

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF:

Taj Mahal Enterprises, Ltd.  
t/a The Manor (formerly - Show Cause  
Fiesta Restaurant & Lounge) Hearing  
1327 Connecticut Ave., NW  
Retailer CR - ANC-2B  
License No. 882  
Case #13-CMP-00289

(No ABC Manager on Duty)

February 25, 2015

The Alcoholic Beverage Control Board  
met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 2000 14th Street, N.W.,  
Suite 400S, Washington, D.C. 20009, Chairperson  
Ruthanne Miller, presiding.

PRESENT:

NICK ALBERTI, Acting Chairman  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HERMAN JONES, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

2 12:02 p.m.

3 ACTING CHAIRMAN ALBERTI: Okay. We  
4 are back on the record. And I'm going to call  
5 Case No. 13-CMP-00289. This is a Show Cause  
6 Hearing regarding Taj Mahal Enterprises, Ltd. t/a  
7 The Manor, License No. 882.

8 Parties forward and introductions,  
9 please.

10 MR. RIVERO: Good morning, Board  
11 Members. Fernando Rivero for the District of  
12 Columbia standing in for Michael Stern.

13 ACTING CHAIRMAN ALBERTI: Just one  
14 moment, please. Go ahead, please, sir.

15 MR. MALLICK: Good morning, gentlemen.  
16 My name is Raj Mallick. I am holding the license  
17 Taj Mahal Enterprises, Ltd. I believe this case  
18 that I was asked to come for the hearing, the  
19 first two, Mr. Tuli, who was operating Fiesta  
20 Restaurant and Lounge, and I understand it was  
21 about an investigation that he was not present as  
22 the manager.

1           ACTING CHAIRMAN ALBERTI: Okay. Mr.  
2 Mallick, we will get to all of that in a moment.  
3 We will get to that in a moment.

4           MR. MALLICK: I'm sorry.

5           ACTING CHAIRMAN ALBERTI: That's all  
6 right. That's okay. Thank you for being  
7 helpful.

8           MEMBER JONES: Could we get a  
9 clarification on what his role is to make sure we  
10 have on the record as to what he understands his  
11 role is?

12          ACTING CHAIRMAN ALBERTI: So, Mr.  
13 Mallick, you are a member of Taj Mahal  
14 Enterprises?

15          MR. MALLICK: Yes, sir.

16          ACTING CHAIRMAN ALBERTI: And what's  
17 your position with that enterprise, with them?

18          MR. MALLICK: We are the owner of the  
19 restaurant, the license.

20          ACTING CHAIRMAN ALBERTI: The owner of  
21 the license and you are -- you have an ownership  
22 in Taj Mahal --

1 MR. MALLICK: Yes.

2 ACTING CHAIRMAN ALBERTI: --

3 Enterprises, LLC?

4 MR. MALLICK: Yes.

5 ACTING CHAIRMAN ALBERTI: Okay.

6 Great. Thank you.

7 MR. MALLICK: It has been --

8 ACTING CHAIRMAN ALBERTI: Okay.

9 Great.

10 MR. MALLICK: I had the license --

11 ACTING CHAIRMAN ALBERTI: Thanks.

12 Thank you. So, Mr. Rivero, are there any  
13 preliminary issues that you would like to deal  
14 with?

15 MR. RIVERO: There are, unfortunately,  
16 but there are two. And one of them relates to  
17 this issue --

18 ACTING CHAIRMAN ALBERTI: Um-hum.

19 MR. RIVERO: -- on ownership of the  
20 license. I'll get to that in a moment.

21 The first issue concerns this actual  
22 hearing. The person who was present at the time

1 is not here today to testify and that person is  
2 Mr. Tuli, who is the ABC manager that -- the  
3 owner that was mentioned in the report. He has  
4 had a death in the family and is in India.

5 ACTING CHAIRMAN ALBERTI: Okay.

6 MR. RIVERO: The Government believes  
7 it is more appropriate to continue the hearing so  
8 that Mr. Tuli can participate. We don't have any  
9 concern over our own evidentiary record, but the  
10 recommendation is to continue the hearing into  
11 the period of 30 to 45 days from today, first of  
12 all.

13 Second of all, that that intervening  
14 time would allow me to look into a little more a  
15 situation that has come to my attention. And  
16 that situation has to do with the names on this  
17 license and who, in fact, happens to be operating  
18 whatever business happens to be taking in the  
19 building at the time.

20 ACTING CHAIRMAN ALBERTI: Okay.

21 MR. RIVERO: Be it Fiesta or The Manor  
22 or whatever. And so this situation,

1 unfortunately, is a little bit more complicated  
2 because I'm becoming aware that the Agency itself  
3 may have followed an improper procedure in terms  
4 of -- or not improper, but there may have been a  
5 better way to approve the licensing paperwork  
6 that was recently approved.

7 So I think this is not something that  
8 can get fixed right away and this period of time  
9 will be actually beneficial for me to get clarity  
10 on the ownership question.

11 ACTING CHAIRMAN ALBERTI: Mr. Rivero,  
12 we had a chance to look at the ABRA record, so we  
13 may have more information than you do currently.

14 MR. RIVERO: Possibly.

15 ACTING CHAIRMAN ALBERTI: And so you  
16 need to probably -- so I mean, I'm willing to  
17 consider indulging the continuance and allowing  
18 you to take a look at the records.

19 However, so -- but I want to  
20 understand. Why do you -- why is it necessary  
21 for Mr. Tuli to be here, in your opinion?

22 MR. RIVERO: Well, Mr. Tuli is the

1 person who the licensee would offer to testify.  
2 Mr. Tuli was the owner that is mentioned in the  
3 reports.

4 ACTING CHAIRMAN ALBERTI: Okay. So--

5 MEMBER JONES: Got it.

6 ACTING CHAIRMAN ALBERTI: -- because--

7 MR. RIVERO: The licensee wants --

8 ACTING CHAIRMAN ALBERTI: Wait, wait.

9 So the defense would want to call Mr. Tuli and  
10 Mr. Tuli isn't here. Okay.

11 MR. RIVERO: Because of a death in the  
12 family.

13 ACTING CHAIRMAN ALBERTI: Okay.

14 MR. RIVERO: And he is out of the  
15 country.

16 ACTING CHAIRMAN ALBERTI: All right.  
17 I will tell you that based on our most recent  
18 review of the license information, that the only  
19 owner of that license in our records, and  
20 everybody should understand this, is Taj Mahal  
21 Enterprises.

22 And we do not have Mr. Tuli as a

1 member of that enterprise. There is some  
2 confusion as to people who wanting to -- recently  
3 wanting to become members of that, of Taj Mahal  
4 Enterprise, and we are trying to sort that out.  
5 But as of today, it is Taj Mahal Enterprises.

6 MR. RIVERO: Right.

7 ACTING CHAIRMAN ALBERTI: Okay.

8 MR. RIVERO: But that is separate from  
9 the question of the licensee wanting to bring a  
10 witness --

11 ACTING CHAIRMAN ALBERTI: Absolutely.

12 MR. RIVERO: -- to testify.

13 ACTING CHAIRMAN ALBERTI: Okay.

14 Right. All right. Very good.

15 MEMBER JONES: I just want to make--

16 ACTING CHAIRMAN ALBERTI: Mr. Jones,  
17 go ahead.

18 MEMBER JONES: -- sure our  
19 understanding comported with your understanding  
20 that that individual right there represents or  
21 can represent the ownership of the license  
22 holder, Taj Mahal Limited or whatever the case

1 may be, correct?

2 MR. RIVERO: Yes.

3 MEMBER JONES: Okay. Okay.

4 MR. RIVERO: Yes.

5 MEMBER JONES: All right.

6 ACTING CHAIRMAN ALBERTI: Okay.

7 MEMBER JONES: And I want to make sure  
8 that Mr. Mallick, is that it?

9 MR. RIVERO: Yes.

10 MEMBER JONES: That you understand  
11 that according to our records --

12 MR. MALLICK: Yes.

13 MEMBER JONES: -- Taj Mahal is the  
14 owner of the license. And according to our  
15 records, you are at least a part owner of Taj  
16 Mahal, Limited. Do you understand that?

17 MR. MALLICK: Yes, sir, I understand.

18 MEMBER JONES: Okay.

19 ACTING CHAIRMAN ALBERTI: And you --

20 MEMBER JONES: And do you also  
21 understand that any action that ABRA takes  
22 against the license will be taken against the

1 owner of the license as a matter of record?

2 MR. MALLICK: The issue here is that  
3 the manager was not on duty. That manager had  
4 the death in the family had to go to India.

5 MEMBER JONES: Understood. So given  
6 that, that's why we are willing to grant the  
7 continuance.

8 MR. MALLICK: So only he can answer.  
9 If he told me that he was around the corner and--

10 MEMBER JONES: Sir, yes. I don't want  
11 to get into the merits of the case.

12 ACTING CHAIRMAN ALBERTI: Mr. Mallick?  
13 Mr. Mallick, we are willing to consider the  
14 continuance because your witness, Mr. Tuli, is  
15 not present.

16 MR. MALLICK: Yes, sir.

17 ACTING CHAIRMAN ALBERTI: Okay.  
18 Great.

19 MEMBER JONES: We understand that.

20 ACTING CHAIRMAN ALBERTI: So --

21 MEMBER JONES: We just want to make  
22 sure that you understand that we need you or an

1 owner of Taj Mahal --

2 ACTING CHAIRMAN ALBERTI: Good point.

3 MEMBER JONES: -- to be present or a  
4 representative that Taj Mahal hires on their  
5 behalf to be present for the hearing.

6 MR. MALLICK: That person responsible  
7 to answer the --

8 MEMBER JONES: So as far as ABRA is  
9 concerned, the owner of the license is  
10 responsible. Do you understand that?

11 MR. MALLICK: Yes.

12 MEMBER JONES: Okay.

13 ACTING CHAIRMAN ALBERTI: And so at  
14 the next hearing, we expect a representative from  
15 Taj Mahal Enterprises to be present at the next  
16 hearing.

17 MEMBER JONES: Yes.

18 ACTING CHAIRMAN ALBERTI: Not Mr.  
19 Tuli, because Mr. Tuli is not, right, as we  
20 understand it, a representative of that  
21 enterprise unless you designate him to be one.

22 MR. MALLICK: But surely he has the

1 right to be able to present his reasoning why he  
2 -- it is claimed that he was not there.

3 ACTING CHAIRMAN ALBERTI: You can  
4 bring him as a witness.

5 MEMBER JONES: Yes, you can definitely  
6 bring him as a witness.

7 ACTING CHAIRMAN ALBERTI: You can  
8 bring him as a witness. Okay.

9 MEMBER SILVERSTEIN: Yes. Take yes  
10 for an answer, sir.

11 MR. MALLICK: Okay.

12 ACTING CHAIRMAN ALBERTI: All right.  
13 So both parties. Mr. Rivero, you are requesting  
14 continuance, right, correct? Mr. Mallick, are  
15 you agreeable to a continuance?

16 MR. MALLICK: Yes, sir.

17 ACTING CHAIRMAN ALBERTI: Okay. How  
18 much time is needed, Mr. Rivero?

19 MR. RIVERO: My understanding is that  
20 Mr. Tuli will be in India for a month, so I would  
21 say end of April, beginning of May, somewhere  
22 there.

1                   ACTING CHAIRMAN ALBERTI:   Okay.

2                   MR. RIVERO:   You know, maybe, you  
3 know, May, let's see, 13th, if the calendar is  
4 free?

5                   ACTING CHAIRMAN ALBERTI:   Okay.   Well,  
6 I will let you discuss that with our General  
7 Counsel and schedule.

8                   MR. RIVERO:   Sure.

9                   ACTING CHAIRMAN ALBERTI:   But I just  
10 sort of wanted to know how much time.   So you  
11 really want at least 45 days?

12                   MR. RIVERO:   Correct.

13                   MEMBER JONES:   Okay.

14                   ACTING CHAIRMAN ALBERTI:   Okay.

15                   MR. RIVERO:   That also allows me time  
16 to deal with the other thing I mentioned.

17                   ACTING CHAIRMAN ALBERTI:   Absolutely.  
18 I just wanted to get on the record how much time  
19 we were talking about.

20                   MR. RIVERO:   Yes.

21                   ACTING CHAIRMAN ALBERTI:   Mr. Mallick,  
22 is that agreeable to you?

1 MR. MALLICK: Yes, sir.

2 ACTING CHAIRMAN ALBERTI: All right.  
3 Very good. So I move that we continue this case  
4 until a later date to be determined.

5 MEMBER SHORT: Second.

6 ACTING CHAIRMAN ALBERTI: Thank you,  
7 Mr. Short.

8 All those in favor say aye.

9 ALL: Aye.

10 ACTING CHAIRMAN ALBERTI: All those  
11 opposed? Okay. The motion carries 6-0-0.

12 Okay. So we will continue this case  
13 until a later date. And the parties will discuss  
14 a date with our General Counsel and put this on  
15 our calendar.

16 Any other matters that we need to deal  
17 with before we --

18 MR. RIVERO: That's it for this case.

19 ACTING CHAIRMAN ALBERTI: -- great.  
20 Thank you. That concludes this matter. Thank  
21 you very much.

22 MR. MALLICK: Thank you, sir.

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ACTING CHAIRMAN ALBERTI: Thank you.

Okay.

(Whereupon, the Show Cause Hearing in  
the above-entitled matter was concluded at 12:12  
p.m.)

<b>A</b>	<b>bring</b> 8:9 12:4,6,8 <b>BROOKS</b> 1:17 <b>building</b> 1:13 5:19 <b>business</b> 5:18	<b>determined</b> 14:4 <b>discuss</b> 13:6 14:13 <b>District</b> 1:1 2:11 <b>DONALD</b> 1:17 <b>duty</b> 1:10 10:3	<b>individual</b> 8:20 <b>indulging</b> 6:17 <b>information</b> 6:13 7:18 <b>intervening</b> 5:13 <b>introductions</b> 2:8 <b>investigation</b> 2:21 <b>issue</b> 4:17,21 10:2 <b>issues</b> 4:13
<b>ABC</b> 1:10 5:2 <b>able</b> 12:1 <b>above-entitled</b> 15:4 <b>ABRA</b> 6:12 9:21 11:8 <b>Absolutely</b> 8:11 13:17 <b>Acting</b> 1:16 2:3,13 3:1,5 3:12,16,20 4:2,5,8,11 4:18 5:5,20 6:11,15 7:4,6,8,13,16 8:7,11 8:13,16 9:6,19 10:12 10:17,20 11:2,13,18 12:3,7,12,17 13:1,5,9 13:14,17,21 14:2,6,10 14:19 15:1 <b>action</b> 9:21 <b>actual</b> 4:21 <b>Agency</b> 6:2 <b>agreeable</b> 12:15 13:22 <b>ahead</b> 2:14 8:17 <b>ALBERTI</b> 1:16 2:3,13 3:1,5,12,16,20 4:2,5,8 4:11,18 5:5,20 6:11 6:15 7:4,6,8,13,16 8:7 8:11,13,16 9:6,19 10:12,17,20 11:2,13 11:18 12:3,7,12,17 13:1,5,9,14,17,21 14:2,6,10,19 15:1 <b>Alcoholic</b> 1:2,12,13 <b>allow</b> 5:14 <b>allowing</b> 6:17 <b>allows</b> 13:15 <b>ANC-2B</b> 1:8 <b>answer</b> 10:8 11:7 12:10 <b>appropriate</b> 5:7 <b>approve</b> 6:5 <b>approved</b> 6:6 <b>April</b> 12:21 <b>asked</b> 2:18 <b>attention</b> 5:15 <b>Ave</b> 1:7 <b>aware</b> 6:2 <b>aye</b> 14:8,9	<b>C</b>	<b>E</b>	<b>J</b>
<b>back</b> 2:4 <b>based</b> 7:17 <b>becoming</b> 6:2 <b>beginning</b> 12:21 <b>behalf</b> 11:5 <b>believe</b> 2:17 <b>believes</b> 5:6 <b>beneficial</b> 6:9 <b>better</b> 6:5 <b>Beverage</b> 1:2,12,13 <b>bit</b> 6:1 <b>Board</b> 1:2,12 2:10	<b>calendar</b> 13:3 14:15 <b>call</b> 2:4 7:9 <b>carries</b> 14:11 <b>case</b> 1:9 2:5,17 8:22 10:11 14:3,12,18 <b>Cause</b> 1:6 2:5 15:3 <b>Chairman</b> 1:16 2:3,13 3:1,5,12,16,20 4:2,5,8 4:11,18 5:5,20 6:11 6:15 7:4,6,8,13,16 8:7 8:11,13,16 9:6,19 10:12,17,20 11:2,13 11:18 12:3,7,12,17 13:1,5,9,14,17,21 14:2,6,10,19 15:1 <b>Chairperson</b> 1:14 <b>chance</b> 6:12 <b>claimed</b> 12:2 <b>clarification</b> 3:9 <b>clarity</b> 6:9 <b>Columbia</b> 1:1 2:12 <b>come</b> 2:18 5:15 <b>complicated</b> 6:1 <b>comported</b> 8:19 <b>concern</b> 5:9 <b>concerned</b> 11:9 <b>concerns</b> 4:21 <b>concluded</b> 15:4 <b>concludes</b> 14:20 <b>confusion</b> 8:2 <b>Connecticut</b> 1:7 <b>consider</b> 6:17 10:13 <b>continuance</b> 6:17 10:7 10:14 12:14,15 <b>continue</b> 5:7,10 14:3,12 <b>Control</b> 1:2,12,13 <b>corner</b> 10:9 <b>correct</b> 9:1 12:14 13:12 <b>Counsel</b> 13:7 14:14 <b>country</b> 7:15 <b>CR</b> 1:8 <b>currently</b> 6:13	<b>enterprise</b> 3:17 8:1,4 11:21 <b>Enterprises</b> 1:6 2:6,17 3:14 4:3 7:21 8:5 11:15 <b>everybody</b> 7:20 <b>evidentiary</b> 5:9 <b>expect</b> 11:14	<b>JAMES</b> 1:19 <b>Jones</b> 1:18 3:8 7:5 8:15 8:16,18 9:3,5,7,10,13 9:18,20 10:5,10,19,21 11:3,8,12,17 12:5 13:13
		<b>F</b>	<b>K</b>
		<b>fact</b> 5:17 <b>family</b> 5:4 7:12 10:4 <b>far</b> 11:8 <b>favor</b> 14:8 <b>February</b> 1:11 <b>Fernando</b> 1:21 2:11 <b>Fiesta</b> 1:7 2:19 5:21 <b>first</b> 2:19 4:21 5:11 <b>fixed</b> 6:8 <b>followed</b> 6:3 <b>formerly</b> 1:6 <b>forward</b> 2:8 <b>free</b> 13:4	<b>know</b> 13:2,3,10
		<b>G</b>	<b>L</b>
		<b>General</b> 13:6 14:14 <b>gentlemen</b> 2:15 <b>given</b> 10:5 <b>go</b> 2:14 8:17 10:4 <b>going</b> 2:4 <b>good</b> 2:10,15 8:14 11:2 14:3 <b>Government</b> 5:6 <b>grant</b> 10:6 <b>great</b> 4:6,9 10:18 14:19	<b>let's</b> 13:3 <b>license</b> 1:8 2:7,16 3:19 3:21 4:10,20 5:17 7:18,19 8:21 9:14,22 10:1 11:9 <b>licensee</b> 7:1,7 8:9 <b>licensing</b> 6:5 <b>Limited</b> 8:22 9:16 <b>little</b> 5:14 6:1 <b>LLC</b> 4:3 <b>look</b> 5:14 6:12,18 <b>Lounge</b> 1:7 2:20
		<b>H</b>	<b>M</b>
	<b>D</b>	<b>happens</b> 5:17,18 <b>hearing</b> 1:7,13 2:6,18 4:22 5:7,10 11:5,14 11:16 15:3 <b>HECTOR</b> 1:18 <b>helpful</b> 3:7 <b>HERMAN</b> 1:18 <b>hires</b> 11:4 <b>holder</b> 8:22 <b>holding</b> 2:16	<b>Mahal</b> 1:6 2:6,17 3:13 3:22 7:20 8:3,5,22 9:13,16 11:1,4,15 <b>Mallick</b> 2:15,16 3:2,4,13 3:15,18 4:1,4,7,10 9:8 9:12,17 10:2,8,12,13 10:16 11:6,11,22 12:11,14,16 13:21 14:1,22 <b>manager</b> 1:10 2:22 5:2 10:3,3 <b>Manor</b> 1:6 2:7 5:21 <b>matter</b> 1:5 10:1 14:20 15:4 <b>matters</b> 14:16 <b>mean</b> 6:16 <b>MEETING</b> 1:3 <b>member</b> 1:17,17,18,18 1:19 3:8,13 7:5 8:1,15 8:18 9:3,5,7,10,13,18 9:20 10:5,10,19,21 11:3,8,12,17 12:5,9 13:13 14:5
		<b>I</b>	
	<b>D.C</b> 1:14 <b>date</b> 14:4,13,14 <b>days</b> 5:11 13:11 <b>deal</b> 4:13 13:16 14:16 <b>death</b> 5:4 7:11 10:4 <b>defense</b> 7:9 <b>definitely</b> 12:5 <b>designate</b> 11:21	<b>improper</b> 6:3,4 <b>India</b> 5:4 10:4 12:20	

members 2:11 8:3  
 mentioned 5:3 7:2  
 13:16  
 merits 10:11  
 met 1:13  
 Michael 2:12  
 MIKE 1:17  
 Miller 1:14  
 moment 2:14 3:2,3 4:20  
 month 12:20  
 morning 2:10,15  
 motion 14:11  
 move 14:3

---

**N**

---

N.W 1:13  
 name 2:16  
 names 5:16  
 necessary 6:20  
 need 6:16 10:22 14:16  
 needed 12:18  
 NICK 1:16  
 NW 1:7

---

**O**

---

OAG 1:21  
 offer 7:1  
 okay 2:3 3:1,6 4:5,8 5:5  
 5:20 7:4,10,13 8:7,13  
 9:3,3,6,18 10:17  
 11:12 12:8,11,17 13:1  
 13:5,13,14 14:11,12  
 15:2  
 operating 2:19 5:17  
 opinion 6:21  
 opposed 14:11  
 owner 3:18,20 5:3 7:2  
 7:19 9:14,15 10:1  
 11:1,9  
 ownership 3:21 4:19  
 6:10 8:21

---

**P**

---

**P-R-O-C-E-E-D-I-N-G-S**  
 2:1  
 p.m 2:2 15:5  
 paperwork 6:5  
 part 9:15  
 participate 5:8  
 parties 2:8 12:13 14:13  
 people 8:2  
 period 5:11 6:8  
 person 4:22 5:1 7:1  
 11:6  
 please 2:9,14,14  
 point 11:2  
 position 3:17  
 Possibly 6:14

preliminary 4:13  
 present 1:15,20 2:21  
 4:22 10:15 11:3,5,15  
 12:1  
 presiding 1:14  
 probably 6:16  
 procedure 6:3  
 put 14:14

---

**Q**

---

question 6:10 8:9

---

**R**

---

Raj 2:16  
 really 13:11  
 reasoning 12:1  
 recommendation 5:10  
 record 2:4 3:10 5:9 6:12  
 10:1 13:18  
 records 6:18 7:19 9:11  
 9:15  
 Reeves 1:13  
 regarding 2:6  
 relates 4:16  
 report 5:3  
 reports 7:3  
 represent 8:21  
 representative 11:4,14  
 11:20  
 represents 8:20  
 requesting 12:13  
 responsible 11:6,10  
 restaurant 1:7 2:20  
 3:19

Retailer 1:8  
 review 7:18  
 right 3:6 6:8 7:16 8:6,14  
 8:14,20 9:5 11:19  
 12:1,12,14 14:2  
 Rivero 1:21 2:10,11  
 4:12,15,19 5:6,21  
 6:11,14,22 7:7,11,14  
 8:6,8,12 9:2,4,9 12:13  
 12:18,19 13:2,8,12,15  
 13:20 14:18

**RODRIGUEZ** 1:18  
 role 3:9,11  
 Room 1:13  
 Ruthanne 1:14

---

**S**

---

schedule 13:7  
 Second 5:13 14:5  
 see 13:3  
 separate 8:8  
 Short 1:19 14:5,7  
 Show 1:6 2:5 15:3  
 SILVERSTEIN 1:17

12:9  
 sir 2:14 3:15 9:17 10:10  
 10:16 12:10,16 14:1  
 14:22  
 situation 5:15,16,22  
 sorry 3:4  
 sort 8:4 13:10  
 standing 2:12  
 Stern 2:12  
 Street 1:13  
 Suite 1:14  
 sure 3:9 8:18 9:7 10:22  
 13:8  
 surely 11:22

---

**T**

---

t/a 1:6 2:6  
 Taj 1:6 2:6,17 3:13,22  
 7:20 8:3,5,22 9:13,15  
 11:1,4,15  
 take 6:18 12:9  
 taken 9:22  
 takes 9:21  
 talking 13:19  
 tell 7:17  
 terms 6:3  
 testify 5:1 7:1 8:12  
 Thank 3:6 4:6,12 14:6  
 14:20,20,22 15:1  
 Thanks 4:11  
 thing 13:16  
 think 6:7  
 time 4:22 5:14,19 6:8  
 12:18 13:10,15,18  
 today 5:1,11 8:5  
 told 10:9  
 trying 8:4  
 Tuli 2:19 5:2,8 6:21,22  
 7:2,9,10,22 10:14  
 11:19,19 12:20  
 two 2:19 4:16

---

**U**

---

Um-hum 4:18  
 understand 2:20 6:20  
 7:20 9:10,16,17,21  
 10:19,22 11:10,20  
 understanding 8:19,19  
 12:19  
 understands 3:10  
 Understood 10:5  
 unfortunately 4:15 6:1

---

**V**

---



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**W**

---

wait 7:8,8  
 want 6:19 7:9 8:15 9:7

10:10,21 13:11  
 wanted 13:10,18  
 wanting 8:2,3,9  
 wants 7:7  
 Washington 1:14  
 way 6:5  
 willing 6:16 10:6,13  
 witness 8:10 10:14 12:4  
 12:6,8

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**X**

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**Y**

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**Z**

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**0**

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**1**

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12:02 2:2  
 12:12 15:4  
 13-CMP-00289 1:9 2:5  
 1327 1:7  
 13th 13:3  
 14th 1:13

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**2**

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2000 1:13  
 20009 1:14  
 2015 1:11  
 25 1:11

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**3**

---

30 5:11

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**4**

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400S 1:14  
 45 5:11 13:11

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**5**

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**6**

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6-0-0 14:11

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**7**

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**8**

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882 1:8 2:7