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REPORTER'S TRANSCRIPT OF PREVIOUSLY-RECORDED
PROCEEDINGS

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TRANSCRIBED BY: Kelly L. Wilburn, CSR, RPR

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

2 ADAM ZUCKERMAN: Right? Ten people on the
3 floor in this building. And then we had a whole Vegas
4 operation too. But I had him out here. And I let him
5 live with Kirk. Took care of him. Did all kinds of
6 great things for him.

7 And sure enough, he'd go out at night to the
8 bars. Get drunk. Get in trouble. Have issues. Got
9 arrested once, right? And then the issues (inaudible)
10 continue.

11 And then he was in here one day. And he
12 wasn't getting -- I took him off the first run leads.
13 Really? You know what I mean? So he got pissed off
14 at Jessica, the girl at the front desk.

15 Where's my leads?

16 Well, you're not in the queue.

17 What do you mean I'm not in the queue? I'm
18 the best --

19 And he started to basically berate her.

20 SPEAKER UNKNOWN: Can I erase this?

21 ADAM ZUCKERMAN: Yeah. I don't know. Uh,
22 yeah, you can --

23 MICHAEL ROBERTS: Or should we tape right
24 over it?

25 ADAM ZUCKERMAN: No, go ahead and erase it.

1 Um, so he started to basically abuse her here in the
2 office. So I hear it. I walk outside. Now, he's the
3 best salesperson, just, like a guy like Darren, like,
4 You'll never get rid of me. I represent the majority
5 of your money.

6 MICHAEL ROBERTS: Uh-huh.

7 ADAM ZUCKERMAN: So I walked outside and I
8 said, I said, I said, What the hell's going on here?
9 So he's like, Well, I'm not getting my leads.
10 I go, Why are you yelling at her?

11 Because well --

12 I said, Don't you ever yell in this office
13 again at anybody or you're fired.

14 MICHAEL ROBERTS: Uh-huh.

15 ADAM ZUCKERMAN: Right?

16 He goes, Oh really, you're gonna fire your
17 best sales person?

18 I said, You're, you're gone. Get out.

19 SPEAKER UNKNOWN: Good.

20 MICHAEL ROBERTS: Because of rebellion.

21 ADAM ZUCKERMAN: Right?

22 MICHAEL ROBERTS: Yep.

23 ADAM ZUCKERMAN: He said -- and he looked at
24 me, just completely surprised. The whole floor was
25 there. I said, Pack up, get out.

1 MICHAEL ROBERTS: Mmm.

2 ADAM ZUCKERMAN: Right? So he went back home
3 and didn't call. Went and got drunk that night again.
4 Called back and said, So how are we gonna work this
5 out?

6 I said, We're not, you're fired.

7 And he kept thinking I'm bluffing. How can
8 you fire your best salesperson, who represents so much
9 gross?

10 MICHAEL ROBERTS: Mmm.

11 ADAM ZUCKERMAN: You're replaceable. I'll
12 find a way to replace you. You're -- what you did --
13 and, and I gave you a chance, you opened your mouth --
14 you're gone.

15 MICHAEL ROBERTS: Uh-huh.

16 ADAM ZUCKERMAN: Next time you won't test
17 somebody again.

18 MICHAEL ROBERTS: Uh-huh.

19 ADAM ZUCKERMAN: And that's how you deal with
20 a guy like Darren.

21 SPEAKER UNKNOWN: Yeah.

22 MICHAEL ROBERTS: That's, um, yeah.

23 ADAM ZUCKERMAN: And he was gone. And now --
24 and then he, and then he ended up -- got in another
25 fight and he ended up going to prison.

1 MICHAEL ROBERTS: Really?

2 ADAM ZUCKERMAN: Yeah, for a year. So that's
3 how you deal with it. And the only reason -- now,
4 with Mark? You know, he could have -- we fired other
5 people, Hayes and these other guys that worked for us.
6 Remember they were joking about that guy Hayes in the
7 office the other day?

8 We fire different people who, you know, would
9 think they'd go out in the market place and start
10 saying bad things about us. And maybe they did or
11 maybe they didn't. They eventually back off.


12 But, you know, you'd better also recognize
13 that, let's assume Darren does his worst. What is his
14 worst against REXXfield? Is he going to call Fox and
15 say that you're a liar? I mean.

16 MICHAEL ROBERTS: Best to let it drop.

17 ADAM ZUCKERMAN: I know.

18 MICHAEL ROBERTS: Yeah.

19 ADAM ZUCKERMAN: So --


20 MICHAEL ROBERTS: I mean the guy said, he
21 said, I'm pulling him. We -- it was a good interview
22 but we're pulling him. I'm not gonna risk him coming
23 back and saying something bad about you guys. He's
24 actually watching us. 

25 Not -- he's not worried about his story

1 because a story is a story. Because, he said, I --
2 you know, we, we've got a lot to do in the future and
3 I don't want (inaudible.)


4 ADAM ZUCKERMAN: He was gonna air more of his
5 interview or something?

6 MICHAEL ROBERTS: Yeah. He was gonna clip it
7 in with me, but he said it's just not worth it. It's
8 not worth the risk, because his, his -- I think he
9 said something like if his ego gets puffed up and
10 then, you know, publishes something, whatever.

11 Follows you around on the blogs. So this guy
12 wants a long-term relationship with us. 

13 SPEAKER UNKNOWN: Right.

14 ADAM ZUCKERMAN: So, um. Well, it, it -- and
15 it would be great if you were able to somehow get the
16 Progenex story in there.

17 MICHAEL ROBERTS: Yeah, I, I could. Do you
18 want me to? 

19 ADAM ZUCKERMAN: I, I'd like you to be able
20 to expose these guys. Talk about the fact that you
21 were brought in by Progenex and. And, I mean, I, I
22 would like that story out there. Not through him.
23 I'd rather it be through you.

24 SPEAKER UNKNOWN: (Inaudible.)

25 ADAM ZUCKERMAN: Huh?

1 SPEAKER UNKNOWN: (Inaudible.)

2 ADAM ZUCKERMAN: I'd love, I'd love Ryan to
3 be able to tell it if he could. But at minimum I'd
4 rather -- I'd have you telling it. So, I mean, if
5 they can take a clip of Ryan that would be great too.

6 But, um, I'd like to see that story somehow
7 covered to the extent that it talks about what -- I
8 don't know, they probably will never use anyone's
9 names because they don't want liability. They're
10 never gonna say who the antagonist was.

11 MICHAEL ROBERTS: Anthony Roberts (inaudible)
12 website. (Inaudible) website.

13 ADAM ZUCKERMAN: Right.

14 MICHAEL ROBERTS: And, I mean --

15 ADAM ZUCKERMAN: Well.

16 MICHAEL ROBERTS: -- I --

17 ADAM ZUCKERMAN: Anthony Roberts is one of
18 the biggest issues that you can point to as far as
19 defamation in a case with Progenex (inaudible.)

20 MICHAEL ROBERTS: Yeah.

21 ADAM ZUCKERMAN: So. Um, so go ahead, show
22 me your circles.

23 PAUL PORTELLI: Well, it's pretty much
24 (inaudible) drawn up anyways in the first place. But
25 I think that we bluff that the deal was falling apart.

1 ADAM ZUCKERMAN: We what?

2 PAUL PORTELLI: We bluff that the deal was
3 falling apart like was discussed, right?

4 MICHAEL ROBERTS: The first time. 

5 ADAM ZUCKERMAN: Well, there's two ways
6 that -- there's two ways for the, for the bluff or the
7 strategy, let's call it, okay? But in -- if it's a
8 poker game we call it a "bluff."

9 There's two ways to deal with the end result.
10 Either the deal is falling apart because of something
11 he initiated that created the problem for the deal?
12 Where he now has the emotional triggers going on.

13 SPEAKER UNKNOWN: Uh-huh.

14 ADAM ZUCKERMAN: Or the deal is falling
15 apart --

16 SPEAKER UNKNOWN: Now.

17 ADAM ZUCKERMAN: -- because of him bringing
18 to our attention that it's not equitable, and/or our
19 own assessment that it's not equitable and we'd
20 rath --

21 PAUL PORTELLI: Is that what the, is that
22 what the situation was in the first place was that it
23 was, he was saying that it was unequitable?

24 MICHAEL ROBERTS: No.

25 PAUL PORTELLI: Oh.

1 ADAM ZUCKERMAN: You gotta remember
2 something, you -- yes.

3 MICHAEL ROBERTS: Well, he suggested that.

4 ADAM ZUCKERMAN: Well, you've gotta remember
5 something here. Everything he says is conditioned
6 upon what he wants from whom at the time, okay? So he
7 is not -- when -- you -- see, you have to take a
8 normal brain, a normal soldier. A soldier picks his
9 side and fights for it. Okay?

10 He's sort of a, of a crazed mercenary who
11 just goes where -- whoever is going to give him what
12 he needs at the time. So you can't trust anything he
13 says. So yes, his whole position was, Why did he do
14 the thing with Michael at the house? Why did he send
15 you that email? Okay?

16 He jumps the gun and thinks he has more
17 control and more influence than he does. What was the
18 purpose of that? It was to say, Well, I'm not
19 manipulating Michael. He's not doing what I'm telling
20 him and I'm starting to look bad in my own eyes to
21 these other guys, so now I'm gonna tell them Michael
22 is a bad guy. Now I'm gonna tell Michael he's a bad
23 guy.

24 PAUL PORTELLI: And he will do anything, as
25 random and crazy as it is --

1 ADAM ZUCKERMAN: Absolutely.

2 PAUL PORTELLI: -- to attempt to maintain
3 control and power over the situation.

4 ADAM ZUCKERMAN: Un --

5 PAUL PORTELLI: No matter, no matter who's
6 involved?

7 ADAM ZUCKERMAN: No matter who's involved.
8 Unless --

9 PAUL PORTELLI: He's shown that from the
10 get-go.

11 ADAM ZUCKERMAN: Unless he's dealt with,
12 with, with control with handcuffs or a gun.



13 PAUL PORTELLI: And so I want to handcuff him
14 and be able to kick him in the balls --

15 SPEAKER UNKNOWN: Okay.

16 PAUL PORTELLI: -- anytime he needs it,
17 right?

18 SPEAKER UNKNOWN: Right.

19 PAUL PORTELLI: That's, that's my play.

20 ADAM ZUCKERMAN: And that's our play as well.
21 So.


22 PAUL PORTELLI: So basically bluff that the
23 deal is falling apart.

24 ADAM ZUCKERMAN: Right.

25 PAUL PORTELLI: Because of whatever.

1 ADAM ZUCKERMAN: Right.

2 PAUL PORTELLI: He doesn't have any idea
3 that -- about the email, right?

4 MICHAEL ROBERTS: You, you prepared the 
5 option one that we were talking about, Paul?

6 ADAM ZUCKERMAN: Not -- he -- you don't bring
7 up the fact that he sent you that email. That's in
8 the background. He doesn't know whether --

9 PAUL PORTELLI: Exactly. I already kind have
10 of, um, been just -- with him, you know?

11 ADAM ZUCKERMAN: He's --

12 PAUL PORTELLI: He doesn't know where it's
13 at.

14 ADAM ZUCKERMAN: He doesn't know where it's
15 at.

16 PAUL PORTELLI: Right?


17 ADAM ZUCKERMAN: He's ta -- he's --

18 PAUL PORTELLI: I've been kind of cool --

19 (Inaudible - speakers talking over one another.)

20 PAUL PORTELLI: -- but I've been kind of a
21 dick. I've been just -- and so what I want to see
22 is --

23 ADAM ZUCKERMAN: Right.

24 PAUL PORTELLI: -- bluff the deal is falling 
25 part. See if he approaches me. Okay?

1 (Inaudible - speakers talking over one another.)

2 PAUL PORTELLI: Or in the middle of the bluff
3 in the -- of the deal falling apart we'll see if he
4 approaches me. Or I'll approach him if too much time
5 goes by.

6 ADAM ZUCKERMAN: While we indicate that the
7 deal is not coming together, because I already --

8 SPEAKER UNKNOWN: If there's an issue.

9 ADAM ZUCKERMAN: I already started this last
10 night. Because he hit me up. He hit me up last
11 night. And he says, Hey, what's going on? Um, you
12 guys -- are you putting a deal together? And he says,
13 Are -- you know, you've got this thing wrapped up so
14 now he's, he says, I know you guys are working all the
15 sale stuff looks good. So he's taking the bait --

16 SPEAKER UNKNOWN: Yeah.

17 ADAM ZUCKERMAN: -- that the deal looks good.
18 He goes, I think it's important that you should get
19 this thing locked up type of thing.

20 And I wrote back to him, I agree with you
21 Darren, but there are some problems with this
22 structure. And there are some crazy provisions and
23 things because of what's, what's gone one that just
24 make this deal a mess.

25 Because I've been telling him for a while

1 that it's a mess, okay? But when I wrote this, this
2 email to the other guys and to him I explained it was
3 a mess not necessarily because of Michael Roberts in
4 any way or you guys, but because of the things that he
5 had -- that -- I said it's a mess primarily because of
6 the rela -- the relationship dynamic between Michael
7 and Darren.

8 And I said that's gonna be a hard thing to
9 overcome when people don't trust each other from the
10 very beginning of a relationship. And then I also
11 wanted to fuse in other things like book of business,
12 whether the IP is strong, the issue of the Progenex
13 litigation going on. I blended it.

14 PAUL PORTELLI: Can you forward that?

15 ADAM ZUCKERMAN: Yeah, I can forward it to
16 you. I blended it so that it looked balanced that I
17 wasn't attacking him. But I wanted to point out
18 everyone has their problems on different sides and
19 that makes for a tough-deal solution. And there --
20 those were where my concerns are.

21 Of course the next day he called. Normally
22 he would send an email. It was like, I feel like you
23 were attacking me in the email.

24 I'm like, Dude, read it again.

25 PAUL PORTELLI: So he called today already?

1 ADAM ZUCKERMAN: Not today, no, no. This
2 was, this was when I -- I told Michael about the
3 email.

4 PAUL PORTELLI: Oh, I thought you said that
5 last night --

6 ADAM ZUCKERMAN: No, he did last night, while
7 he was here, resurface, as I expected him to, because
8 I wanted him to see energy interaction. And he said,
9 Is the deal -- are, are you working things out? Is
10 the deal gonna come together?

11 And I said to him, in reference to that prior
12 email, As I said before, there are some issues and
13 problems. And I also indicated to him, Because of the
14 concerns I said in the email, because of the issues
15 that have happened related to you guys with him? Some
16 of the provisions in the contract are so egregious
17 from a standpoint of protection that I have to check
18 with our attorney to see if they're even legally
19 viable.

20 Meaning that the concerns for protection are
21 so over the top, right? That I don't even know if we
22 can do a deal, because you've created so much concern
23 that I don't even know if these provisions to make
24 people feel protected can legally hold. That's what I
25 said to him. Okay? So go ahead. It -- so the --

1 it's been set like that.

2 PAUL PORTELLI: All right. So --

3 ADAM ZUCKERMAN: So the bluff entity works.
4 You can, you can, you can play it from your side. We
5 can play it from our side. (Inaudible.)


6 PAUL PORTELLI: There's a little more to
7 this.

8 ADAM ZUCKERMAN: Yeah, go ahead.

9 PAUL PORTELLI: Okay. So we, we -- he comes
10 to me, then I'll play with him. All right? I'll play
11 along with him.

12 ADAM ZUCKERMAN: Because he's gonna sniff you
13 out.

14 PAUL PORTELLI: He is.

15 ADAM ZUCKERMAN: Right. Because he doesn't
16 trust our -- anybody.  So he's gonna sniff you to see
17 if he's getting the same feel from you as he is from
18 us.

19 PAUL PORTELLI: So we play on that, right?

20 ADAM ZUCKERMAN: Right. 

21 PAUL PORTELLI: Maybe we even go as far as,
22 um, playing it that me and Michael have a, just a
23 little bit of a disagreement.

24 MICHAEL ROBERTS: (Inaudible) know it's a
25 lie, Dude.

1 PAUL PORTELLI: Okay.

2 ADAM ZUCKERMAN: Well, here, here's the
3 thing. And I know where you're going. And, and I'll
4 tell you this. I like, I like your -- we, we got a
5 lot in common. And I, and I -- that's why I talk to
6 you all the time and I like your strategic aspect,
7 okay?


8 PAUL PORTELLI: I'm only about halfway
9 through, but.

10 ADAM ZUCKERMAN: I, I know, and I'm gonna let
11 you get all the way through. But I'm gonna stop you
12 at certain points, okay? Let me tell you from my
13 experience. Be very careful when you're creating
14 strategies in business or war. Okay? If they get too
15 complex or too manipulative, you've gotta be careful.
16 Because sometimes your strategies are really good, but
17 if they blow up they can create real problems.

18 So be really careful in circumstances
19 where -- sometimes it's a necessity to bend the truth
20 in order to protect the people you care for. But be
21 careful not to go too far into the lie category,
22 because you can't keep track of them after a while.

23 And you also can't control the other people
24 that you're trying to have support that lie. Like for
25 instance if you said maybe there's a rift between you

1 and Michael, okay? Yeah, sure, maybe Michael
2 remembers that one. But what if there's three others
3 that he doesn't remember?

4 Somebody like Darren catches one of those
5 things and the whole plan goes to hell.  So be careful
6 about those getting -- eliminate everything you can.
7 Create it as simple as possible. So go ahead.

8 So he comes to you, but -- now, you can, you
9 can allude to the fact that, I don't know what's --
10 I'm not really sure what's going on, but it doesn't
11 seem like we're -- we still don't have a deal and
12 we're not making progress. Whatever, you know.

13 You can create a level of, he's assessed you
14 at some point where he knows, (a), you're not just
15 some guy that's on the outside. He suspects, clearly,
16 and would be convinced of the fact that you would know
17 everything. Because he feels that you're closely
18 integrated with Michael.

19 PAUL PORTELLI: Do you know what pisses me
20 off, though, is that he apparently thinks that I will
21 go along with something like this and betray --

22 (Inaudible - speakers talking over one another.)

23 ADAM ZUCKERMAN: Okay, but -- okay, stop.
24 One, you -- it sh -- it, it, it can -- it's a subject
25 of, it's a subject of irrit --

1 PAUL PORTELLI: I take it real personally
2 right now, you know?

3 ADAM ZUCKERMAN: It's a subject -- but you
4 can't, okay? Why? Because if you took every douche
5 bag in the world that tried to screw you or the people
6 you cared about personally? You would either, you
7 would either be in prison for killing everyone, or you
8 would spend a lot of your life extremely miserable
9 over people that don't matter.

10 Find a way to eliminate them so that you
11 don't have to think about them. It's not worth your
12 time and energy to have him bother you. He's not
13 important. When you need to have someone bother you,
14 do so at a point that you need to address the
15 situation. And eliminate it and get it out of your
16 soul and out of your head. Okay?

17 So don't let what he's trying to do consume
18 you. Just deal with the issue and get past it.
19 Because he's not gonna be an ongoing issue. There
20 will be people down the road. He's -- Darren's not
21 the first person that's gonna be a threat. There are
22 gonna be people that come out of the bushes that are
23 gonna a hundred times worse.

24 Can you imagine where I would be if I allowed
25 what Connelly has done to us, and to me personally,

1 and the things he's tried? Can you imagine what I
2 would do or how I would be on a daily basis? A lot of
3 it's subconscious still. And I get past it.


4 But if I internalized and personalized all
5 the things that are so personal in the attacks that
6 he's made? That's where, you know, people go to other
7 people's houses with a, with a MAC-10 and start
8 blowing them away. Okay? You can't let that stuff
9 get to you or get too deep. So go ahead.

10 PAUL PORTELLI: Yeah.

11 ADAM ZUCKERMAN: He's a douche bag. But why,
12 why should that ruin your day?

13 PAUL PORTELLI: So the idea here is he
14 approaches. We -- me and Darren talk.

15 ADAM ZUCKERMAN: Uh-huh.


16 PAUL PORTELLI: Okay? Indicate that, Okay
17 Darren, you know, maybe we can -- why don't we -- what
18 if we, Darren, we did a little thing on the side over
19 here? I'll say why don't we contact the cool
20 technique guy, my brother Matthew.  And we, we, um --

21 (Inaudible - speakers talking over one another.)

22 ADAM ZUCKERMAN: Well, I mean, I just want to
23 hear. I -- just go ahead. Okay (inaudible.)

24 PAUL PORTELLI: We offer some money there.

25 ADAM ZUCKERMAN: Okay.

1 PAUL PORTELLI: We get rights to do -- okay,
2 we play it this way. When I call my brother I have
3 him record the phone call, okay? It's a phone call
4 between me and him that me and him initiate and then
5 bring Darren in. Darren doesn't have to know,
6 legally, that that recording -- 

7 ADAM ZUCKERMAN: Okay, stop.


8 (Inaudible - speakers talking over one another.)

9 ADAM ZUCKERMAN: Hold, hold on, stop. We're
10 gonna split between what's the best solution and the
11 critique of your strategy. I like your strategy from
12 a standpoint of what does it help? What does it
13 achieve from the standpoint of handcuffs. Okay?

14 It ba -- here's where the hole is in your
15 strategy, here's where the good part strategy. That
16 would be worth doing if the threat level were fully
17 red. Okay? Meaning now you have him busted forever,
18 okay? Based upon, you know, either an email, or a
19 recording, or worse, that says that you have basically
20 breached, these are the things you did, and you can't
21 do anything to deny it. Okay?

22 One, you're never gonna be able to record
23 him. It's illegal. Okay? You can't record somebody
24 unless you tell them that you're recording them.

25 PAUL PORTELLI: The reason for that is that

1 once he goes forward with that and then we set up the
2 real deal and the bluff deal. After it's all set up,
3 right? He feels like a hero because he saved the
4 deal. 

5 MICHAEL ROBERTS: I, I think --

6 (Inaudible - speakers talking over one another.)

7 PAUL PORTELLI: Now I've got some -- and then
8 after that I, I, then I go to him and I say, You know
9 what, Darren?

10 ADAM ZUCKERMAN: But, but --

11 PAUL PORTELLI: Because you approached me
12 like that? I don't tell him that -- I never told
13 anybody about the email, okay?

14 ADAM ZUCKERMAN: Right.

15 PAUL PORTELLI: Darren, you approached me
16 like that, and I took it personally. And I did what I
17 needed to do to put you in a position where you could
18 be (inaudible.)

19 MICHAEL ROBERTS: No, that's blackmail.

20 ADAM ZUCKERMAN: Okay, okay, hold --

21 PAUL PORTELLI: And then the only one that
22 knows -- he doesn't think that you guys know at all.
23 So he's cool. But I have him in a corner where he can
24 be managed if needed.

25 ADAM ZUCKERMAN: Okay.

1 PAUL PORTELLI: And I have this over his
2 head.

3 ADAM ZUCKERMAN: Well, here's --

4 PAUL PORTELLI: That's the idea.

5 ADAM ZUCKERMAN: Here's the thing. Um.
6 Again, from a strategic standpoint, it's good that
7 you're figuring out these strategies. And they're
8 good in a warring condition. Here's the thing.
9 There, there are certain -- the things that you don't
10 recognize is that anytime you come up with a --

11 (Telephone interruption.)

12 ADAM ZUCKERMAN: Anytime you come up with a
13 strategy --

14 MICHAEL ROBERTS: Hello, this is Michael.
15 Hello? Hello?

16 ADAM ZUCKERMAN: Okay. Chess is the ultimate
17 teacher. All right? When a -- when you're playing
18 chess and you're overconfident in your capabilities
19 over your opponent? You get sloppy with some of your
20 defensive strategies and you're very offensive. Okay?

21 And what happens is is that, whether the
22 person is actually better than you thought or they
23 just get lucky, they make a move, and they take a
24 primary piece that dismantles your entire plan. And
25 then you have to rethink your entire strategy from a

1 position of weakness. Okay?

2 What I'm trying to tell you is, is your
3 strategy works perfectly, provided that he doesn't
4 make any moves that dismantle that whole thing. And
5 what I'm trying to tell you is, is that he's not
6 stupid. And he's unpredictable. All right? He's
7 predictably unpredictable.

8 So there are certain things that he could
9 potentially do, that you're not privy to, that could
10 create bigger problems. All right? For instance, all
11 right? Let's assume, um, the -- there, there's an
12 issue of, of blackmailing somebody. Which isn't --
13 which I don't believe this is blackmail.

14 But there's an issue of the -- if there were
15 a recording, where would you ever use it? The only
16 way you could ever use a recording --

17 PAUL PORTELLI: (Inaudible) him. I push the
18 button and it starts to play.

19 ADAM ZUCKERMAN: The only way you could --

20 PAUL PORTELLI: Darren, if you don't handle
21 yourself, then --

22 ADAM ZUCKERMAN: You --

23 PAUL PORTELLI: -- Adam and Michael
24 (inaudible.)

25 ADAM ZUCKERMAN: Meaning the only way you

1 could use that is internally.

2 PAUL PORTELLI: Yeah.

3 ADAM ZUCKERMAN: You could never use it
4 legally.

5 PAUL PORTELLI: Right.

6 ADAM ZUCKERMAN: Okay?

7 PAUL PORTELLI: I would -- it would only be
8 held over his head. And then if we ever needed to
9 smoke him, have a meeting.

10 ADAM ZUCKERMAN: Well --

11 PAUL PORTELLI: Hey, what's the big issue?

12 ADAM ZUCKERMAN: All you -- so, so let's
13 simplify this for a second.

14 PAUL PORTELLI: Smoke him --

15 (Inaudible - speakers talking over one another.)

16 ADAM ZUCKERMAN: Let's simplify this for a
17 second. What -- all you're really talking about,
18 which isn't a bad plan from the standpoint of its, of
19 its concept, all you're really talking about right now
20 is creating a stronger bat above the email you have.

21 Meaning all you're doing is you're creating a
22 situation where he's concerned about the email, and
23 then he's concerned also about other things that are
24 there.

25 PAUL PORTELLI: That's right.

1 ADAM ZUCKERMAN: Now, let's analyze that for
2 a second. The email. The reason why I don't think
3 you need -- your -- you have to assess your risk and
4 your benefits. Your risk in carrying through to the
5 next step next, all right? The dangers involved with
6 that risk probably outweigh the power you already
7 have.

8 The email he sent you is not innocuous. It's
9 horrible. It's as bad as any recording you're gonna
10 get from him. You don't need to get him to feel that
11 you have him under a rock more than you do. That
12 email is bad. It's a deal killer.

13 It's -- that's why we were gonna use it.
14 It's not like, Hey Paul, how do you feel about the
15 situation? He was trying to undermine the business
16 and the opportunity, and he was trying to get you to
17 do it. It's horrible. So you don't need to go the
18 extra step, because you've already got great evidence.

19 SPEAKER UNKNOWN: Hm.

20 ADAM ZUCKERMAN: The fact that you have that
21 email already is bad enough. It's enough to kill the
22 entire deal. It's enough to say to him, You're out,
23 Darren. But if it's enough to say that you're out
24 legally, um, morally, and otherwise, why don't we just
25 do that?

1 Because you're not paying attention as much,
2 which you should, to the crazy card. Okay? Your
3 strategy's great in a warring situation, but how do
4 you deal with it in a terrorist situation? He's not a
5 guy that responds. He is a Keyser Söze kind of guy.
6 Well, not really.

7 But he's the kind of guy that says, Really?
8 You got me in a box? You pulled off this whole
9 strategy and it works?

10 I sure did.

11 Well, guess what? I'm strapped with
12 explosives, and I'm gonna kill myself, and I'm gonna
13 take you with me. So when you weigh these things out,
14 even if you get them all the way through perfectly,
15 what do you do when the guy is a self-destructive
16 terrorist that'll blow you up with him?

17 That's the wild card. And that's why you
18 need to get him so far distant that at the point that
19 you allow him to blow himself up he's either by
20 himself, or he's far enough away that you got a laser
21 site on his head.

22 So your plan, one, assuming that it went
23 perfectly, the primary issue with it is it's too
24 personal to you. You want to execute this plan on the
25 basis that you're concerned that he will somehow

1 interfere with this company in the future.


2 And if I were you at your point right now,
3 that's what I would be doing to make sure that's the
4 case. But in this particular circumstance you just
5 gotta trust me that I know how to handicap him with
6 the least amount of collateral damage and the most
7 amount of effectivity. Only because I've been where
8 you were a thousand times. And I've made some of the
9 mistakes.

10 And all I can tell you from experience is
11 when the plan gets too complex, (a), when there are
12 too many other people involved in the plan, and when
13 there's too much interplay with deception, there are
14 too many variables that you have to deal with. And
15 it's just too dangerous. Unless --

16 PAUL PORTELLI: Yeah, that's right. It is.

17 ADAM ZUCKERMAN: Unless --

18 PAUL PORTELLI: Convolutated.

19 ADAM ZUCKERMAN: Unless it's absolutely 
20 necessary to live. Meaning you're in a situ -- I'll
21 tell you where the plan like this goes down. I used
22 it. Twice, okay? I used it the first time when he
23 pulled his move on me and he thought that he'd see how
24 I reacted. And he was gonna publish a press
25 release --


1 PAUL PORTELLI: Right.

2 (Inaudible - speakers talking over one another.)

3 PAUL PORTELLI: Right.

4 ADAM ZUCKERMAN: That, that he has issues
5 with me that Connelly would have eaten up. I mean, he
6 would have blown himself up. And I would have just
7 went full bore war with him. But he would have really
8 created a lot of problems for everybody else.

9 You know what I did? I could have hogtied
10 him a hundred ways. But my strategy was, was I had to
11 go deep, just like you're going. I had to show up
12 over there. I had to really like, You know what,
13 Darren? I don't know where you came up with this
14 stuff. I'm really sorry that you felt this way.

15 I mean, I had to go into talking a terrorist
16 off the building from holding the bombs. And I had to
17 do whatever I could. I had to lie, manipulate, make
18 him feel like a king. And do everything possible,
19 against my nature, to get him to take his hand off the
20 button because he was gonna blow everybody up.  okay?

21 Then I neutralized him, calmed him down. All
22 right? At that moment? Let me tell you something.
23 When he was acting that way, okay? I wanted to do
24 what you wanted to do. I wanted to hogtie this guy,
25 put him in a box, strap grenades to him, and lynch him

1 from the top of a tree. Personally that's how I felt.
2 But had I let my emotion go in that direction there
3 would have been an explosion.

4 So I had to say, You know what? You're
5 right, Darren. You're the man. You're the super
6 king. You're the greatest. You, you're right, I, I'm
7 sorry I offended you. I should listen to you more.
8 Everyone should listen to you. The world should
9 listen to you. God should listen to you.

10 You gotta talk nutty to a person like that.
11 Yeah, you're right. Okay? Well, at least you know
12 that that's why I got angry. Well, okay, you know.
13 And then you kind of come around, right? And you get
14 balanced.

15 This last move, the email I sent? Oh my God.
16 That one was way worse than the way --

17 MICHAEL ROBERTS: The one that said we need
18 to take everybody out?

19 ADAM ZUCKERMAN: We need to get rid of him.
20 I sent an email saying, He's, he's, he's attacking
21 Michael right now. He's causing problems. He forced
22 him to move out of his house. He's a nut. And we
23 gotta get rid of this guy fast.

24 RYAN PAGE: Do you want your car washed?

25 PAUL PORTELLI: I want mine washed.

1 RYAN PAGE: Do you want it washed?

2 PAUL PORTELLI: Yeah.

3 SPEAKER UNKNOWN: About 20 bucks.

4 PAUL PORTELLI: Yeah, I got it.

5 RYAN PAGE: Do you want, do you want me to
6 have a guy do it?

7 PAUL PORTELLI: Yeah.

8 RYAN PAGE: You got your key?

9 PAUL PORTELLI: I'll get them in a minute.

10 RYAN PAGE: Okay.

11 PAUL PORTELLI: How long do I have to get the
12 keys to him?

13 RYAN PAGE: I'll tell him to come back when
14 he's done with mine.

15 PAUL PORTELLI: He's doing it for you? Okay.

16 SPEAKER UNKNOWN: Yeah. Do you want me to do
17 your (inaudible), or are you, are you good?

18 ADAM ZUCKERMAN: Um, I, I refuse to have my
19 car washed at this point.

20 PAUL PORTELLI: Why?

21 ADAM ZUCKERMAN: Because I don't care.

22 SPEAKER UNKNOWN: Um, so --

23 SPEAKER UNKNOWN: He needs to come wash my
24 car every week.

25 PAUL PORTELLI: Yes. Mine's filthy. I

1 gotta -- I was gonna get it washed today anyways,
2 actually.

3 ADAM ZUCKERMAN: Um, so he -- so then the
4 second email -- that I sent out by accident, which is
5 not like me. It was not like me.

6 MICHAEL ROBERTS: You sent two out
7 accidentally?

8 ADAM ZUCKERMAN: Sent one.

9 MICHAEL ROBERTS: Oh.

10 ADAM ZUCKERMAN: But the content of that was
11 so much worse --

12 MICHAEL ROBERTS: Mm.

13 ADAM ZUCKERMAN: -- than what he perceived in
14 the first go around.

15 MICHAEL ROBERTS: He must have crapped
16 himself.

17 ADAM ZUCKERMAN: Okay? And, um, we just l --
18 I mean, Ryan just laughed. We were, we were, we were
19 talking that day like this about how we'd get rid of
20 him. And (inaudible) he was completely off guard from
21 the first problem, and then I sent that.

22 He sends it in yellow highlight, How exactly
23 am I supposed to take this paragraph?

24 And I looked at -- to Ryan, and Ryan's just
25 like. So -- and Ryan's position was, All right, let's

1 just h -- let's go head on. Just.

2 MICHAEL ROBERTS: Yeah.

3 ADAM ZUCKERMAN: It's gonna be a war, let's
4 just deal with it.

5 Aaron calls me up. He's like, Isn't this
6 usually the point -- because Aaron was copied on the
7 email.

8 PAUL PORTELLI: Yeah.

9 ADAM ZUCKERMAN: Isn't this usually the point
10 that you tell me what a moron I am? I'm like --

11 MICHAEL ROBERTS: For doing something stupid?

12 ADAM ZUCKERMAN: Yeah. I'm like, yeah, it's
13 that point.

14 He's, All right Hannibal.

15 PAUL PORTELLI: Yeah.

16 ADAM ZUCKERMAN: Good luck with this one.

17 So -- I thought it was gonna be a complete
18 blow up. So at that point my strategy was, again, I
19 gotta go to the, to the edge. And I played the crazy
20 card. I acted nuttier than that he did. And that got
21 him to want -- I called his bluff, acted nuttier than
22 he did, and that got him to want to keep me at bay.

23 PAUL PORTELLI: Yeah.

24 ADAM ZUCKERMAN: So that's how that all went
25 down. So right now we're in a very -- we're in a

1 situation right now where he's distracted with this
2 medical deal, his money in Progenex, Bob Chaffin,
3 who's the attorney --

4 MICHAEL ROBERTS: Has he put money in?

5 ADAM ZUCKERMAN: Come on.

6 MICHAEL ROBERTS: He has (inaudible) money
7 (inaudible) get out, but.

8 ADAM ZUCKERMAN: Money he can get paid.

9 MICHAEL ROBERTS: Right.

10 ADAM ZUCKERMAN: Backing up to the pay
11 window. So now he's got Bob Chaffin, he's in the
12 middle of a settlement, he got sued. Well,
13 technically he's about to be sued by Vince Andrich on
14 a countersuit, which is a joke.

15 Which would act -- would actually hurt them
16 worse because it'll allow us to depose Connelly. So
17 that doesn't bother him. But he knows he's in the
18 middle of chaos, and there's only so much chaos people
19 want to deal with at some point.

20 So he's good right now. He's communicating,
21 he's emailing, he's talking to you guys. He's -- his
22 guard's down. Right? So with his guard down right
23 now let's not get his feathers up. Let's not make him
24 more suspicious. Let's not make him more, you know.
25 There, there's a book you need to read called *Power*

1 *Versus Force*. And it's a amazing book about
2 calibration of, of energy.

3 PAUL PORTELLI: Yeah.

4 ADAM ZUCKERMAN: And love, okay? The, the,
5 the feeling of love, joy, or peace calibrates
6 extremely high. Makes sense, right? Emotionally you
7 can measure the calibration of love and peace. The
8 feeling of joy.

9 When you think of something you love and care
10 for? There are changes that happen in your body.
11 Mentally, physically, everything. You feel different.
12 Okay? And it can be measured. When you think about
13 Darren, or some -- or your uncle, or someone you don't
14 like that screwed you in your life, you can measure
15 those changes. Do you believe that?

16 PAUL PORTELLI: Uh-huh.

17 ADAM ZUCKERMAN: You're different, right?

18 PAUL PORTELLI: Yeah.

19 ADAM ZUCKERMAN: When you think about
20 somebody you love as opposed to somebody you really,
21 really hate or dislike, there are physiological and
22 spiritual, there's all kinds of different things going
23 on when you think about those two scenarios, right?


24 Okay. Shame and guilt calibrate at the
25 lowest level, okay? That means that if you create a

1 scenario for somebody where they feel shameful, that's
2 the lowest level of calibrating energy. And it's not
3 good. Because if you put them in that scenario where
4 they're shameful, where they feel guilt or
5 embarrassed, okay? That forces --

6 PAUL PORTELLI: It's actually, that's what
7 narcissists do to, to maintain power and control over
8 their.

9 ADAM ZUCKERMAN: Right. And it's what they
10 react to most and then deflect back on to you. So
11 what do you do with a guy like Darren to keep him
12 completely off guard? Never create negative
13 calibration for him. Never create shame, guilt, fear,
14 anger, suspicion, paranoia, all the weird things.

15 Make him feel loved, respected, coveted,
16 okay? Those are the things that get him off guard.
17 The opposite of what you believe. Because if he feels
18 that way he doesn't pay attention to the details. He
19 doesn't try to do ten different things to make weird
20 things happen in the contract.

21 He'll sign the confidentiality agreement.
22 He'll sign off on things.  He'll agree to do things
23 that lock him. Because his guard's not up and he
24 doesn't think somebody's trying to screw him and he's
25 not trying to control every -- anything.


1 The more he feels in control, the less he
2 will try to control. And the goal is to do that so he
3 signs away. And he knows that the repercussions are
4 so severe that any attempt to do anything blows him
5 up.

6 And even then, when we know we have him in
7 the bag, we still try to keep him at a distance,
8 happy. Not inside. Not close. Never knowing what's
9 really happening. And always --

10 (Inaudible - speakers talking over one another.)

11 PAUL PORTELLI: He's at a distance
12 contract-wise, but he has no idea. He --

13 ADAM ZUCKERMAN: Right.

14 PAUL PORTELLI: -- has no idea the, the
15 situation that is -- 

16 ADAM ZUCKERMAN: He has been neutered and
17 he's got a gun site on him.

18 PAUL PORTELLI: Good. Well, that's
19 exactly --

20 ADAM ZUCKERMAN: Okay?

21 PAUL PORTELLI: -- where he needs to be.

22 ADAM ZUCKERMAN: But, but the best scenario,
23 Paul, is that we are the ones that know it. And we're
24 always in a position to pull the trigger. And he
25 doesn't suspect.

1 PAUL PORTELLI: Okay.

2 ADAM ZUCKERMAN: And if he never does
3 anything that requires that laser site to turn into --
4 and I'd like to do this for him -- a hollow-point .50
5 caliber bullet that just explodes his brain.

6 SPEAKER UNKNOWN: (Inaudible.)

7 ADAM ZUCKERMAN: Okay?

8 MICHAEL ROBERTS: Yeah, yeah, it would
9 explode. 

10 ADAM ZUCKERMAN: Provided that he never does
11 anything, here's our, here's our goal. And we can
12 take this to, to the, to the moral and spiritual side.
13 As much as you dislike him, and as much as we are
14 uncomfortable and I don't like what he's done? Let's
15 try to avoid having him shot.

16 Let's try to avoid having him -- let's try to
17 avoid ever having a war. Let's see if we can't keep
18 him from ever being near the inside. Completely
19 protected.

20 PAUL PORTELLI: Keep your --

21 ADAM ZUCKERMAN: And make him never --

22 PAUL PORTELLI: Keep your friends close and
23 your enemies closer.

24 ADAM ZUCKERMAN: Keep your enemies closer.

25 PAUL PORTELLI: Right. And this, and this --

1 ADAM ZUCKERMAN: You know what?

2 PAUL PORTELLI: This -- the way it was
3 originally discussed by you --

4 ADAM ZUCKERMAN: Uh-huh.

5 PAUL PORTELLI: -- would do that. I guess my
6 idea was just taking it a step further, that there was
7 no awareness --

8 ADAM ZUCKERMAN: Your idea was to take it a
9 step further because you really believe he's a threat,
10 you recognize he's a threat, and you want to protect
11 the inner sanctum. Yourself, the people you care
12 about, and the business.

13 And that is the most important attribute in a
14 person from a standpoint of loyalty. But you have to
15 know, from a strategic standpoint, don't create any
16 overprotections that aren't necessary that could
17 create risks that aren't necessary --

18 PAUL PORTELLI: Okay.

19 ADAM ZUCKERMAN: -- unless it's absolutely
20 critical.

21 PAUL PORTELLI: Okay.

22 ADAM ZUCKERMAN: Okay? That's my point. So
23 believe me, if it comes time that we need to go one
24 more step towards more security? I'll be the first
25 one in the, in the, in the trenches with you figuring

1 that out and working on a plan. Which yours isn't a
2 bad one. It's a very good plan.

3 But what I'm trying to tell you is the only
4 reason you don't need to execute it -- there's a
5 couple of reasons -- but the number one reason you
6 don't need to execute it is you've already got
7 something on him that's horrible.

8 It's not mild. It's a deal killer. It's
9 deceptive. It's, it's, um, deceitful. It's grounds
10 for complete separation. On every level.

11 PAUL PORTELLI: And we've got it if needed.

12 ADAM ZUCKERMAN: We've got it if needed.

13 PAUL PORTELLI: Six months, a year from now,
14 if things are going well, and he does anything to
15 cause an issue.

16 ADAM ZUCKERMAN: Well, the con --

17 PAUL PORTELLI: Everything's written in the
18 contract. He's already separated off.

19 ADAM ZUCKERMAN: Let me give you another --

20 PAUL PORTELLI: We can smoke him, smoke the
21 company.

22 ADAM ZUCKERMAN: Well, let me give you --

23 PAUL PORTELLI: The, the bluff company.

24 ADAM ZUCKERMAN: Let me give you some -- let
25 me give you a quick lesson on the contract side. You

1 could lose all that leverage, other than morally, with
2 him. Now, it depends on if his guard's up. If we
3 write the language in the agreement that says that
4 you're released from any past, um, you're released
5 from any past --

6 PAUL PORTELLI: Does she need me?

7 ADAM ZUCKERMAN: Well, in a second. Let's
8 say we, we release him from any past things that he's
9 done. Which could include that letter. Okay? Under
10 that circumstance we may look at it and say, This is
11 bad.

12 But he may say, So what? It's not -- it has
13 no legal bearing. We signed an agreement that says I
14 won't do anything from this day forward. This was
15 that day back.

16 PAUL PORTELLI: Right. So you want to --

17 ADAM ZUCKERMAN: Okay?

18 PAUL PORTELLI: -- word the agreement to the
19 opposite of that effect.

20 ADAM ZUCKERMAN: We want --

21 PAUL PORTELLI: That all of the things that
22 he's done --

23 ADAM ZUCKERMAN: No, we want to word the
24 agreement --

25 PAUL PORTELLI: -- coming up to this point.

1 ADAM ZUCKERMAN: No, we want to word the
2 agreement so that you are released from everything in
3 the past, provided however -- and we're gonna have to
4 come up with the language for this -- provided,
5 however, that it was not something that would get you
6 removed for cause. Cause would be intentional
7 interference --

8 PAUL PORTELLI: Why would you put anything in
9 the contract that would, that would word that to that
10 effect? That offered a guy like --

11 ADAM ZUCKERMAN: Because I'm telling you to
12 think about the other side of the chessboard.

13 PAUL PORTELLI: Uh-huh.

14 ADAM ZUCKERMAN: He's not an idiot. So --

15 PAUL PORTELLI: I think you can get him to
16 sign something. He would --


17 ADAM ZUCKERMAN: The goal would be to get him
18 to sign something like that.

19 PAUL PORTELLI: But why even put it in the
20 contract if it doesn't --

21 (Inaudible - speakers talking over one another.)

22 ADAM ZUCKERMAN: I'm not gonna put it, I'm
23 not gonna put it in the contract. I'm anticipating
24 that he will see the contract and he'll say, I want a
25 release. If I'm gonna sign -- if I'm hogtie myself

1 going forward I want a release from anything past.

2 PAUL PORTELLI: Just, just tell him that he's
3 out. 

4 ADAM ZUCKERMAN: Ha, then we get back to
5 square one. Let's do -- let's go -- let's, let's deal
6 with this one step at a time. Which is to, which is
7 to get our deal done, and then simultaneously get the
8 con -- confidentiality agreement finished to our
9 liking and get him to sign it.

10 If he signs it the way that it's structured,
11 with all of its poison pills in it, then we achieved
12 our goal.

13 PAUL PORTELLI: None of the poison pills are,
14 are -- I'm just a little confused because if there's
15 wording in there that the things that he's done in the
16 past --

17 ADAM ZUCKERMAN: I'm not saying it's gonna be
18 in there.

19 PAUL PORTELLI: -- wouldn't apply.

20 ADAM ZUCKERMAN: I'm not saying it's gonna be
21 in there.

22 PAUL PORTELLI: You're saying he's gonna ask
23 for that?

24 ADAM ZUCKERMAN: I'm gonna say he's gonna ask
25 for that. If he doesn't, then --

1 MICHAEL ROBERTS: Well, what's he gonna ask
2 for? Sorry.

3 ADAM ZUCKERMAN: He will ask, in order to
4 sign such a, such a over-the-top release moving
5 forward, for instance stipulation of judgments moving
6 forward? See, most people turn around and they look
7 at it, you know what they say?

8 Are you high? I'm not gonna s -- I'm not
9 gonna sign away my rights to arbitration or to sue
10 you. I'm not gonna sign away a hundred thousand
11 dollar per occurrence issue and a stipulated
12 restraining order against me? Most people will say,
13 I'm not doing that no matter what.

14 Now, assuming he does do that, that's a win
15 by itself. But if I were that person willing to do
16 that -- which I never would be -- at minimum I would
17 say, If I'm willing to do that then you're gonna
18 release me from anything known or unknown from the
19 past.

20 Somebody who signs such a strict go-forward
21 provision that they give up all of their rights?

22 PAUL PORTELLI: I didn't know it was gonna be
23 that strict.

24 ADAM ZUCKERMAN: Hell yeah --

25 PAUL PORTELLI: Okay.

1 ADAM ZUCKERMAN: -- it's gonna that be
2 strict.

3 PAUL PORTELLI: Okay.


4 ADAM ZUCKERMAN: So if it's that strict, then
5 in favor of getting it that strict you would rather
6 have that and release him from the past because you've
7 got him hogtied from that day forward. So other th --
8 so who cares about what you used in the past, because
9 you've already eliminated the threat.

10 If he signs that going forward, doesn't
11 matter whether you got a recording on him, an email on
12 him, or if you got a video of him having sex with a
13 goat, you already got him tied as tight as you
14 possibly can moving forward. So who cares? You'll
15 never need to use the leverage from the past because
16 he already released --

17 PAUL PORTELLI: That would work pretty good,
18 by the way, the video of the goat.


19 ADAM ZUCKERMAN: Well, I have that one.

20 PAUL PORTELLI: (Laughing.)

21 ADAM ZUCKERMAN: And I'm not gonna share that
22 with you quite yet. And it was a male goat. 

23 Okay. So good strategy session. Let's
24 continue with that. But let's get to work and, and --
25 did you -- did Ryan copy you on that email I sent,

1 sent to Michael? Of items that we need to?

2 MICHAEL ROBERTS: I'm working on the contract
3 now. 

4 ADAM ZUCKERMAN: Okay. Good. So, um, do you
5 want to share that -- do you want to share those next
6 steps with Paul? Because some of it had to do with
7 sales operations --

8 MICHAEL ROBERTS: Uh-huh.

9 ADAM ZUCKERMAN: -- and other things, so.
10 Okay. So go ahead and email that to him. Ryan sent
11 it out last night which is just, you know, let's get
12 all these things that are important accomplished. You
13 know. Housing short term, housing long term.

14 PAUL PORTELLI: Right.

15 ADAM ZUCKERMAN: What are the steps to do.
16 You know, everything. All the things that we need to
17 do to stay focused right now.

18 PAUL PORTELLI: Yeah, that would be nice.

19 ADAM ZUCKERMAN: Okay? And one last thing.
20 I don't do charity for anybody. Not because I'm not a
21 giving person, but because it's -- I'll do anything
22 for people that earn it. I do give away charity,
23 don't get me wrong, but I don't do charity in business
24 for anybody.

25 So you'll never get a favor under those

1 circumstances. But what I will tell you is, is that,
2 um, you had an omelet yesterday and you didn't eat the
3 rest of the day. I hope it wasn't because you didn't
4 have any cash to get food.

5 MICHAEL ROBERTS: He didn't have a car.

6 ADAM ZUCKERMAN: Okay. Or a car, all right?

7 PAUL PORTELLI: I didn't have the keys to the
8 car and I was just busy.

9 ADAM ZUCKERMAN: Okay. There's a lot --

10 PAUL PORTELLI: There's lots of --

11 (Inaudible - speakers talking over one another.)

12 ADAM ZUCKERMAN: There's a lot of Progenex
13 here, so at minimum you should be having Progenex.

14 PAUL PORTELLI: Dude, I was thinking about
15 that last night.

16 (Inaudible - speakers talking over one another.)

17 PAUL PORTELLI: I thought, Why did I not, not
18 just grab a couple shakes --

19 (Inaudible - speakers talking over one another.)

20 ADAM ZUCKERMAN: Well, that's what we do when
21 we don't have time, okay?

22 PAUL PORTELLI: No, I was just --

23 ADAM ZUCKERMAN: It's the best food you can
24 possibly get. And it's --

25 PAUL PORTELLI: Yesterday I was -- I had like

1 five different things going with a family issue and
2 work.

3 ADAM ZUCKERMAN: Okay.

4 PAUL PORTELLI: I was trying to make sure I
5 was there for Kirk, and Christine, and Ryan, so.

6 ADAM ZUCKERMAN: But here's my point, okay?
7 If you are hungry --

8 PAUL PORTELLI: Yeah.

9 ADAM ZUCKERMAN: -- and you're busy working,
10 okay? Have a Progenex. Or if you don't have a car or
11 you don't have resources, ask Christine or somebody.
12 International Café, we order stuff all the time. Get
13 yourself some food.

14 PAUL PORTELLI: Oh, yeah.

15 ADAM ZUCKERMAN: Okay?

16 PAUL PORTELLI: Cool. I had a great dinner
17 last night.

18 ADAM ZUCKERMAN: I'm just saying, don't go
19 the whole day without eating. Okay? And --

20 MICHAEL ROBERTS: Can -- (inaudible) too?

21 ADAM ZUCKERMAN: Well, I'm not -- it doesn't
22 apply to Michael because he's got his own, he's got
23 his own issues.

24 MICHAEL ROBERTS: Well, I appreciate --

25 ADAM ZUCKERMAN: Okay.

1 MICHAEL ROBERTS: -- that you at least
2 (inaudible) about it before turning me down.


3 ADAM ZUCKERMAN: Yeah. So, um, my point is
4 is that I don't want you to go the whole day without
5 eating, because -- or -- nor do I want you to, you
6 know. Look, if it's an emergency circumstance you
7 gotta sleep in the back of your car? You sleep in the
8 back of your car. But, you know.

9 PAUL PORTELLI: I've slept in the office. 

10 ADAM ZUCKERMAN: I know. Okay? But don't
11 just --

12 PAUL PORTELLI: Been there, done that. Cot,
13 cot put away (inaudible) in the closet.

14 ADAM ZUCKERMAN: We all have. We all have.
15 So, well --

16 MICHAEL ROBERTS: Actually there's a mattress
17 under the desk, you all noticed. 

18 ADAM ZUCKERMAN: What I'm just, what I'm just
19 telling you is is that there are no secrets here.
20 It's all transparent. There's no weaknesses. It
21 doesn't matter. My goal here is not to have you
22 suffer and starve and not have places to sleep. Nor
23 is it to use that as leverage.

24 You know, if you don't have, if you don't
25 have food, order some. If you need Progenex I'll get

1 you a bag of Progenex. There's always Progenex in the
2 front there. Okay? So just feed yourself, work out,
3 do the things that you need to do.

4 PAUL PORTELLI: Yeah.

5 ADAM ZUCKERMAN: Um, as far as, um, what's
6 the last thing I wanted to talk to you guys real quick
7 about?

8 Um, I asked Ryan to book you guys in the
9 interim, four days or so, but you didn't, you
10 didn't -- he indicated you didn't specify whether
11 you're --

12 MICHAEL ROBERTS: We're going Las Vegas
13 tonight.

14 ADAM ZUCKERMAN: You are?

15 MICHAEL ROBERTS: Just for a couple days,
16 yeah.

17 ADAM ZUCKERMAN: Okay. So then you'll be
18 back Monday?

19 PAUL PORTELLI: Yeah.

20 MICHAEL ROBERTS: Something like that, I
21 think.

22 PAUL PORTELLI: Yeah.

23 MICHAEL ROBERTS: Probably.

24 PAUL PORTELLI: Yeah.

25 ADAM ZUCKERMAN: Okay. Okay.

1 MICHAEL ROBERTS: Well, I'm gonna get -- I've
2 gotta get some stuff from Scott's office. My suit.
3 Thousand-dollar suit and, um, some other things.

4 ADAM ZUCKERMAN: Okay.

5 PAUL PORTELLI: Some office stuff and
6 (inaudible.)

7 ADAM ZUCKERMAN: I can give you -- do you
8 want to, since we're not gonna have a bunch of drama,
9 do you want me to get you a key? We'll clean out that
10 office, and you can get your stuff secured and put in
11 there?

12 PAUL PORTELLI: Yeah, let's do it.

13 MICHAEL ROBERTS: Do you ever use the
14 boardroom next door?

15 PAUL PORTELLI: That was -- for what?
16 There's, there's no lock on that door.

17 MICHAEL ROBERTS: Oh.

18 PAUL PORTELLI: It's just two sliding doors.
19 It would be great, because it's a little bit bigger
20 and -- but the, the doors --

21 MICHAEL ROBERTS: Because I don't need papers
22 and stuff like that, you know, it would be a good
23 place for me to work.

24 ADAM ZUCKERMAN: Well, you can work in there.

25 PAUL PORTELLI:

1 ADAM ZUCKERMAN: It's just not secure.

2 MICHAEL ROBERTS: Yeah.

3 PAUL PORTELLI: Yeah.

4 ADAM ZUCKERMAN: But then again, you
5 shouldn't have a bunch of junk around anyway.

6 MICHAEL ROBERTS: Well, and then --

7 ADAM ZUCKERMAN: You should just have your
8 laptop.

9 MICHAEL ROBERTS: Yeah, but I --

10 ADAM ZUCKERMAN: And once you're organized
11 you won't need all this --

12 MICHAEL ROBERTS: Yeah.

13 ADAM ZUCKERMAN: -- junk everywhere.

14 MICHAEL ROBERTS: No, I just need --

15 PAUL PORTELLI: Can we get a whiteboard in
16 the corner over there? And is there a whiteboard in
17 the --

18 MICHAEL ROBERTS: Let's not get a whiteboard.
19 We need to get some of those, um, 8-by-4 panels from
20 the (inaudible) from Home Depot.

21 PAUL PORTELLI: Meaning the wall panels for a
22 war room and stuff?

23 MICHAEL ROBERTS: They're only -- they're
24 like \$12 each.

25 PAUL PORTELLI: This is the way the money

1 flows, right? The merchant account is actually set
2 up --

3 ADAM ZUCKERMAN: Yes. Through whatever.

4 PAUL PORTELLI: This is the main en --

5 ADAM ZUCKERMAN: Uh-huh.

6 PAUL PORTELLI: This is the real --

7 ADAM ZUCKERMAN: Yep.

8 PAUL PORTELLI: -- main entity?

9 ADAM ZUCKERMAN: Uh-huh.

10 PAUL PORTELLI: It feeds into Ryco, which
11 is --

12 MICHAEL ROBERTS: Not all of it.



13 ADAM ZUCKERMAN: No, just -- doesn't feed
14 into Ryco.

15 PAUL PORTELLI: So some feeds here and some
16 feeds in here?

17 MICHAEL ROBERTS: No, nothing goes to Ryco.

18 PAUL PORTELLI: Uh-huh.

19 MICHAEL ROBERTS: It goes to, it goes to the
20 sales company.


21 ADAM ZUCKERMAN: Nothing goes here. Ryco is
22 actually more over here, so. This is the sales c --
23 this is -- Ryco's back here, okay? And then sons 
24 or -- you guys are up here. And here's our entity.
25 Okay? 

1 This has a exclusive sales and fulfillment
2 relationship that's hogtied and handcuffed here.
3 Okay? Ryco is the owner over here as well. Okay? So
4 what happens is is that --

5 PAUL PORTELLI: Owner or managing member?
6 Sole managing member, or how --

7 (Inaudible - speakers talking over one another.)

8 ADAM ZUCKERMAN: Well, we're gonna push to
9 have, we're gonna push to have it be the sole managing
10 member, yes. But just trust me when I tell you --
11 you'll, you'll see the documents of how I do it -- one
12 way or another, this will control this. Okay?

13 Which is Rexxfield.  Because this is, through
14 here, completely owns. Because -- but we were gonna
15 make, um. What were we gonna do? Oh, this was a
16 different corp. This wasn't the same one, was it? We
17 were gonna make Rexxfield the wholly-owned -- weren't
18 we gonna make -- have Rexxfield own that?

19 MICHAEL ROBERTS: Yes. Yep.

20 ADAM ZUCKERMAN: Right. So this is actually
21 Ryanco, let's just call it. And then this was our
22 actual true entity back here. And we were gonna have
23 Rexxfield own this behind the scenes.

24 PAUL PORTELLI: That just got --

25 ADAM ZUCKERMAN: Okay?

1 PAUL PORTELLI: I just got lost there, but.

2 ADAM ZUCKERMAN: Well, here.

3 PAUL PORTELLI: Does this then disappear?

4 This --

5 ADAM ZUCKERMAN: No, no, no, no, no.

6 (Inaudible - speakers talking over one another.)

7 ADAM ZUCKERMAN: No, no.

8 PAUL PORTELLI: Is this still REXXfield here?

9 MICHAEL ROBERTS: (Inaudible.)

10 ADAM ZUCKERMAN: This is a -- no. Keep in
11 mind here that nobody can -- he can't see who owns
12 this.

13 PAUL PORTELLI: That's the key.

14 ADAM ZUCKERMAN: Okay? Right. And this owns
15 this.

16 PAUL PORTELLI: Okay.

17 MICHAEL ROBERTS: A hundred percent.

18 ADAM ZUCKERMAN: Okay? A hundred percent.

19 (Inaudible - speakers talking over one another.)

20 PAUL PORTELLI: And this is owned by?

21 ADAM ZUCKERMAN: And this is owned by our
22 group and your group.

23 PAUL PORTELLI: Okay.

24 ADAM ZUCKERMAN: Okay? But not him. Okay?

25 And our group owns this 100 percent. So any money


1 that ever gets distributed here is going to us.

2 MICHAEL ROBERTS: (Inaudible.)

3 ADAM ZUCKERMAN: So money comes in here and
4 pays commissions here, which might go to him, but any
5 commissions that get paid to here we're just paying
6 ourselves.

7 MICHAEL ROBERTS: Just goes straight back
8 through.

9 ADAM ZUCKERMAN: Goes straight back.

10 MICHAEL ROBERTS: What it means is that even
11 if he were to insist, for example -- which we wouldn't
12 permit -- but him to be one of two managing partners
13 here. 

14 PAUL PORTELLI: Uh-huh.

15 MICHAEL ROBERTS: He can't do anything unless
16 this company agrees to it.

17 PAUL PORTELLI: And you're making him a
18 managing partner over here --

19 MICHAEL ROBERTS: No.

20 PAUL PORTELLI: -- because --

21 ADAM ZUCKERMAN: No.

22 PAUL PORTELLI: It's gonna be something that
23 he's going to ask for?

24 MICHAEL ROBERTS: He's not going -- he's
25 (inaudible.)

1 ADAM ZUCKERMAN: He'll ask for it.

2 PAUL PORTELLI: You're don't give it to him?

3 ADAM ZUCKERMAN: Well, I can make him a
4 managing partner and still make him impotent.

5 PAUL PORTELLI: With conditions?


6 ADAM ZUCKERMAN: Meaning he thinks he -- he's
7 got the title, but he's got no power. You understand?

8 MICHAEL ROBERTS: How about, um.

9 PAUL PORTELLI: Okay.

10 MICHAEL ROBERTS: So -- because essentially
11 Ryan can't do anything unless I say yes. I can't do
12 anything unless Ryan says yes here.

13 PAUL PORTELLI: Uh-huh.

14 MICHAEL ROBERTS: Therefore Ryan can't do
15 anything unless I say yes, and I can't do anything.
16 So if this company, even if it was half the power
17 here, even if Darren  wanted to do something --

18 ADAM ZUCKERMAN: It's deadlocked.

19 MICHAEL ROBERTS: And, and I said no.

20 ADAM ZUCKERMAN: It's deadlocked to here.

21 MICHAEL ROBERTS: If I said no from here,
22 it's deadlocked.

23 ADAM ZUCKERMAN: Okay?

24 PAUL PORTELLI: What is the --

25 ADAM ZUCKERMAN: The same control, the same

1 control that these entities have here? Control this
2 here. And this has deadlock provision at minimum or
3 full control over this.

4 So you have transparency going this way
5 contractually, and you've got complete transparency
6 and control provisionally. So the only thing is is he
7 doesn't know that this entity is owned and controlled
8 by this entity. Nor does he know that this entity is
9 behind this entity from an equity standpoint.

10 All he knows is that these can't --

11 PAUL PORTELLI: How's the equity here?

12 ADAM ZUCKERMAN: Maybe he'll get 20,
13 25 percent.

14 PAUL PORTELLI: And the rest?

15 ADAM ZUCKERMAN: It's to us. But who cares?
16 Because there's nothing --

17 PAUL PORTELLI: To you without him realizing
18 that --

19 ADAM ZUCKERMAN: It goes back to us. Not to
20 us here. Us here. So, I'll give you an example --

21 PAUL PORTELLI: So it's like a 25/75 equity?

22 ADAM ZUCKERMAN: Let's just say it is. Let's
23 say it's \$25 --

24 MICHAEL ROBERTS: Well, it's not equity.
25 It's power. (Inaudible.)

1 ADAM ZUCKERMAN: Well, it could be equity
2 too.

3 MICHAEL ROBERTS: Oh, yeah, yeah, yeah, yeah.

4 ADAM ZUCKERMAN: Okay? But let me give you
5 an example. Let's say a hundred thousand dollars
6 comes in -- let, let's say this entity gets a hundred
7 thousand dollar deal. Okay? And let's say, let's say
8 90K of it -- all hundred gets booked to this merchant
9 account. Okay?

10 It sells the deal. It goes into this
11 merchant account. It's in our bank account. Hundred
12 thousand bucks. The deal is a 10 percent commission.
13 Okay? Let's say that 10 percent commission -- which
14 we pay to any salespeople, let's just say -- 10 grand
15 goes here. Right? Ninety thousand stays in here in
16 fulfillment.

17 PAUL PORTELLI: So only ten -- the 10,000
18 filters this way.

19 ADAM ZUCKERMAN: No, no. The ten only goes
20 to here, the sales company. You don't, you don't --

21 PAUL PORTELLI: The 10 stays here, the 90
22 goes over here.

23 ADAM ZUCKERMAN: Yeah, but --

24 PAUL PORTELLI: Okay.

25 ADAM ZUCKERMAN: Yeah, the ni -- no, the

1 hundred goes in here first. Then we pay the
2 commission to this.

3 PAUL PORTELLI: Straight across?

4 ADAM ZUCKERMAN: Straight across. And then
5 this pays whoever did the sale. Let's just say for,
6 for --

7 PAUL PORTELLI: Isn't he gonna ask why the
8 money is going to some entity that?

9 ADAM ZUCKERMAN: Of course not. Because --

10 PAUL PORTELLI: I, I've got it.

11 ADAM ZUCKERMAN: Be --

12 PAUL PORTELLI: I'm clear now.

13 ADAM ZUCKERMAN: Because all we are is a
14 sales entity. We may have the sales system,
15 salespeople, and we run that for a fee or a
16 commission? But the money gets paid to Rex -- we sell
17 for Rexxfield, and then Rexxfield pays us our
18 commission.

19 It'd be no different than having a sales
20 company that contracts with anybody. Let's say you
21 have a sales organization and IBM wants to hire you.
22 And you're gonna sell their servers for them. Right?
23 Through financing or through cash.

24 Who -- where does the customer buy it?
25 Through IBM. What does IBM pay you? A commission.

1 You don't collect the money for their hardware.

2 Right?

3 (Dog barking.)

4 PAUL PORTELLI: Okay.

5 ADAM ZUCKERMAN: Now, in this case let's say
6 we did the sale instead of D, and the 10K went here
7 out of the 90? Goes right back here, so it's a full
8 hundred. It just transfers right back. You
9 understand?

10 But there would -- there's not gonna be a
11 circumstance where, in this small little test,
12 there'll be a "we." But really, you're gonna end up
13 having like 30 salespeople eventually over here.

14 And out of the hundred thousand dollars let's
15 say you allocate 15 percent over all the salespeople.
16 You're gonna have all kinds of different sales people
17 getting commissions. It's not gonna be necessarily
18 Darren or us, it's just gonna be sales commissions.

19 PAUL PORTELLI: What do you have in mind
20 for --

21 (Inaudible - speakers talking over one another.)

22 SPEAKER UNKNOWN: Huh?

23 ADAM ZUCKERMAN: Do you need Paul in here?
24 Can I --

25 PAUL PORTELLI: No, if you need me I'm good.

1 ADAM ZUCKERMAN: We need to get Christine set
2 up on another Wuf thing or whatever that is.

3 PAUL PORTELLI: Wufoo?

4 ADAM ZUCKERMAN: Yeah, so she can get on some
5 more lists. And then, um. Also she was saying that
6 she thinks there might be like, almost like a
7 Salesforce or a email-type system in, you know, like
8 for outgoing email from that system?

9 PAUL PORTELLI: Uh-huh.

10 ADAM ZUCKERMAN: Can you check into that and
11 see if that might be possible for sending that out?

12 PAUL PORTELLI: Wufoo?

13 ADAM ZUCKERMAN: Yeah.

14 PAUL PORTELLI: In Wufoo? No. Well, I will
15 look into it though.

16 ADAM ZUCKERMAN: She said there's something,
17 like some kind of --

18 (Inaudible - speakers talking over one another.)

19 SPEAKER UNKNOWN: I don't know where the cap
20 is.

21 SPEAKER UNKNOWN: Dropped it on the floor.

22 PAUL PORTELLI: Um, okay. Yeah, I can look
23 into that. Um.

24 There is a -- they -- basically they have a
25 notification system that ties into quite a few

1 different web ap -- platforms. Salesforce, 37signals.
2 And there's a couple other ones, I think one was
3 called Monkeyemail or just some weird name like that.
4 And so I'm assuming that that is some kind of email --

5 ADAM ZUCKERMAN: So there's plug ins to
6 stuff, not necessarily?

7 PAUL PORTELLI: Yeah.

8 ADAM ZUCKERMAN: Do they have anything with
9 iCon -- do they integrate with iContact, or?

10 PAUL PORTELLI: Like the only way that you
11 can set it up to do an email that I have found so far
12 is that it would email the results of that filled-out
13 form to whatever email address you put in. And
14 that's, that would be pointless, you know what I mean?
15 As far as --

16 (Inaudible - speakers talking over one another.)

17 ADAM ZUCKERMAN: No, I think it's better
18 to -- what we can do is, um. Maybe coordinate with
19 Kirk and see if there, if there's a platform they use.
20 We might be able to integrate with inside sales.
21 Because inside sales -- 37signals is just too light
22 for a sales operation. You can't do anything.

23 PAUL PORTELLI: Yeah, we won't be able to
24 scale up very well.

25 ADAM ZUCKERMAN: No, you gotta have, you

1 gotta have the ability to send out, you know. Like,
2 you know, to do the emails, to have follow up, to have
3 things tagged. You know, bunch of functionality that
4 we need.

5 PAUL PORTELLI: So is it looking like
6 Salesforce is the way to go? Or what we're stuck
7 with?

8 ADAM ZUCKERMAN: Not necessarily.

9 PAUL PORTELLI: Uh-huh.

10 ADAM ZUCKERMAN: I'm gonna text -- I'm gonna
11 have Kirk -- we're gonna --

12 (Inaudible - speakers talking over one another.)

13 MICHAEL ROBERTS: Hey, have you seen Daylite,
14 for Mac?

15 ADAM ZUCKERMAN: What's that?

16 MICHAEL ROBERTS: I, I Skyped it or emailed
17 it to you last night.

18 ADAM ZUCKERMAN: Oh, I saw the Skype. I was
19 just (inaudible.) What is that? Is that a CRM
20 solution, or?

21 MICHAEL ROBERTS: Yeah. Nick started using
22 it and he's pretty happy with it. Also --

23 (End of recording.)

24 ***

25 ***

C E R T I F I C A T E

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

This is to certify that the foregoing transcript was prepared by me, KELLY L. WILBURN, a Certified Shorthand Reporter and Registered Professional Reporter in and for the State of Utah.

That the transcript was prepared from a previously-recorded proceeding at which I was not personally present; therefore, the quality of said recording may affect the quality of the transcript.

That said recording was then written in stenotype by me and thereafter caused by me to be transcribed into typewriting. And that a full, true, and correct transcription of said recording so taken and transcribed to the best of my ability is set forth in the foregoing pages, numbered 1 through 63, inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

SIGNED ON THIS 29th DAY OF May, 2012.

Kelly L. Wilburn, CSR, RPR
Utah CSR No. 109582-7801

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