

App. 10



COURT REPORTING

LEGAL VIDEOGRAPHY

VIDEOCONFERENCING

TRIAL PRESENTATION

MOCK JURY SERVICES

LEGAL TRANSCRIPTION

COPYING AND SCANNING

LANGUAGE INTERPRETERS



NAEGELI
DEPOSITION & TRIAL



(800) 528-3335

NAEGELIUSA.COM

UNITED STATES BANKRUPTCY COURT
MIDDLE DIVISION OF FLORIDA
TAMPA DIVISION

IN RE:
FAITH ELYZABETH ANTONIO,
Chapter 7,

Case No. 8:20-BK-07637

Debtor.

DGP PRODUCTS INC.,
d/b/a NUMERIC RACING,

Plaintiff,

Adversary Case

vs.

No. 8:20-ap-00537-CPM

FAITH ELYZABETH ANTONIO,

Defendant.

REMOTE VIDEOCONFERENCE DEPOSITION OF

DANIEL GEBERTH

TAKEN ON
FRIDAY, MARCH 4, 2022
2:05 P.M.

1881 WEST KENNEDY BOULEVARD, SUITE D
TAMPA, FLORIDA 33606

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES BY VIDEOCONFERENCE

Appearing on behalf of the Plaintiff:

STANFORD F. SOLOMON, ESQUIRE

VICTORIA CRUZ-GARCIA

The Solomon Law Group, P.A.

1881 West Kennedy Boulevard, Suite D

Tampa, FL 33606

(813) 225-1818

(813) 225-1050 (Fax)

ssolomon@solomonlaw.com

vgarcia@solomonlaw.com

Appearing Pro Se:

FAITH ELYZABETH ANTONIO

3564 Dove Hollow Court

Palm Harbor, FL 34683

faithantonio.legal@gmail.com

ALSO PRESENT:

JUDGE CATHERINE MCEWEN, United States Bankruptcy Court

TOM HAZELHURST, Video Technician

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXAMINATION INDEX

Page

EXAMINATION BY MS. ANTONIO

16

1 please? Page 2.

2 (WHEREUPON, Exhibit 1 was marked for
3 identification.)

4 BY MS. ANTONIO:

5 Q. Mr. Geberth, do you think the amount
6 listed on the Proof of Claim in the amount of 1,700
7 -- I'm sorry, \$172,327.60 is an accurate reflection
8 of the amount that you claim was embezzled from your
9 company?

10 MR. SOLOMON: I'm not sure. What's the
11 time frame of your question? That he believed at
12 the time of the Proof of Claim or that he believes
13 now?

14 MS. ANTONIO: That he believes at the --
15 previously, it was stated that this claim was
16 increasing, not decreasing, so my question as --
17 we'll do both.

18 BY MS. ANTONIO:

19 Q. So as of the date that this claim was
20 filed, did you think that the amount listed was an
21 accurate reflection of the amount that you claim was
22 embezzled from your company?

23 MR. SOLOMON: We so stipulate.

24 BY MS. ANTONIO:

25 Q. And do you think the amount listed on the

1 Proof of Claim is an accurate reflection of the
2 amount that you claim was embezzled from your
3 company at this date?

4 MR. SOLOMON: You just looked at a
5 document that modifies it. That's what we filed.
6 That's what you just asked a question about. I
7 don't understand what you want to ask.

8 BY MS. ANTONIO:

9 Q. Well, under penalty of perjury, would you
10 state that the amount listed on the Proof of Claim
11 is accurate?

12 MR. SOLOMON: The same objection. As of
13 what time?

14 BY MS. ANTONIO:

15 Q. Mr. Geberth, do you intend to amend this
16 Proof of Claim prior to trial?

17 MR. SOLOMON: I think we just did. That's
18 the document you looked at. That was the purpose of
19 the document and giving it to you in advance of the
20 deposition so you would know what not to waste your
21 time on. Ask whatever you want.

22 MS. ANTONIO: I am. Thank you.

23 BY MS. ANTONIO:

24 Q. So is there further possibility that the
25 amount that's listed on this Proof of Claim and then

1 amended today could possibly go lower or is not
2 accurate at all, Mr. Geberth?

3 MR. SOLOMON: Objection.

4 MS. ANTONIO: I'll rephrase that.

5 BY MS. ANTONIO:

6 Q. Mr. Geberth, do you represent -- is it
7 your testimony that the Proof of Claim, even with
8 the amended --Mr. Geberth, is is your testimony that
9 the amount will not change once we go to trial? Is
10 this an accurate reflection?

11 A. I can't confirm that because I keep
12 finding more stuff as time goes on. I'm still
13 waiting for subpoenas to come back.

14 Q. During the years of 2015 through 2019, did
15 you file and pay taxes for any employment activity
16 on behalf of Ms. Antonio?

17 MR. SOLOMON: I'm sorry. You're going to
18 have to repeat that. It was garbled. I couldn't
19 hear it.

20 BY MS. ANTONIO:

21 Q. During the years of 2015 through 2019, did
22 you file and pay taxes for any employment activity
23 on behalf of Ms. Antonio?

24 MR. SOLOMON: Is your question, filings
25 during that period or for filings later of things

1 that occurred during that period?

2 **BY MS. ANTONIO:**

3 Q. During, during, the year of 2015 through
4 2019, did you file and pay taxes for any employment
5 activity on behalf of Ms. Antonio?

6 A. During those years, no. But I just filed
7 all your W-2's and I'm going to be paying all the
8 payroll taxes and all the Social Security and the
9 FICA taxes.

10 Q. Mr. Geberth, are you aware that you cannot
11 -- I'm sorry, Mr. Geberth, are you aware that you
12 cannot amend and declare taxes that were never sent
13 to the Florida Department of Revenue?

14 A. I don't know if that's a true or accurate
15 statement at all.

16 Q. Okay. Mr. Geberth, who directed you to
17 create 1099s for 20 -- for the years 20 -- 2016
18 through 2019?

19 **MR. SOLOMON:** Objection. Negative
20 pregnant.

21 **MS. ANTONIO:** I'm sorry. You can remove
22 that Exhibit from the screen.

23 **BY MS. ANTONIO:**

24 Q. I'm going to draw back to that. During
25 the years of 2015 through 2019, did you file the

1 1099-Miscellaneous form on behalf of the defendant?

2 MR. SOLOMON: Asked and answered.

3 MS. ANTONIO: I don't remember hearing an
4 answer.

5 JUDGE MCEWEN: He said not during the
6 time, but he has since.

7 MR. SOLOMON: Correct. Didn't you ask him
8 whether he had filed any tax documents relating to
9 income that he paid to you? And he said, no.

10 MS. ANTONIO: I'm saying, during the time.
11 I'm not saying anytime after. I'm saying, during
12 the year -- I'm going to go one by one then.

13 MR. SOLOMON: He said, no. We stipulate.
14 He didn't do those things until after you left.

15 BY MS. ANTONIO:

16 Q. Mr. Geberth, did you ever pay cash to any
17 individual who performed work activity on behalf of
18 DGP?

19 MR. SOLOMON: Objection. Irrelevant. And
20 you don't have to answer that question unless the
21 Judge tells you to.

22 JUDGE MCEWEN: It's a vague question.
23 What kind of tax are you talking about?

24 MS. ANTONIO: I'm sorry.

25 BY MS. ANTONIO:

1 Q. Between the years of 2014 to 2019, did you
2 ever pay cash to any individual who performed work
3 activity on behalf of DGP?

4 JUDGE MCEWEN: I have the same problem.
5 What taxes are you talking about?

6 MS. ANTONIO: I'm not talking about taxes.
7 I'm asking if he ever paid cash.

8 JUDGE MCEWEN: I'm sorry. I thought I
9 heard the word taxes. My bad.

10 MS. ANTONIO: Okay.

11 THE DEPONENT: I don't know. Maybe I paid
12 a guy 100 bucks to detail my car.

13 BY MS. ANTONIO:

14 Q. So is that work activity?

15 A. Yeah. Actually, I did. I paid On Time
16 Electric -- no, no, I wrote him a company check.

17 Q. Did you ever pay cash to a Jeffrey Geberth
18 for any work activity on behalf of DGP?

19 A. Yeah. I gave my father checks. Actually,
20 you gave my father the checks.

21 Q. Mr. Geberth, did you ever report this work
22 activity to any -- to the Internal Revenue Service
23 for any payments made to any individuals, such as
24 Jeffrey Geberth?

25 A. Yeah. I did 1099's on vendors I did

1 Q. Mr. Geberth, did you ever pay by check to
2 any individual who performed work activity on behalf
3 of DGP?

4 A. Did I ever pay by check to anyone that
5 performed work for DGP? Yes. I just told you I
6 give a check to On Time Electric to come in and wire
7 something that I needed in my garage.

8 Q. Mr. Geberth, did you ever report this
9 activity to the IRS?

10 A. It's a company check. If you write a
11 company check to a business to perform a task, you
12 don't have to report that to the IRS.

13 Q. This is work activity, not for a vendor.

14 A. This is work activity. Somebody comes in
15 and does work at your house, electrical work, to fix
16 an electrical outlet or something, you pay them with
17 a company check. You don't have to report that to
18 the IRS.

19 Q. Mr. Geberth, can you please calm your
20 hostility?

21 A. Well, you're misunderstanding the
22 question.

23 Q. Mr. Geberth, did you ever pay cash to any
24 individual who performed employment activity on
25 behalf of DGP?

1 **MR. SOLOMON:** This is pretty far afield.
2 If you a specific question, you can ask that, but
3 otherwise I'm not going to let him answer that
4 question.

5 **MS. ANTONIO:** I am trying to allow -- to
6 lay a foundation, Mr. Solomon.

7 **MR. SOLOMON:** Okay.

8 **JUDGE MCEWEN:** Listen, if there's ATM
9 money coming out and it's not her, it could be
10 someone else. So the question is simply this,
11 during the relevant years, did you ever pay anyone
12 who ever did work for DGP in cash?

13 **MR. SOLOMON:** He's answered that question.

14 **THE DEPONENT:** I've paid people cash to do
15 work for me in my house. I've never paid anybody
16 cash to do work for DGP. I paid people cash to do
17 work on my own personal stuff. Like I paid her
18 brother cash to paint my house.

19 **BY MS. ANTONIO:**

20 **Q. I asked about employment related**
21 **activities.**

22 **A. That's not employment related. There's no**
23 **employment related. I paid no cash to anybody.**

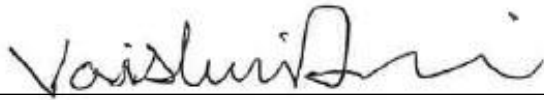
24 **JUDGE MCEWEN:** Stop arguing. I heard the
25 answer. The answer is, Ma'am, no, he hasn't. Not

CERTIFICATE

I, Vaishnavi Duvvuri, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true, and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 10th day of March, 2022.



Vaishnavi Duvvuri