at me but you since have taken it down. What exactly do you do for me that I can't have someone else do or do for myself. NAME SOMETHING and not from over 5 years ago. A ride to the doctor. My pants. Dinners you

METADATA – EXHIBIT -17

Received: from DESKTOP0GPTH1 ([47.199.188.244]) by :SMTPAUTH: with ESMTPSA id UWgfiqqe3heuUWggiF6Zh; Tue, 12 Nov 2019 13:58:31 Z

Received: from p3plsmtpa09-07.prod.phx3.secureserver.net ([173.201.193.236]) (using TLSv1.2 with cipher ECDHE-RSA-AES256-GCM-SHA384 256/256 bits) (Client did not present a certificate) by CMGW with ESMTP id UWg4ibEEvJwLwUWghiss0c; Tue, 12 Nov 2019 13:58:31 Z

Received: from unknown (HELO p3plibsmtp01-12.prod.phx3.secureserver.net) ([72.167.238.228]) (envelope-sender <faith@numericracing.com>) by p3plsmtp14-04-26.prod.phx3.secureserver.net (qmail-1.03) with SMTP for <dan@numericracing.com>; Tue, 12 Nov 2019 13:58:31 Z

Received: (qmail 22841 invoked by uid 30297); Tue, 12 Nov 2019 13:58:31 Z

From: <faith@numericracing.com>

To: dan@numericracing.com

Subject: The Narcissist

Date: Tue, 12 Nov 2019 08:58:29 -0500

Message-ID: <008f01d59961\$44441e50\$cccc5af0\$@numericracing.com>

MIME-Version: 1.0

Content-Type: multipart/mixed; boundary="----=_NextPart_000_0090_01D59937.5B701220"

X-Mailer: Microsoft Outlook 16.0

Thread-Index: AdWZYBfVVx8fakiTRFu16Pz7MUpKnQ==

Content-Language: en-us

X-CMAE-Envelope:

MS4wfAVA2KdbRNTAqwAePFOjgDQ8TTzA2G/zVh2jG4ZlPw6pDSt36KSzUM+PLI17C9f3b+twRcxRSp4gzW8IJE7v0A12nEqwkhHqdhbUxHZZAATPeuLyItSUGReqzssikI67/U/9Wf02+sM1c1Sir0fTYQRgYAtntOurt2Bd0FD+T5ncYJn0kdUTn1qj00EOFqveLbiJdcr51MNeaSb1MKhVofsxJfHdR2UMyIRzn+JDDmH

X-Nonspam: None

X-SK-MSG-GUID: INBOX#280522

X-SK-MIG-DATE: Wed, 27 Nov 2019 00:06:35 PST

X-SK-MIG-SRC: dan@numericracing.com

X-SK-MIG-TGT: dan@numericracing.com

X-SK-MIG-METH: SERVER

EXHIBIT 18

Brad Kanter

Sender: Faith Antonio = faith@numericacing.com

From: Daniel Geberth
Sent: Monday, October 7, 2019 9:22 AM
To: Daniel Geberth

To: Dan Geberth = dan@numericacing.com

I hate having to nag you all the time. I am a little upset that when I am there working, you are off doing other things. I would really appreciate it if you were there with me when I am there working. I do all my things in the morning or after 6 when work is over, but on top of it, I work from home in the morning and at night. I am always doing something Numeric Racing related. You can see how well your business is thriving, its because I am always doing something. Numeric Racing is my baby. Whether its advertising, sales, the website, accounting. There is sooooo much to do and this is the reason why I take home what I do every week.

I would appreciate the same respect that you are there with me when I am there. Please be my partner. I want you there with me. When I drive 30 min from home and you are off doing other things not work related, it upsets me.

The UPS guy is now showing up at 3:30 and I get an order where the person wants a product overnighted, I have to go run to the UPS or the FedEx store. If you are out there in the garage and a DHL or UPS or FedEx driver is out there, please come in and tell me and ask me if anything is sitting inside for pickup. Maybe we can get him to come back or maybe you can run packages to the shipping place and not always have to be me. This is getting too much with these drivers. There is still no shifters done in advance. Thank you for getting all the cables made, but can you now start working on shifters? It's the bane to my existence, depressing me and stressing me out.

I am there alone trying to field technical questions and sales, I have the website to finish and trying to go through the accounting before tomorrow. I would really appreciate it if you would be there working when I am. And I really would appreciate it if we have a boat load of shifters, not just 5 at a time. I need shifters today. I would like it if there was always like 25, just sitting there all the time. (Make 5 a day, every day during the week.)

My stomach hurts just thinking about this. If you want to get laid and a happy gf, please be here and run this business with me. Be my partner, the business does not run itself. I would really like to go to SEMA, this could potentially add more sales to the business. I am trying to find other ways to make additional income. I really need to buy my house and this \$2000 a month rent plus utilities is stressing me out and I love my home and I love where I live. You are so smart with products, I would really appreciate your expertise. Everything is falling apart or falling on my shoulders and I don't want to do everything alone.

Thank you.

Sincerely, your stressed out gf.

METADATA – EXHIBIT 18

Received: from DESKTOP0GPTH1 ([47.199.187.248]) by :SMTPAUTH: with ESMTPSA id HSxjiUkYfnM5bHSxkiS7rm; Mon, 07 Oct 2019 13:22:09 Z

Received: from p3plsmtpa06-07.prod.phx3.secureserver.net ([173.201.192.108]) (using TLSv1.2 with cipher ECDHE-RSA-AES256-GCM-SHA384 256/256 bits) (Client did not present a certificate) by CMGW with ESMTPT id HSxgiuKWWPnXmHSxliPLt7; Mon, 07 Oct 2019 13:22:09 Z

GoDaddy.com LLC

Received: from unknown (HELO p3plibsmtp02-15.prod.phx3.secureserver.net) ([68.178.213.15]) (envelope-sender <faith@numericracing.com>) by p3plsmtp14-06-26.prod.phx3.secureserver.net (qmail-1.03) with SMTP for <dan@numericracing.com>; Mon, 07 Oct 2019 13:22:09 Z

Received: (qmail 31763 invoked by uid 30297); Mon, 07 Oct 2019 13:22:09 Z

From: <faith@numericracing.com>

To: <dan@numericracing.com>

Subject:

Date: Mon, 7 Oct 2019 09:22:07 -0400

Message-ID: <004c01d57d12\$38ab4750\$a01d5f0\$@numericracing.com>

MIME-Version: 1.0

Content-Type: multipart/alternative;boundary="-----_NextPart_000_004D_01D57CF0.B19BA320"

X-Mailer: Microsoft Outlook 16.0

Thread-Index: AdV9EjdH1t4p5VEWT4ywAeBcOeTi8Q==

Content-Language: en-us

X-CMAE-Envelope:

MS4wfHr+gfAw3Ta8kqJmBfmSCL9nhBtOTZlYXYkfEWnLIwjPQwLxAlw16hGG6gwiAI+PMeEnzVCeUFQ4BP qM2UkOk+OijQl+IAoE4jiStdPc19gq/1JFzikPSeXEbvKExK+HNOjSmAFfloZiRJJF0VgA/DQ4tQVv+TFMpxzBH xbtJujQALtLbK2VVNs6kF1BJ70NjyX9Wi7pgmn3M12RGle4huePX7TQ3olCG85izePWWQ7S

X-Nonspam: None

X-SK-MSG-GUID: INBOX#278581

X-SK-MIG-DATE: Wed, 27 Nov 2019 00:15:52 PST

X-SK-MIG-SRC: dan@numericracing.com

X-SK-MIG-TGT: dan@numericracing.com

X-SK-MIG-METH: SERVER

MS. ANTONIO: So it's from October to November, that's of 2019, for five years that's all you can produce. Okay.

THE COURT: Ms. Antonio, you could have had your own E-person, you know.

- **February 13, 2023 Adversary Proceeding Transcript of Trial**

KANTER: There were multiple programs used. **Forensic Email Collector was the one that we ultimately settled on because we could retract the information directly from the server of Microsoft, not from the laptop.** We wanted to avoid any concern of objectivity, so we directly accessed those emails from Microsoft server.

Those are the ones ultimately relied upon.

Q And whose -- do you -- whose laptop was this?

KANTER: **DGP's laptop. But again, ultimately, the emails that were confirmed were pulled from the server, not the laptop. So the laptop is irrelevant.**

- **February 15, 2023 Adversary Proceeding Transcript of Trial**

BY THE COURT:

Q: Mr. Kanter, how did you get the laptop that you associated with having been in Faith Antonio's possession?

KANTER: From the Plaintiff.

Q Meaning Mr. Geberth, as principal for the Plaintiff or --

KANTER: Yes.

Q -- from one of the lawyers?

KANTER: Well, I believe -- I'm not exactly -- I don't exactly remember. It may have come from the attorneys if it was presented to them. I know it had to be retrieved from the Defendant for some time.

MS. ANTONIO: Can you repeat that? It was retrieved from the Defendant?

THE COURT: The laptop that he has apparently in his possession was one that he has associated with your use at some point.

MS. ANTONIO: That's interesting.

THE COURT: So, somebody had to get it from you is what he believes.

KANTER: I just wanted to clarify, Your Honor, that for the purposes of the emails, although initially the laptop was reviewed, I just wanted to reiterate that **we went directly to the Microsoft server, did not use the laptop for that purpose, just to make the Court feel comfortable.**

THE COURT: I remember that, and you said for that reason the other platforms were less desirable and you decided to go right to the source.

KANTER: Correct.

Geberth admitted all emails prior to January 11, 2020 were unrecoverable meaning Kanter did not have the ability to obtain unaltered, native files from a Microsoft 365 server..... Further... the [MSI] laptop was Geberth's.

Trial Transcript: May 2, 2022

ANTONIO: ... on November 26, 2019, do you see the statement, “Customer moved to office 360?” Would you agree that that is when DGP started its migration from Workspace to Office 365? [175:4-7]

GEBERTH: Yeah, they – after talking to GoDaddy, they advised me it would be better to have a WordPress email account and they switched it over. **But all of my old emails that were currently on the Workspace email, got deleted, and I had to ask them to try to restore them, which they weren't able to restore them.** And you can see an order for it a couple days later. [175:21-25, 176:1-3].

ANTONIO: Do you see where it says, “**CCI needed old emails from Workspace, WSE Workspace. Emails were removed on January 11th, [2020] purchased a new plan and restored emails.**” Do you see that? [177:12-15]

GEBERTH: Yes. **This is where I went to Microsoft 365 and all the emails that were on the old system were accidentally deleted.** And then I contacted them and I said, “Where'd all my emails go?” So I asked them, and **they tried to restore all the old emails back onto Workspace 365. They were unsuccessful in restoring most of the emails. The only ones I had left were on my computer.** [177:16-23]

ANTONIO: It says January 21st, 2020. 2:20 p.m. It says, “**CCI wanting to recover his old emails, but they are gone forever. Refunded Workspace.**” [177:25, 178:2-3]

GEBERTH: Yeah, that's exactly what I just told you just a minute ago. The emails weren't deleted. The actual – **the original emails were deleted.** The email addresses were not deleted. [177:4-8]

ANTONIO: Mr. Geberth, was your emails from Daniel Geberth – or emails from Daniel Geberth – I’m sorry John Gaydos and Ira Ramin. Is it – is this the reason why you contacted them, to request emails from Faith@numericracing because... you no longer had these emails in your possession?

GEBERTH: And I don’t keep emails for that long, so I asked them to send me any communications that they had with you over the last few years, because I don’t typically keep emails for four or five years.

ANTONIO: So did you – **what is the reason why you have emails submitted to this Court from Daniel Geberth to Daniel Geberth?**

GEBERTH: Because all the emails that are in Faith Antonio now are forwarded to Daniel Geberth at dan@numericracing. So if you want to test an email, send one to faith@numericracing.com. I guarantee you it will come right to my phone. And it’ll say it’s from Daniel Geberth.

ANTONIO: How can one determine that this is an original email or that between the forwarding, that the contents of said emails were not changed in any manner?

GEBERTH: **We can get the metadata information on anything new from the Workspace 365, which is currently all after this date [January 11, 2020].**

ANTONIO: Why didn’t you provide that to the Court?

GEBERTH: Provide what? We provided metadata –

ANTONIO: The original emails.

GEBERTH: We provided metadata or permission to.

ANTONIO: So are you confirming that these are not original emails?

COURT: **He said that what wasn’t deleted was what he had in his computer. Did I hear that correctly?**

GEBERTH: Correct.

- **February 23, 2023 – Excerpt from Unofficial Transcript of Hearing on Defendant’s Motion to Recuse**

I turn next to favoritism and the allegation that I have exhibited hostility to you, Miss Antonio. The entirety of the record, not only of the trial but of all case issues and during the adversary proceeding, pretrial hearings and review of the papers leaves no doubt, or would leave no doubt in an objective observer's mind that I have adhered to the guidance given by the 11th Circuit concerning the treatment of pro se parties and in three specific areas where they have commented, general filings and procedures, that's one. Sufficiency of the pleadings, that's another. And motions for summary judgment, that's another. The plaintiff's representative and the plaintiff's counsel may say that I even went farther than what the 11th Circuit requires. To that end, they may argue that I favored you, the defendant. I favored no party.

My conduct of this very difficult set of proceedings has required me to exercise discretion based on the facts and the needs of this very unique case. The 11th Circuit says that trial judges such as myself must treat pro se litigants such as the debtor, Miss Antonio, the defendant, with special care because they occupy a position significantly different from that occupied by litigants represented by counsel. That comes from the Johnson versus Pullman, Inc. Case, 845 F. Second

911, the 11th Circuit's case in 1988. Quoting Moore versus Florida, 703 F. Second 516.

I believe that I have met the spirit of the 11th Circuit's directive as trial judge. The entirety of the record in the case and the adversary proceedings shows that I have been firm or even stern at times, but with both sides and on the plaintiff side, that goes for the lawyers and the corporate representative alike, the management of this difficult case and adversary proceeding and the heightened emotions of the parties, and even from time to time counsel has required some degree of what you might call using the vernacular adult supervision on page seven of your motion to disqualify me.

You take issue with the fact that I accepted a statement from Ms. Cruz Garcia citing that she was an officer of the court. Let me tell you that there are certain duties that an officer of the court has based on an oath that they have taken. That's an oath that you have not taken, ma'am. And that's a distinction. That is why I may take the word of an officer of the court on something that is not reasonably debatable.