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CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

VERIZON WIRELESS 30(b)(6)
BURT W. NEWSOME vs CLARK ANDREW COOPER

July 31, 2017
1-4

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1 IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
2 BIRMINGHAM DIVISION
3 CV-2015-900190-00

4 BURT W. NEWSOME; and
5 NEWSOME LAW, LLC,

6
7 Plaintiff(s),

8 v.

9 CLARK ANDREW COOPER;
10 BALCH & BINGHAM, LLP;
11 JOHN W. BULLOCK, JR.;
12 CLAIBORNE PORTER SEIER,
13 Defendant(s).

14 DEPOSITION UNDER ORAL EXAMINATION OF
15 JASON FORMAN
16 DATE: JULY 31, 2017
17 REPORTED BY: CHARLENE FRIEDMAN, CCR, RPR, CRR

18
19
20
21
22 ESQUIRE DEPOSITION SOLUTIONS, LLC
23 1384 Broadway - 19th Floor
24 New York, New York 10018
25 (212) 687-2010
JOB # 20624002

Page 3

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2
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7 (205) 747-1970
8 BY: BURT W. NEWSOME, ESQ.
9 (Via Telephone)
10 Attorneys for Plaintiff

11
12
13 BALCH & BINGHAM, LLP
14 1901 Sixth Avenue North
15 Suite 1500
16 Birmingham, Alabama 35203
17 (205) 226-3414
18 BY: KIMBERLY BELL, ESQ.
19 -and-
20 KATIE HILL, ESQ.
21 (Via Telephone)
22 Attorneys for Defendant, Balch & Bingham, LLP

23
24 SCOTT, SULLIVAN, STREETMAN & FOX, P.C.
25 2450 Valleydale Road
P.O. Box 380548
Birmingham, Alabama 35238
(205) 957-9675
BY: ROBERT M. RONNLUND, ESQ.
(Via telephone)
Attorneys for Defendant, Claiborne Porter Seier

ALSO PRESENT: TODD SCHULMAN, General Counsel
Verizon

Page 2

1 TRANSCRIPT of the deposition of the
2 witness, called for Oral Examination in the
3 above-captioned matter, by and before CHARLENE FRIEDMAN,
4 a Notary Public and Certified Court Reporter of the
5 State of New Jersey, a Registered Professional Reporter,
6 and a Certified Realtime Reporter, at REGUS, 90
7 Washington Valley Road, Bedminster, New Jersey, on July
8 31, 2017, commencing at approximately 9:15 in the
9 morning.

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I N D E X

WITNESS NAME	PAGE
JASON FORMAN	
By Mr. Ronnlund	6, 72
By Ms. Bell	16
By Mr. Newsome	20

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
(None marked.)		

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<p>1 2 Deposition Support Index 3 4 5 Direction to witness not to answer 6 Page Line 7 None 8 9 Request for production of documents 10 Page Line 11 None 12 13 Questions marked 14 Page Line 15 None 16 17 18 19 20 21 22 23 24 25</p>	<p>1 Q Can you please introduce yourself 2 to the court and jury? 3 A My name is Jason Forman. I am a 4 custodian of records for Verizon. 5 Q And where are you located today 6 while your deposition is being taken, Mr. 7 Forman? 8 A I am at 90 Washington Valley Road 9 in Bedminster, New Jersey. The zip code is 10 07921. 11 Q And where is that in relation to 12 Verizon's office where the custodian of 13 records subpoena responses are handled? 14 A Same complex, pretty much almost 15 the same parking lot. 16 Q Next door? 17 A Across the lot. 18 Q Okay. And you mentioned that you 19 are a custodian of records for Verizon. 20 Can you explain what that is? 21 A I basically comply with various 22 subpoenas and court orders served on Verizon 23 Wireless for versus types of phone records. 24 Q And do you know why you're here 25 today?</p>
Page 6	Page 8
<p>1 JASON FORMAN, 2 called as a witness, having been first duly 3 sworn according to law, testifies as follows: 4 5 MR. RONNLUND: We're taking this 6 deposition to address a concern, the witness, 7 according to usual Alabama stipulations on 8 depositions. 9 MR. NEWSOME: And for the record, 10 Burt Newsome from Newsome Law. We object to 11 the deposition going forward, one, there was 12 never any subpoena issued to Verizon as a 13 non-party, and also, for the other grounds 14 stated in our motion to quash. Plus, this 15 witness, he's not going to be able to see our 16 documents in this format that we have 17 questions about. 18 Our main objections is that Verizon 19 has never been properly subpoenaed for this 20 witness. I don't even know how this witness 21 even knows to appear today. 22 MR. RONNLUND: All right. 23 EXAMINATION BY MR. RONNLUND: 24 Q Are you ready, Jason? 25 A Yes.</p>	<p>1 A Apparently, there is some question 2 as to whether or not there is a routing 3 number or whether it actually is a routing 4 number based on some records we produced on a 5 previous subpoena. 6 Q And you understand that you're here 7 today to testify on behalf of the company 8 that you work for, Verizon Wireless? 9 A That is correct. 10 Q And you're doing that pursuant to a 11 notice of taking your deposition that you 12 received from me or someone at my office. 13 Is that correct? 14 A That's correct. 15 Q And do you have a copy of that 16 deposition notice with you today? 17 A I do. 18 Q And on that, we designated some 19 topics for Verizon to produce a witness on 20 specifically Topic Number 1, "The nature and 21 ownership of a certain Verizon telephone 22 number, (206)410-1494." 23 Did I read that correctly off the 24 notice? 25 A Yes, you did.</p>

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<p style="text-align: right;">Page 9</p> <p>1 Q Okay. And are you, in fact, that 2 witness? 3 A Yes. 4 Q And then Number 2, "A description 5 about how Verizon uses routing numbers, such 6 as Verizon number (205)410-1494, in its 7 operations." 8 Again, are you that witness? 9 A Yes. 10 Q And Mr. Forman, what did you do 11 today in preparation for this deposition to 12 educate yourself to become knowledgeable on 13 the topics that are set forth in our notice 14 to Verizon? 15 A I've been working in this 16 department since 2003. I've been a lead 17 since 2006. I am familiar with what a 18 routing number is. 19 Q Okay. So you've worked for Verizon 20 doing investigations and reporting of this 21 nature for an excess of ten years. 22 Did I understand that? 23 A That is correct. 24 Q Coming up close to fifteen years 25 next year?</p>	<p style="text-align: right;">Page 11</p> <p>1 So just as an example, going off of 2 this one, the report may -- since I don't 3 have the report in front of me -- say 4 (205)410-1490, 1494, 1498, 1502. 5 It -- it stands out very quickly 6 that that's what's going on. 7 Q Okay. And since 2007, the number 8 (205)410-1494 has been owned by Verizon 9 Wireless. 10 Is that right? 11 A That is correct. 12 Q It hasn't been issued to a 13 subscriber. So there's not a cell phone out 14 there that I could call, (205)410-1494, and 15 get a human person on the other end of the 16 line, is there? 17 A Not that we've been able to show. 18 Q And that would have been the case 19 since 2007? 20 A Correct. 21 Q From 2007 to the present, there's 22 no information in Verizon's possession that 23 this phone number was owned by a gentleman 24 named Don Gottler who lives here in Calera, 25 Alabama, is there?</p>
<p style="text-align: right;">Page 10</p> <p>1 A That is correct. 2 Q So Mr. Forman, if you could, 3 please, please tell us what your 4 investigation into this certain Verizon 5 telephone number, (205-410-1494, revealed, 6 A It's been a routing number in our 7 network since 2007. 8 Q Okay. And Mr. Forman, can you 9 please explain to us what a routing number 10 is? 11 A Routing numbers are generated by 12 the particular switch to allow customers in 13 other areas to make and receive phone calls. 14 I can just give you a basic generic example. 15 I have a New Jersey number. If I'm 16 down in Alabama and somebody calls me, the 17 New Jersey switch will then move that call to 18 an Alabama switch, and the Alabama switch 19 will then generate what's called a routing 20 number to allow that call to go through. 21 Generally, when you look at one of 22 our reports, routing numbers will be the same 23 area code and prefix repeated over and over 24 again throughout the report, and the last 25 four will be almost consecutive.</p>	<p style="text-align: right;">Page 12</p> <p>1 A That is correct. We don't have it 2 being owned by anybody. 3 Q And you gave me a very good 4 explanation, but it was somewhat technical. 5 I just want to ask you about what these 6 routing numbers do. I just want to ask you a 7 couple other questions. 8 If there are phone records that 9 have been produced by other telephone 10 providers like AT&T which show the 11 (205)410-1494 appearing on my client's phone 12 bills a number of times over a period of 13 years, from 2007 to the present, that doesn't 14 indicate that any certain person has called 15 my client over and over again? 16 A I -- I can't testify to another 17 company's records. I'm sorry. 18 Q Okay. 19 A I really don't know what type of 20 records other companies produce, one way or 21 the other, and can only tell you about ours. 22 Q So let me ask you this, then. 23 If the 410-1494 were to be shown on 24 records, would you agree with me that that 25 indicates only that someone who holds a</p>

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<p>1 Verizon cell phone has called?</p> <p>2 A Again, I don't know what other</p> <p>3 records look like. I only do mine. I -- I</p> <p>4 can't testify to another company's records,</p> <p>5 what they show.</p> <p>6 Q Okay. Would you agree with me that</p> <p>7 any time someone out of area with a Verizon</p> <p>8 cell phone calls someone here in the</p> <p>9 Birmingham area, it's possible that the</p> <p>10 (205)410-1494 number can be transmitted as</p> <p>11 part of the caller ID information by your</p> <p>12 company?</p> <p>13 A Yes.</p> <p>14 Q And just because the caller ID</p> <p>15 information in (205)410-1494 is transmitted</p> <p>16 by your company, that doesn't mean that the</p> <p>17 calls are coming from any single person or</p> <p>18 subscriber on the Verizon network.</p> <p>19 Is that also correct?</p> <p>20 A Well, I would have to see the</p> <p>21 records.</p> <p>22 Q Okay.</p> <p>23 A You know, a lot of the time we have</p> <p>24 to go a little deeper into them, and we can</p> <p>25 only do that for a certain length of time.</p>	<p>1 you're looking for them. The only thing we</p> <p>2 would still have for that time period is</p> <p>3 copies of the customer's bills, if there is</p> <p>4 an actual customer, and if it's not a prepay</p> <p>5 customer, because with prepay there is no</p> <p>6 bills.</p> <p>7 So again, we only keep that for a</p> <p>8 rolling year.</p> <p>9 Q So just so that's clear for the</p> <p>10 record, if we wanted to go back and find out</p> <p>11 what numbers might be behind the number</p> <p>12 (205)410-1494 for a period of time from 2011</p> <p>13 to 2015, we wouldn't be able to do that</p> <p>14 today.</p> <p>15 Is that correct?</p> <p>16 A That is correct. It's too old.</p> <p>17 Q And if the only information that we</p> <p>18 have is that (205)410-1494 was involved in a</p> <p>19 call, then all we can say is that it came</p> <p>20 from someone with a Verizon cell phone</p> <p>21 without any further or more specific</p> <p>22 information today for that 2011 to 2015 time</p> <p>23 frame.</p> <p>24 Is that correct?</p> <p>25 A That's correct.</p>
<p>1 Q Okay. And what is that length of</p> <p>2 time?</p> <p>3 A Are you -- are you still there?</p> <p>4 I'm sorry.</p> <p>5 Q I am.</p> <p>6 A We keep -- we keep these types of</p> <p>7 records, what we call the rolling calendar</p> <p>8 year, one year back from the current date.</p> <p>9 Q Okay.</p> <p>10 A So today is July 31st. So I would</p> <p>11 be able to go back to -- based on February,</p> <p>12 probably to July 31st or August 1st of last</p> <p>13 year.</p> <p>14 Anything else older than that is</p> <p>15 gone, and we can't go further into it. It's</p> <p>16 a system capacity thing. It just overrides</p> <p>17 itself.</p> <p>18 Q Okay.</p> <p>19 A Every day we lose another day.</p> <p>20 Q Okay. So we requested any internal</p> <p>21 call reports for that number from 2011 to</p> <p>22 2015.</p> <p>23 Is it your testimony, then, that</p> <p>24 those documents are no longer available?</p> <p>25 A That is correct, in the way that</p>	<p>1 MR. RONNLUND: Mr. Forman, I think</p> <p>2 that may be all the questions I got.</p> <p>3 I think some of the other lawyers</p> <p>4 may have some questions, but thank you.</p> <p>5 MR. NEWSOME: Kimberly, you or</p> <p>6 Katie can go. I'm sure I'll be longer than</p> <p>7 either one of you if you have anything.</p> <p>8 EXAMINATION BY MS. BELL:</p> <p>9 Q I just want -- I had one question.</p> <p>10 This is Kim Bell.</p> <p>11 You had mentioned that you all had</p> <p>12 copies of the customer's bills, that that's</p> <p>13 the only thing you may have. I just want to</p> <p>14 clarify for the record -- go ahead.</p> <p>15 Did you want to say something?</p> <p>16 A No, go ahead. I was letting you</p> <p>17 finish.</p> <p>18 Q Okay. I was just going to say,</p> <p>19 there are no customer bills or any type of</p> <p>20 bills associated with the number</p> <p>21 (205)410-1494.</p> <p>22 Is that correct?</p> <p>23 A That we've been able to locate,</p> <p>24 that is correct.</p> <p>25 Q Okay. And that's because no one</p>

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<p>1 customer owns that number, correct? 2 A That is correct. 3 Q I had just a simple question. 4 I have a Verizon account, and I 5 went to look at my bills to see if this 6 number would be on there. 7 Is it the case with regard to 8 Verizon bills that this number could show up 9 on the Verizon bill? 10 A It generally would only show up 11 when we ran it through the network. It is 12 possible it would show up on the bill 13 depending what the phone is doing. 14 It's a case-by-case basis. I 15 wouldn't know unless I was looking at the 16 records. 17 Q Okay. In your experience with 18 things like this, and I know you can't 19 testify to specific records that you don't 20 have before you for other people's -- for 21 other companies, but in your experience, has 22 this number been used from other telephone 23 companies? 24 A I -- I don't know. It's been 25 assigned to us since 2007, and as far as we</p>	<p>1 So if it's from another carrier or 2 something that came from one of your clients, 3 I can't discuss things that weren't produced 4 by our office. 5 Q Okay. I was just trying to resolve 6 the issue with you saying that you have to 7 see the records. 8 A But it has to be something that we 9 also did. 10 Do you have records that we 11 produced on a previous case -- 12 Q No. 13 A -- or something that you got 14 through discovery, maybe, that we produced on 15 another case? Because if you have that, then 16 I can look at it. 17 I may not be able to do it today, 18 but I can analyze it and get back to you, but 19 it has to be something that our department 20 actually produced in some capacity. 21 Q Okay. 22 MS. BELL: That's all I have for 23 right now. 24 Thank you. 25 THE WITNESS: Sure.</p>
<p>1 can tell, it has not ported out to any other 2 carrier since that time. 3 Q Okay. Hello? 4 I'm sorry, it went out just a 5 little bit for me. 6 A That's okay. The number has been 7 assigned to us since 2007, and it has not 8 been ported to another carrier since that 9 time, according to our records. 10 Q So not -- so not discussing, 11 specifically, another bill, what would it 12 mean if this number came up on a different 13 type of bill? What would that mean to you? 14 A I don't know, I would have to see 15 the records. 16 Q Okay. 17 A I can't do a lot of hypotheticals, 18 guys. I'm sorry. 19 MS. BELL: Are the records 20 something that we can send to him, Robbie? 21 A If they're not Verizon Wireless 22 records and they weren't produced by our 23 department, I can't talk about them. It 24 would have to be something that we actually 25 gave you.</p>	<p>1 MR. NEWSOME: Katie, did you have 2 anything before I get started? 3 MS. HILL: No, I don't have 4 anything to add. 5 You can go ahead, Burt. 6 EXAMINATION BY MR. NEWSOME: 7 Q Can you hear me, sir? 8 A Yes. 9 Q Can you see me, sir? 10 A Not well. I see a shape and a 11 shadow in a room, but it's not a great 12 picture. It might be the lighting where you 13 are. 14 Q Okay. 15 MR. NEWSOME: Again, for the 16 record, I've object to the form of the 17 deposition. 18 He can't see us. He can't -- I 19 mean -- 20 A Oh, that's better. I can see you 21 now, sir. 22 Q Okay. 23 A Much better. 24 Q State your full legal name, for the 25 record.</p>

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<p style="text-align: right;">Page 21</p> <p>1 A Jason Forman, F-O-R-M-A-N. 2 Q Do you have a middle name, sir? 3 A Yes, Eric, E-R-I-C. 4 Q So Jason Eric Forman? 5 A Correct. 6 Q Okay. And what's your home 7 address? 8 A I'm not giving you that. 9 Q Well, I mean, you're under oath 10 here. 11 A There's no reason for you to have 12 where I live, sir. 13 Q This is important stuff. 14 A There's no reason for you to have 15 where I live, sir. 16 You can have my office address, 17 which is 180 Washington Valley Road. 18 Q What city, state and zip? 19 A The city and state is the same as 20 the one we're in now. It's Bedminster, New 21 Jersey, B-E-D-M-I-N-S-T-E-R, and 07921 is the 22 zip code. 23 Q What's your home phone number? 24 A I'm not giving you that, either. I 25 can give you our office number.</p>	<p style="text-align: right;">Page 23</p> <p>1 A I'm -- you're asking a whole lot of 2 personal information, and it's not relevant 3 to what we're doing here. 4 I'm here to testify to records. 5 I'm not giving you my resume. It's 6 unnecessary. 7 Q Your technical background is 8 relevant to the case and to what you're 9 testifying about. 10 A I have been -- I have been a 11 custodian of records for Verizon Wireless 12 since 2003. 13 Q Where did you get your degree from, 14 sir? 15 A I'm not answering any more personal 16 questions. If you have records about the 17 case, if you have questions about my office, 18 I'll be happy to answer them. 19 I'm not here to answer personal 20 questions about my personal background. I'm 21 not an expert witness in that capacity. 22 Q What -- what training -- what 23 additional training do you have in analyzing 24 phone records and in technology in your 25 criminal justice degree, sir?</p>
<p style="text-align: right;">Page 22</p> <p>1 Q What's your office number? 2 A It's (800)451-5242. You want to 3 press option 1 twice and get the New Jersey 4 office. 5 Q What's your Social Security number? 6 A I'm not giving you that, either. 7 Q Okay. 8 MR. NEWSOME: Let the record 9 reflect he's refusing to answer questions as 10 well, which is another reason that I object 11 to this deposition. 12 Q But what's the exact address of 13 where you're physically located right now? 14 A 90 Washington Valley -- 90 15 Washington Valley Road. 16 Q Is it somewhere that Verizon 17 typically does depositions across the street 18 from its office? 19 A Yes, correct. 20 Q And what's your educational 21 background? 22 A I have a degree in criminal 23 justice. 24 Q And where did you get that from, 25 sir?</p>	<p style="text-align: right;">Page 24</p> <p>1 A I have been a custodian of records 2 for Verizon Wireless for -- going on 15 years 3 now. I have been a lead since 2006. 4 What I do for a living is I produce 5 phone records for various law enforcement 6 agencies and attorneys throughout the United 7 States. 8 Q Okay. 9 A All I do all day long is look at 10 phone records and assist people in 11 understanding what they mean and what they 12 say. 13 That's my work experience. 14 Q Right. But you don't -- you don't 15 have really any technical training in like 16 technology, do you? 17 A Again, I'm a records custodian for 18 this company, and I produce phone records. 19 Q Okay. Have you worked for any 20 phone companies other than Verizon? 21 A No, I have not. 22 Q Okay. And you said you're a 23 records custodian at Verizon and you 24 produce -- I just want to make sure I 25 understand what you do.</p>

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1 That's okay with you? Yes?

2 A Yeah. I'm in subpoena compliance,
3 and what I do is I -- when we receive legal
4 process that's served and sent correctly, we
5 produce what's being asked for, if we can,
6 based on what's being asked for, based on the
7 type of records that are being asked for,
8 based on the amount of time that's being
9 asked for, et cetera.

10 Q Were you subpoenaed for your
11 deposition today?

12 A Verizon was subpoenaed for the
13 deposition today, and they asked me if I
14 would be willing to come and do this today,
15 and I said yes.

16 Was I personally served? No.

17 Q I have not seen any subpoena in
18 connection with your deposition.

19 Do you have a subpoena you can hold
20 up and we can mark as part of the record?

21 A You want me to hold up page after
22 page or just the single page that shows it?

23 Q Let me see the front, if that's
24 okay.

25 A Sure.

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1 Can you see it?

2 Q Yes.

3 That's not a subpoena, sir. That's
4 a deposition notice. That's not a subpoena.
5 That's a deposition notice.

6 Was Verizon ever subpoenaed,
7 properly subpoenaed in connection with you
8 giving testimony as a corporate
9 representative today?

10 A I don't know what you consider
11 "properly." We get thousands of legal
12 requests per month in our office, and I wish
13 I was exaggerating.

14 We have a notice of taking a video
15 deposition. We received this, according to
16 the top of the page, on July 27th, and we are
17 complying with the request.

18 Q Okay. But you -- but this is the
19 only document that you got in connection with
20 your deposition today?

21 A As far as I know, that's correct.

22 Q Okay. Is it customary for Verizon
23 to give a 30(b)(6) corporate representative
24 deposition without a properly issued
25 subpoena?

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1 A I didn't hear you, sir.
2 Can you say that again?

3 MR. NEWSOME: Do you think we can
4 turn the volume up so we can hear, or do I
5 need to scream into this thing?

6 MR. RONNLUND: Why don't you just
7 talk a little more clearly.

8 A Well, that's the first question I
9 missed, so it's been pretty good so far.

10 Q Is it common for Verizon to give a
11 30(b)(6) corporate representative deposition
12 without a properly issued subpoena?

13 A I'm sorry, sir. I'm not an
14 attorney. I'm not sure what it is you're
15 referring to.

16 Q But --

17 A We received -- we received this
18 video deposition request, and we're here to
19 do it.

20 Q I can't -- I can't hear you.
21 Say that again.

22 A We received this taking video
23 deposition request last week, and we are here
24 complying with it. Every state has their own
25 little idiosyncrasies.

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1 To be honest with you, I can't
2 possibly be familiar with every
3 jurisdiction's requirements. We receive
4 faxes. We receive stuff via e-mail. We
5 receive stuff via regular mail, certified
6 mail, FedEx, served on our building, served
7 on our stores, served on individuals when
8 they shouldn't be, served on individuals when
9 they should be.

10 The best way for us to receive
11 stuff is by fax. A lot of jurisdictions
12 don't like to send things in by fax.
13 However, we're willing to accept faxes for
14 the processing things faster. Otherwise, we
15 would never get anything done except open
16 mail.

17 Q Is it customary for Verizon to send
18 their corporate representatives to deposition
19 without in-house counsel or any attorney
20 present for this?

21 A It is if it's just something pretty
22 basic. If it continued to escalate or it was
23 something that I felt I couldn't handle, I
24 would stop the deposition and we would bring
25 counsel to another one.

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1 It really -- it's a case-by-case
2 basis. I have gone with counsel and I've
3 gone without.
4 Q Okay. And how did you find out
5 that the defendants in this case wanted to
6 take your deposition? Did they send this
7 notice of deposition directly to you?
8 How did you find out about it?
9 A This was faxed to our office as
10 what we call an appearance. We have a set
11 group of people that set up the appearances
12 throughout the country. We normally require
13 about two to three weeks' notice, and we'll
14 send a regular witness.
15 I don't know the details as to why
16 this was rushed and to why it was
17 specifically requested we do this today since
18 our standard thing is two to three weeks, but
19 it was done in this way.
20 And I work on Mondays, and they
21 asked me if I wouldn't mind doing it, and I
22 said yes.
23 Q Who -- who rushed this at Verizon?
24 A I'm assuming the attorney of record
25 requested a rush.

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1 Q Okay. And who, at Verizon, told
2 you about the deposition and asked you to go?
3 A Oh, one of our appearance
4 coordinators.
5 Q And what's their name?
6 A Again, I'm not really comfortable
7 giving you other names other than mine, since
8 I'm the one who is here.
9 Q Well, that's kind of critical to
10 our case.
11 We would like to know who -- you
12 know, how this turned around in two days with
13 no subpoena issued properly in Alabama law
14 and you ended up here.
15 A If you want to stop, I can make a
16 couple of phone calls and maybe get an
17 attorney to see if I could give you other
18 names.
19 It's up to you, but again, when you
20 were asking me about whether or not we go
21 with counsel, this is going to become
22 something where I'm going to have to check
23 with counsel, and I'm probably not going to
24 get you an answer today.
25 Q If you need to make the call to

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1 find out who told you about the deposition,
2 if you can tell me who told you to come to
3 this deposition, then yeah, I'm fine with you
4 stepping out and making a call and waiting.
5 A Okay. I will do that, if you give
6 me a couple of minutes.
7 MR. RONNLUND: Hold on just one
8 second.
9 THE WITNESS: Okay. Holding on.
10 I'm coming back.
11 MR. RONNLUND: I believe that just
12 for the record, that we used a lady named
13 Brittany. I think her last name might be
14 Melkin.
15 Can you either confirm or deny that
16 Brittany is an employee that works with you
17 at --
18 THE WITNESS: Yes. She's an
19 employee that works with us, yes.
20 MR. RONNLUND: Okay.
21 Q What's your work line number at
22 Verizon?
23 A You mean my desk?
24 Q Yes, sir.
25 A Ready? (908)308-5234, and that

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1 comes directly to me.
2 Q And what's your fax number there?
3 A It is (888)667-0028.
4 Q And if someone is mailing something
5 at work, what's your work mailing address?
6 A It's the 180 Washington Valley Road
7 we gave you earlier.
8 I can say it again if you would
9 like.
10 Q Please.
11 A Sure.
12 180 Washington Valley Road. It's
13 three words. The town is Bedminster,
14 B-E-D-M-I-N-S-T-E-R, in New Jersey, 07921,
15 and they would want to put on the header
16 "Verizon Security Assistance Team, Attention:
17 Subpoena Compliance."
18 Q And who is your direct supervisor
19 there at Verizon?
20 A Joseph Newman.
21 Q And what's his phone number?
22 A I'm really not comfortable giving
23 you his phone number. You can call the 800
24 number I gave you earlier and ask for him.
25 We're a small group. There's only

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1 a couple of dozen of us for the whole country
2 in that department, so if you ask for
3 somebody and they're available, you should
4 get them.
5 We're not -- we're not a customer
6 service building where there's, you know, a
7 couple of thousand people and you're going to
8 get shunted from building to building.
9 Q Do you know Craig Silliman?
10 A The stenographer did not hear you.
11 Q Do you know Craig Silliman?
12 A That's not a name I'm familiar
13 with.
14 Q You don't know the general counsel
15 at Verizon?
16 A Sir, I'm a records custodian.
17 General counsel at Verizon is way above my
18 pay grade.
19 Q So the general counsel at Verizon,
20 he wouldn't know that you're testifying today
21 without a lawfully issued subpoena being
22 issued to Verizon?
23 A Again, I don't know.
24 Q But it was your direct supervisor
25 that authorized you today to testify on

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1 behalf of Verizon?
2 A I wouldn't have come here without
3 permission.
4 Q Who all have you spoken with about
5 your deposition today?
6 A Who have I spoken with?
7 Q Yes. Who all have you talked to
8 about your deposition today before you came
9 here and sat down?
10 A Nobody.
11 Q Have you talked to Mr. -- did you
12 talk to Mr. Ronnlund about your deposition?
13 A Who? I didn't hear the name.
14 Q Did you talk to Mr. Ronnlund about
15 your deposition before you sat down today?
16 A Mr. Runman?
17 Q Ronnlund.
18 A No, I did -- no, I did not.
19 Q Okay. Did you talk to anybody at
20 Balch & Bingham?
21 A No, I did not.
22 Q Did you talk to James Hill?
23 A No, I did not.
24 Q Have you spoken to Claiborne Seier?
25 A No.

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1 Q Have you spoken to Don Gottier?
2 A No, I have not.
3 Q Have you spoken to John Bullock?
4 A No, I have not.
5 Q Have you spoken to anybody at the
6 Calera Police Department about (205)410-1494?
7 A No, I have not.
8 Q Have you ever received any faxes or
9 correspondence or any communication from the
10 Calera Police Department about this number?
11 A About this number? Not that I
12 recall.
13 Q Well, I'll represent to you that
14 they filed in the evidence documents they
15 purport to be information requested by that
16 number. They said they sent it to your
17 department.
18 You're saying you've never seen
19 those?
20 A I have not seen those.
21 Again, we get thousands of requests
22 per month. To remember -- from every agency
23 in the New Jersey and every type of law firm
24 in the United States, and for me to be
25 remembering one number from one agency on one

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1 particular case --
2 Q Well --
3 A I -- I have not received anything
4 from them that I'm aware of recently. It's
5 possible that I processed something from
6 them. My name would be on the cover sheet to
7 show the records were sent, if I did.
8 If that's the case, I would have to
9 go back and pull that file, but my name would
10 be on there as either the person who sent it,
11 either the e-mail or the fax cover sheet or
12 one of my mail cover sheets with the CD
13 depending how it was sent out.
14 I don't recall. I'm sorry.
15 Q Well, you did -- you did some
16 research on (205)410-1494 in connection with
17 your deposition today, did you not?
18 A I was told it was a router. The
19 only thing I did was check to see how far
20 back it went to make sure it had not ported
21 out.
22 Q Who told you it was a router?
23 A Our internal systems.
24 Q Who in your internal systems
25 department told you it was a router?

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1 A It's not a "who." It's one of our
2 internal computer systems.
3 Q Okay.
4 A There is no "who."
5 Q Did you do any other research on
6 (205)410-1494 in connection with your
7 deposition today?
8 A I did not.
9 Q So the only thing you did was look
10 at a computer and see what it said?
11 A That's correct, to confirm that it
12 was a routing number, as we originally told
13 you, and to see how far back it was that we
14 owned it.
15 Q When you say that you originally
16 told me, you didn't tell me anything.
17 So when you say that you originally
18 told me, who did you originally tell it was a
19 router?
20 A What do you mean who did we
21 originally tell? Well, you guys must have
22 gotten a subpoena from us in a previous case,
23 and we must have told you it was a router,
24 because that's what's on here asking us to
25 explain. So I'm only going by what's on the

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1 current document.
2 I don't have the responses to
3 whatever other place this went that explained
4 that this was a routing number. I'm going
5 off the idea that there must have been
6 another subpoena where somebody else
7 explained that to one of the attorneys who
8 asked for it.
9 Q So sitting here today, as the
10 Verizon corporate representative, you don't
11 know whether the Calera Police Department
12 ever asked Verizon anything about
13 (205)410-1494, do you?
14 A I do not know.
15 Q Okay.
16 A It would be an easy thing to check,
17 but I don't have that at my fingertips at
18 present.
19 Q Do you know who Mallory Peterson
20 is?
21 A Yes, I do. She's a co-worker.
22 Q Okay. And she works in your
23 department?
24 A She does.
25 Q I know -- I get you don't like

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1 giving out direct numbers of your co-workers,
2 but -- but what's a number that we can reach
3 Mallory at that you're comfortable giving
4 out?
5 A The 800 number I gave you
6 previously, pressing option 1 twice and
7 getting the New Jersey office.
8 Q Who all have you spoken with about
9 this case that you're testifying here today
10 about?
11 A Nobody.
12 Q Okay. Have you seen a copy of the
13 complaint in this case?
14 A What do you mean "the complaint"?
15 You mean the original subpoena?
16 Q Well, there's no subpoena that was
17 issued to Verizon in connection with your
18 deposition in this case. I'm talking about
19 the lawsuit that's the subject of this case.
20 A No, I have not.
21 Q Okay. Are you aware that Balch &
22 Bingham is one of the defendants in this
23 case?
24 A I have what's in front of me. I
25 have Newsome, Newsome Law. I have Clark

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1 Andrew Cooper, Balch & Bingham, John Bullock
2 and Claiborne Porter.
3 So I'm aware of it based on the
4 document in front of me. That would be the
5 first time I was aware of that, yes.
6 Q Okay. Are you aware that Balch &
7 Bingham is under two separate FBI
8 investigations right now?
9 A I'm not aware of that, no.
10 Q Okay. And are you aware that one
11 of those investigations involves paying a
12 state representative a \$360,000 bribe?
13 A I am not aware of any of that, no.
14 MS. HILL: Object to form.
15 He just told you he was not aware
16 of any investigations.
17 Q Are you being paid or compensated
18 in any way for your testimony today?
19 A Just my hourly wage, because I work
20 on Mondays from 7:00 a.m. to 6:00 p.m. So
21 this is just part of my normal day. I'm just
22 not at my desk doing my normal work.
23 Am I being paid anything extra
24 beyond my regular salary? No.
25 Q Okay. Have any of the defendants

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<p>1 promised you anything in exchange for your 2 testimony today? 3 A Absolutely not. 4 Q Does Verizon not have the 5 technology to not do a proper video 6 deposition where we can see each other better 7 and you can see my documents? 8 A I don't know. 9 Q I mean, Verizon is a communications 10 company, correct? 11 A That's correct, but if -- 12 Q The -- the law department over 13 there wouldn't -- didn't have like a kind of 14 video conference room or something where we 15 could have done this the right way? 16 A This -- this is the set up we were 17 given today. 18 Q How far back did you research 19 (205)410-1494? 20 A How far back? 21 Q Yes. 22 A I'm not sure I understand the 23 question. 24 Q You said (205)410-1494 -- that you 25 were told it was a routing number, correct?</p>	<p>1 Q Are you familiar with burner 2 phones? 3 A Yes, I am. That's a prepay. 4 Burner, I believe, is law enforcement 5 charted. 6 Q Okay. And what do you know about 7 prepaid phones? 8 A You have a question about them? 9 Q I do, but I would kind of like to 10 know, do you know anything about them other 11 than just knowing what they are? 12 A I am familiar with -- with what 13 they are and that we sell them. I wouldn't 14 exactly call them burners. 15 Again, that's a law enforcement 16 term. It's a prepaid phone that can be used 17 without a plan with a card. 18 Q Okay. Well, because of the poor 19 set up here, you can't see this, and I'm 20 sitting here looking at a report from Verizon 21 that says (205)410-1494 is a Verizon burner 22 phone number. 23 A I'd have to -- do you have a file 24 number that it's in conjunction with? 25 Q The file number on here is the case</p>
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<p>1 A I was told -- the system told me it 2 was a routing number, and it's belonged to us 3 since 2007. That's the most I have on it. 4 Q And where is the router located? 5 A I'd have to see the report for 6 whatever switch it's coming off of. If it's 7 a (205) number, it's most likely an Alabama 8 switch, but don't hold me to that because I 9 would have to be looking at it. I don't 10 know. 11 Q You didn't look at the report in 12 connection with your deposition testimony 13 today? 14 A There is no -- there's no report 15 that I'm aware of with this. It's a routing 16 number. 17 Q Is it a cell phone router or a 18 landline router? 19 A It's a cell phone router, 20 otherwise, we wouldn't even be talking. 21 Q Are you saying it's a router or a 22 port? 23 A It's a cell phone routing number. 24 If it was a landline number of some kind, it 25 would be a totally different group.</p>	<p>1 number. It's 01-CV-2015-9190. 2 A It would actually be one of our 3 file numbers, depending on how old the file 4 is and what year you got it from. It would 5 either start with a 15, a 16 or a 17. 6 Q No, I don't have that. 7 A Do you know who gave you that 8 information? Where did that come from? 9 Q It says, "Verizon Security Subpoena 10 Compliance." 11 A Okay. But there's no file number 12 on there associated with it? 13 Q No. All I see is the docket/file 14 number and it's got the case number, and it 15 says, "Target." 16 A Okay. What date did that come in? 17 Q Are you -- 18 A What's the -- what's the date that 19 we sent that out to you? 20 Q This one is actually dated 21 July 20th. 22 A Of this year? 23 Q It is. 24 A Okay. I'm going to go make a phone 25 call.</p>

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<p>1 Q No, hold on a second. I'm not 2 finished. 3 A Okay. 4 Q Did you ever research if 5 (205)410-1494 could have been a Verizon 6 burner phone number? 7 A I did not. This is the first I'm 8 hearing of it. 9 If you let me go find out what's 10 going on, I need to make a phone call. I'm 11 not at my desk at my computer where I can do 12 research. 13 You're giving me new information, 14 and I have to go check on it. 15 Q Okay. I'm going to ask you one 16 more thing before you do that. 17 A Sure. 18 Q I want you to do that, but I want 19 to ask you one more thing. 20 A Sure. 21 Q The information that we have is 22 that the Calera, Alabama Police Department -- 23 I amended my complaint and brought in a 24 defendant by the name of Don Gottier, I'll 25 represent that to you, in June of 2017, and</p>	<p>1 civil case. 2 A I'm going to go make a phone call 3 because you're getting way above my ability 4 to answer your questions. So you may end up 5 having counsel at a future date. 6 Don't go anywhere. I'm going to 7 come back. 8 (Brief recess taken.) 9 Q Okay. We're back on the record. 10 You're still under oath, sir. You 11 remember that. Yes? 12 A Yes, I do. 13 Q Okay. That first document that is 14 labeled "Confidential Report," it says, 15 "(205)401-1494, Verizon Disconnected." It 16 says it's a prepaid cell phone and it was 17 registered in the name of Don Gottier. 18 Do you see that? 19 A I -- I do not have that in front of 20 me. 21 MR. SCHULMAN: There were four 22 pages that were sent. 23 Q How many pages do you have, sir? 24 A I have a cover sheet, an e-mail and 25 two pages of AT&T -- what look like phone</p>
<p>1 Mr. Gottier has relatives on the Calera 2 Police Department. 3 And our information is that the 4 Calera Police Department contacted Verizon 5 and asked them to suppress information with 6 regard to (205)410-1494. 7 When you go look at your records, 8 will it show -- do you have access, security 9 clearance, whatever it is, if law enforcement 10 asked Verizon to suppress their chain of 11 information related to (205)410-1494 with a 12 false claim that this number was part of a 13 criminal investigation? 14 A I am not aware of any such thing. 15 Q But do you have -- do you have 16 access if law enforcement said to suppress 17 this number with a false claim if this number 18 is part of a criminal investigation? 19 A I have never heard of such a thing. 20 I don't know. 21 Q Well, I'm representing to you -- 22 and I mean, I want you to go make your call, 23 but I'll represent to you that the Calera 24 Police Department, they're under 25 investigation with what they've done in the</p>	<p>1 records, and that's it. 2 Q Do you have something called 3 "Confidential Report" at the top? 4 A I do not. 5 MR. SCHULMAN: Can you hold them up 6 for us, please, Jason? 7 THE WITNESS: So I have this page 8 here. 9 Q That's the one I want to talk about 10 right there, the one that you just held up. 11 It says, "Confidential Report," on 12 it? 13 A But this is not Verizon Wireless 14 information. This is typed on letterhead 15 that's not produced by us. 16 So I don't know what this is. 17 Q Right. That's not what I'm asking 18 you. 19 It says, "(205)410-1494." It says 20 that it was a Verizon number that was 21 disconnected. It was a prepaid cell phone 22 owned by Don Gottier, Jr. in Calera, Alabama. 23 THE WITNESS: Todd? 24 MR. SCHULMAN: Mr. Newsome, I think 25 based on his question, he said he has no</p>

<p style="text-align: right;">Page 53</p> <p>1 Q And so you looked on your computer, 2 correct? That was all you did? 3 A That was all we did. 4 Q Okay. And you've got -- I just 5 sent you two pages along with other stuff. 6 You have two pages of phone records here and 7 if you -- do you have the two pages in front 8 of you? 9 A Yes, but they're AT&T records. I 10 can't discuss them because I don't know what 11 I'm looking at. I don't work for AT&T. 12 Q Right. Well, I have a couple of 13 questions for you, if you can answer them. 14 THE WITNESS: Todd? 15 MR. SCHULMAN: Let's hear what the 16 question is, and if you can, answer. 17 THE WITNESS: Okay. 18 Q If you look on these records -- and 19 I have these marks. It's showing two calls 20 from (205)410-1494 on 11/2, one call on 11/9 21 from (205)410-1494 -- I'm sorry, that's two 22 calls on 11/2 and then two calls on 11/5 from 23 (205)410-1494. 24 Can you dispute that those calls 25 are from a singular person to 823-5501, the</p>	<p style="text-align: right;">Page 55</p> <p>1 A Again, it depends on the situation 2 and what's going on with the phone at the 3 time. 4 There's too many numerous examples. 5 I can't do hypotheticals. 6 Q Well, would a router number show if 7 the originating number is placing the call? 8 A I'd have -- I'd have to see the 9 records. Again, I can't get into 10 hypotheticals. 11 You have to show me an actual bill 12 that will be within a certain time frame that 13 I can go into and research properly. 14 Q Okay. 15 A If it's not within a rolling year, 16 I have no way to dive into the call to see 17 what's going on with it. Anything on that's 18 on the bill becomes speculation, at that 19 point. 20 Q But you have no way of knowing on 21 this bill whether (205)410-1494 is a 22 legitimate number or not, do you? 23 MR. RONNLUND: Object to the form. 24 THE WITNESS: Todd? 25 MR. SCHULMAN: Objection, to the</p>
<p style="text-align: right;">Page 54</p> <p>1 number these phone records -- 2 THE WITNESS: Todd? 3 MR. SCHULMAN: Mr. Newsome, it's 4 Todd Schulman from Verizon. 5 I'm going to object here. These 6 are questions that are better asked to a 7 records custodian at AT&T. 8 MR. NEWSOME: I'm just asking him 9 does he have any way of disputing whether or 10 not those calls are from a singular person 11 that I have marked from (205)410-1494. 12 MR. SCHULMAN: Jason, do you have 13 any information either way to answer 14 Mr. Newsome's question? 15 THE WITNESS: No, I do not. 16 Q And have you ever seen a routing 17 number show up on somebody's phone bill like 18 this? 19 A On another company's phone bill? I 20 have no idea. 21 Q Do router numbers show up on 22 Verizon's phone bills? 23 A It depends on the situation. 24 Q When would a router number show up 25 on a Verizon phone bill?</p>	<p style="text-align: right;">Page 56</p> <p>1 extent it asks him about a bill that he's 2 already testified is not a Verizon bill. 3 MR. NEWSOME: Can he answer, 4 please? 5 You stated your objection. Can he 6 answer? 7 MR. SCHULMAN: Jason, if you can 8 answer anything about that question. 9 A We have no way of knowing, one way 10 or the other. I don't work for AT&T. I have 11 absolutely know idea what their attention 12 times are, how long they keep stuff for, how 13 far they can dive into calls, and what their 14 bills actually look like. 15 This is the first time I've ever 16 seen an AT&T bill. 17 Q Right. And you don't -- and your 18 testimony is you have no idea whether that's 19 a legitimate number or not? 20 A Not according to this. It's an 21 AT&T bill. I have no way of knowing, one way 22 or the other. 23 Q How many phone numbers are 24 typically associated with a router? 25 A It could be an entire bank of phone</p>

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1 numbers. As I explained earlier, a lot of
2 the time the way to tell it's a router on
3 more of our in-depth reports is it will be
4 the same area code and prefix repeated over
5 and over again throughout the report, and the
6 last four are almost consecutive.
7 So I'll just give an example. In
8 this case, this being a router, the report
9 would show (205)410-1390, 1395, 1491, 1495.
10 They're arbitrary assigned by the switch as
11 needed.
12 Then they go back into the pool to
13 possibly be assigned to another customer as
14 needed. It's usually a whole bank of phone
15 numbers.
16 Q Well, our research showed Don
17 Gottier had the number (205)410-1494, and our
18 research shows his brother had (205)410-1497,
19 which those are close together.
20 What exactly are you testifying to
21 that are router numbers?
22 THE WITNESS: Todd?
23 Q Other than 1494, what are you
24 testifying is a Verizon routing number?
25 A Routing numbers are assigned by the

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1 various switches to allow calls to go
2 together depending on what number is using
3 them at the time. We don't know it's a
4 router a lot of the time until we look at the
5 report, and then we don't know it's a router
6 a lot of the time until we get the legal
7 process.
8 Q And what report did you look at to
9 determine if this was a router?
10 A We were served a subpoena and we
11 went into the system and determined it was a
12 routing number. We didn't have a report to
13 go off of with this. We received the
14 subpoena for the information and we responded
15 there is no information because it's a
16 routing number.
17 I don't know where the person who
18 sent us the subpoena got the number from. I
19 would not be privy to that information.
20 Q So could the number be a burner
21 number and a router number at the same time?
22 A At the same time, no.
23 Q But at different times?
24 A It's possible, but our system would
25 then say from X time to X time this number

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1 was a prepay phone, and then from X time to X
2 time this phone was a routing number.
3 We have no indication that this
4 phone was a prepay during the time frame you
5 guys are looking at.
6 Q Is there a particular department at
7 Verizon that deals with prepaid phones?
8 A There's customer service groups.
9 MR. RONNLUND: Objection.
10 THE WITNESS: I'm sorry.
11 MR. NEWSOME: Pardon?
12 MR. SCHULMAN: And Mr. Newsome, in
13 what context?
14 Your question is quite vague, at
15 least to me. I'm just trying to clarify it.
16 Q In terms of keeping up with
17 subscriber information numbers, if
18 somebody -- if somebody was going to be
19 issued a subpoena down the road about burner
20 phones, where would be the best place to
21 direct that?
22 MR. SCHULMAN: So I'll note,
23 Mr. Newsome, this and a number of your
24 questions are beyond the scope of the
25 deposition notice.

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1 if you know, Jason, you can answer
2 this question.
3 A Any subpoena for records would come
4 to us, right to this department, and we have
5 access to what we need to pull records if
6 they're available.
7 Everything comes here.
8 Q Where are the routing numbers
9 stored?
10 A I don't have an answer to that.
11 I'm not in IT.
12 Q So you don't know where routing
13 numbers are stored? Is that a no?
14 THE WITNESS: Todd?
15 MR. SCHULMAN: You can answer the
16 question.
17 A I don't know.
18 Q Do you know what spoofing is?
19 MR. SCHULMAN: I'm going to object.
20 This is beyond -- again, beyond the
21 scope of the deposition notice, but Jason, if
22 you have a general knowledge of that, you can
23 answer.
24 A Yes. I'm aware of what spoofing
25 is.

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1 Q What's your understanding of
2 spoofing?
3 A Spoofing is when you use an app or
4 WIFI to try to hide a phone number. It's a
5 way to block it, but it's not -- you can
6 either make it where it looks like it's
7 coming from another number or you can make it
8 where it's blocked entirely, and there are
9 various -- numerous ways to do it.
10 Q So whoever was placing these calls,
11 someone could have spoofed that router
12 number, correct?
13 A It's a hypothetical. I don't know.
14 Q Okay. So you have no way of
15 knowing that?
16 A No, I do not.
17 Q But it's possible, correct?
18 THE WITNESS: Todd?
19 MR. SCHULMAN: Objection, asked and
20 answered.
21 MR. NEWSOME: He didn't answer if
22 that was possible.
23 Let me rephrase it, then.
24 Q The calls that I've sent you all
25 coming from that same number, it could be a

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1 singular number that -- a singular number
2 that spoofed the (205)410-1494, correct?
3 MR. RONNLUND: Object to the form.
4 It calls for speculation.
5 Q Correct?
6 THE WITNESS: Todd?
7 MR. SCHULMAN: Same objection.
8 A You're asking me to speculate on
9 AT&T records. I cannot do that.
10 Q Okay. You just don't know, do you?
11 A I don't know. That is correct.
12 Q Okay. But it sounds like you are
13 familiar with all the different apps that
14 people can make a number pop up on caller ID
15 and appear on bills when they don't want
16 their own number to show?
17 A All of them, no. Some of them,
18 yes.
19 Q Spoofing, that's a federal crime,
20 correct?
21 MR. SCHULMAN: Objection.
22 He's a 30(b)(6) witness on a -- on
23 Verizon records. He's not a lawyer.
24 Can we move on, Mr. Newsome?
25 MR. NEWSOME: Yes, I am.

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1 Q When exactly would a router number
2 come in to use? Is it only when someone is
3 calling from a long way away?
4 A There are various different
5 scenarios. The one I gave you earlier is the
6 most common. It doesn't have to be a long
7 way away.
8 If you're in an area where there's
9 lots of different switches, you can have
10 routers being generated where you can be 30,
11 40 minutes from your home. Because it's a
12 very urban area, the switches will bleed into
13 each other depending on the type of number
14 you're doing, depending on the type of call
15 that's coming in, depending on the type of
16 call you're making, depending on the type of
17 technology that's being used for that call at
18 various different boards in each phone.
19 It varies. It's too -- it's too
20 general a question for me to give you a
21 specific answer on.
22 Q And in your department, you said
23 you deal with law enforcement, correct?
24 A Yes, that's correct.
25 Q And you said you did not know if

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1 the Calera, Alabama Police Department
2 contacted Verizon about this number?
3 THE WITNESS: Todd?
4 MR. SCHULMAN: If you know, you can
5 answer, Jason.
6 A I don't know if they did or did
7 not.
8 Q How do you know -- if law
9 enforcement contacts you and tell you it's
10 part of an investigation and they don't want
11 you giving out anything on that number, how
12 would you handle that?
13 A It's never happened.
14 Q That's never happened in the whole
15 time you've been at Verizon?
16 A Not with me personally, no.
17 Q Not you personally, but does it
18 happen in your department?
19 A I wouldn't know.
20 Q You wouldn't know?
21 THE WITNESS: Todd?
22 MR. SCHULMAN: Mr. Newsome, can you
23 explain the question again?
24 There may be some background from
25 earlier in the deposition when I wasn't

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1 present. I want to make sure I understand
2 it, sir.

3 MR. NEWSOME: Well, the basis for
4 the line of questioning is after we amended
5 our complaint and brought in a defendant by
6 the name of Gottier, he has his relatives on
7 the Calera, Alabama Police Department, and
8 they started producing this information
9 originally saying that that number --
10 originally said that this number was used in
11 a murder. Then they said the number was used
12 in criminal activity, and now it's changed to
13 that this is a routing number.

14 MR. RONNLUND: I wouldn't accept
15 anything that Burt Newsome is saying.

16 MR. NEWSOME: And that's exactly
17 what they said. It's in the record. It's in
18 the transcripts from testimony. It's in a
19 variety of different things.

20 And so my question -- my question
21 to him is just with regard to this number,
22 (205)410-1494, has the Calera Police
23 Department contacted Verizon about this
24 number, you know, an have they asked him to
25 suppress this number?

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1 You know, if you look at what came
2 from my investigator, Sabrina Scott -- I
3 mean, she said she spoke three times in a day
4 that this is a prepaid reseller account.

5 MR. SCHULMAN: So your question,
6 sir, is -- your question, sir, is has a
7 specific police department contacted Verizon
8 and asked Verizon to not release information
9 about a number to Jason's knowledge.

10 Is that your question, sir?

11 MR. NEWSOME: Well, has any police
12 department contacted Verizon about
13 (205)410-1494.

14 MR. SCHULMAN: Sir, that's beyond
15 the scope of the deposition notice, but
16 Jason, are you aware of any police department
17 contacting Verizon about that number?

18 THE WITNESS: If it's a criminal
19 investigation, there would be nondisclosure
20 attached to that. I would not be able to
21 confirm or deny any law enforcement
22 investigation about that number.

23 Civil cases we do notifications.
24 Criminal cases there's nondisclosure. So I
25 wouldn't be able to tell you, one way or the

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1 other.

2 MR. SCHULMAN: And then I thought
3 Mr. Newsome's question was were we contacted
4 and told not to release information about a
5 number.

6 THE WITNESS: Not that I'm aware
7 of.

8 Q If it says "nondisclosure," would
9 that be notated on the account or not
10 notated, where you can see it?

11 A On the customer's account?

12 Q No, no.

13 When you look on your system, if it
14 was a criminal investigation and
15 nondisclosure, you wouldn't know that, would
16 you?

17 A The subpoena would say, "Do Not
18 Disclose," which is standard.

19 Q Right.

20 Well, if you all gotten a
21 nondisclosure request on this number for the
22 Calera Police Department, would you know
23 about it?

24 A Again, I do thousands of subpoenas.
25 I don't know.

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1 MR. RONNLUND: You all are talking
2 past each other. I think you need to explain
3 what nondisclosure is about in the context of
4 this.

5 For example, I'm a Verizon
6 subscriber and I get -- and somebody
7 subpoena's my phone records, what you do. I
8 think you all are talking about two separate
9 things and you need to explain that to Mr.
10 Newsome.

11 MR. NEWSOME: No, I'm talking about
12 it.

13 MR. RONNLUND: No, you don't know
14 what you're talking about.

15 MR. NEWSOME: No, no, no. I do
16 know what I'm talking about.

17 A Do not notify the customer that
18 there's a subpoena for their records, and
19 whether it's a prosecutor or a criminal
20 defense, we treat it the same way.

21 On civil cases and lawsuits, we
22 notify the customer that their records have
23 been subpoenaed, in writing to their mailing
24 address, and we give them a certain amount of
25 time to file a motion to quash the subpoena.

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1 The standard is two weeks.
2 If we get a call from the customer
3 asking for longer, we will generally do that.
4 If we get something from an attorney on
5 letterhead that says, "I'm working on a
6 motion. I represent this customer. Please
7 don't release the records," we will generally
8 do that.
9 On criminal cases, whether it's
10 criminal defense or criminal prosecution, no
11 notification goes out, and as long as the
12 subpoena is legal on its face, we comply with
13 it.
14 Q Okay.
15 A But I can't tell you, one way or
16 the other, which agencies have asked for
17 what.
18 Q Verizon bills, do all calls from
19 burner phones, whether they made them or
20 receive them, show as outbound calls?
21 A There is no bill on a prepaid
22 phone.
23 Q On phone records related to prepaid
24 phones?
25 A No, we capture the -- most of the

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1 incoming ones as well.
2 Q But do they show it as outbound in
3 the record or do they --
4 A No. They'll show as inbound, too,
5 if it's an inbound call.
6 Q Okay. Can you provide the CDC
7 records from Verizon Mobility showing
8 (205)410-1494 as a routing number?
9 A I believe you have that already.
10 What is CDC records? I don't
11 understand the question.
12 Q Certified call data, the certified
13 call data.
14 A You want a certification of no
15 records? We can fill something like that
16 out, sure. That basically states the number
17 is a router and we have no records for it.
18 Yes, we can do that.
19 Q You have no records as to router or
20 no records as to --
21 A We have no records of this number
22 having any calls going through it because
23 it's a router.
24 Q You don't -- you can't say with
25 certainty whether (205)410-1494 was a prepaid

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1 cell number for use in Alabama or not, can
2 you?
3 THE WITNESS: Todd?
4 MR. RONNLUND: Objection.
5 MR. SCHULMAN: Can you repeat the
6 question, Mr. Newsome?
7 Q You cannot say with specificity
8 whether or not (205)410-1494 was a prepaid
9 cell number for use in Alabama or not, can
10 you?
11 MR. RONNLUND: Object to form.
12 MR. SCHULMAN: Objection, asked and
13 answered.
14 MR. NEWSOME: I don't think he's
15 answered that.
16 MR. SCHULMAN: Jason, you can
17 answer the question.
18 A It's a routing number. That's what
19 our records show. It does not show having
20 been a prepay assigned to anyone anywhere.
21 Q When you look at those AT&T records
22 and you see the number on there --
23 MR. SCHULMAN: Objection.
24 Q -- you can't testify whether or not
25 that's a valid number or not?

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1 THE WITNESS: Todd?
2 MR. SCHULMAN: Mr. Newsome, he
3 can't testify to anything about the AT&T
4 records.
5 We've been over that a few times
6 already, sir.
7 Q Can you testify -- you don't know
8 whether (205)410-1494 was ever assigned as a
9 burner phone for any other carrier other than
10 Verizon, do you?
11 A I believe this question has been
12 answered as well.
13 It does not show having been ported
14 anywhere. It's belonged to us since 2007 and
15 it's been a router since that time frame.
16 MR. NEWSOME: That's all I've got.
17 CONTINUED EXAMINATION BY MR. RONNLUND:
18 Q Mr. Forman, I have a couple of
19 quick follow-up questions.
20 First of all, there was some
21 questions asked by Mr. Newsome about the work
22 you did when you prepared for the deposition
23 in researching this, and you said that you
24 looked it up on an internal Verizon computer
25 system, and there was a question indicating

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1 that's all you did to indicate if there was
2 more.
3 Is there any other information that
4 you need to give to the testimony that you've
5 given today about (205)410-1494 being a
6 routing number internal to the Verizon system
7 in 2007?
8 A No, I do not.
9 Q Is there any other thing that you
10 could do if you wanted to do verify that in
11 another way?
12 A Not that I'm aware of.
13 Q There's also some questions asked
14 about these documents from PDJ Services.
15 Are they a custodian of records for
16 Verizon?
17 A They are not.
18 Q Do they have access, to your
19 knowledge, to the same type of internal
20 Verizon computer systems that you do?
21 A They should not.
22 Q Are you, in fact, the custodian of
23 records for Verizon?
24 A One of many, yes.
25 Q And nothing about Mr. Newsome's

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1 questions changed the testimony you gave me
2 at the beginning of this deposition on direct
3 examination that this number has been
4 assigned to no one other than Verizon
5 wireless since 2007. True?
6 A According to what we have, yes.
7 MR. RONNLUND: Thank you.
8 That's all the questions that I
9 have.
10 One other question, actually.
11 Q To the extent that this number may
12 have been a prepaid number assigned to Don
13 Gottier, that would have had to have been
14 prior to 2007 for it to be true.
15 Is that fair?
16 A That I don't know.
17 Q Okay. At least since 2007, it has
18 not been a prepaid number assigned to Don
19 Gottier according to Verizon Wireless?
20 A According to what we had, it has
21 had no assigned subscriber since 2007.
22 MR. RONNLUND: Thank you,
23 Mr. Foreman. I appreciate your time.
24 MS. BELL: No questions.
25 MR. SCHULMAN: Okay. I thank

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1 everybody for their time.
2 Is Jason free to leave now?
3 MR. RONNLUND: Yes.
4 MR. NEWSOME: Yes.
5 MS. BELL: Yes. Thank you for your
6 time, Mr. Foreman.
7 (Whereupon the deposition was
8 concluded at 11:35 a.m.
9 (Witness was excused.)
10 MR. NEWSOME: I will take an
11 expedite. You can e-mail me the transcript
12 and send the bill by e-mail as well.
13 MS. BELL: And we will take a
14 five-day. Thank you.
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1 CERTIFICATE
2 I, CHARLENE FRIEDMAN, a Certified Court
3 Reporter and Notary Public, qualified in and for
4 the State of New Jersey do hereby certify that
5 prior to the commencement of the examination JASON
6 FOREMAN was duly sworn by me to testify to the truth
7 the whole truth and nothing but the truth.
8 I DO FURTHER CERTIFY that the foregoing
9 is a true and accurate transcript of the testimony
10 as taken stenographically by and before me at the
11 time, place and on the date hereinbefore set forth.
12 I DO FURTHER certify that I am neither a
13 relative of nor employee nor attorney nor counsel
14 for any of the parties to this action, and that I
15 am neither a relative nor employee of such attorney
16 or counsel, and that I am not financially
17 interested in the action.
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25

Charlene Friedman

CHARLENE FRIEDMAN, RPR, CRR, CCR of the
State of New Jersey
License No: 302100204900
Date: July 31, 2017

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<p>1 LAWYER'S NOTES Page 77</p> <p>2 PAGE LINE</p> <p>3 _____</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>			<p>1 DEPOSITION ERRATA SHEET Page 78</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23 _____</p> <p>24 SIGNATURE: _____ DATE: _____</p> <p>25 JASON FORMAN</p>		
<p>1 DEPOSITION ERRATA SHEET Page 78</p> <p>2 _____</p> <p>3 Assignment No. J0526002</p> <p>4 Case Caption: Newsome v. Cooper, et al.</p> <p>5 _____</p> <p>6 _____</p> <p>7 DECLARATION UNDER PENALTY OF PERJURY</p> <p>8 I declare under penalty of perjury</p> <p>9 that I have read the entire transcript of</p> <p>10 my Deposition taken in the captioned matter</p> <p>11 or the same has been read to me, and</p> <p>12 the same is true and accurate, save and</p> <p>13 except for changes and/or corrections, if</p> <p>14 any, as indicated by me on the DEPOSITION</p> <p>15 ERRATA SHEET hereof, with the understanding</p> <p>16 that I offer these changes as if still under</p> <p>17 oath.</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 Signed on the _____ day of _____, 20____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 JASON FORMAN</p>			<p>1 DEPOSITION ERRATA SHEET Page 80</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23 _____</p> <p>24 SIGNATURE: _____ DATE: _____</p> <p>25 JASON FORMAN</p>		



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