

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

PACIFIC ASIAN ENTERPRISES, INC.,)
a California corporation,)

Plaintiff,)

vs.)

BOB CONCONI, an individual;)
DIANE CONCONI, an individual;)
ALBERTA SERVICE BUREAU, INC., a)
Canadian entity of unknown form;)
and DOES 1 through 100,)
inclusive,)

Defendants.)

) No. 30-2014-00738802

) CU-CL-CJC

ROBERT CONCONI, an individual;)
DIANE CONCONI, an individual;)
ALBERTA SERVICE BUREAU, INC., a)
Canadian corporation,)

Cross-Complainants,)

vs.)

DANLL STREECH, an individual;)
JAMES LEISHMAN, an individual;)
JEFFREY LEISHMAN, an individual;)
PACIFIC ASIAN ENTERPRISES, INC.,)
a California corporation; and)
ROES 1 through 25, inclusive,)

Cross-Defendants.)

VIDEOTAPED DEPOSITION OF JEFFREY LEISHMAN

Irvine, California

Tuesday, October 6, 2015

Reported by:
MARIALENA SALA
CSR No. 10972

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DIANE CONCONI, an individual;)
ALBERTA SERVICE BUREAU, INC., a)
Canadian entity of unknown form;)
and DOES 1 through 100,)
inclusive,)
)
Defendants.)

_____))
AND RELATED CROSS ACTIONS.)
_____)

VIDEOTAPED DEPOSITION OF JEFFREY LEISHMAN,
taken on behalf of Defendants and
Cross-Complainants, at 300 Spectrum Center
Drive, Suite 1420, Irvine, California 92618,
beginning at 10:07 a.m. and ending at 3:43 p.m.,
on Tuesday, October 6, 2015, before MARIALENA
SALA, Certified Shorthand Reporter, No. 10972.

1 APPEARANCES:

2

3 For Plaintiff and Cross-Defendants:

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11 Irvine, California 92618

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12

13 Videographers:

14 SPENCER BENVENISTE

JOE MANUS

15

16 Also Present:

17 JAMES LEISHMAN

DANLL STREECH

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Hicks

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1 Irvine, California, Tuesday, October 6, 2015

2 10:07 a.m. - 3:43 p.m.

3

4 THE VIDEOGRAPHER: We're going on the
5 record. Time is 10:07 a.m. The date is October 6,
6 2015. This is the videoed deposition of Jeffrey
7 Leishman, Volume 1, taken on behalf of the defendants
8 in the matter of Pacific Asian Enterprises, Inc.
9 versus Bob Conconi, et. al., in the Superior Court of
10 the State of California, County of Orange. This
11 deposition is being held at the offices of Godes &
12 Preis, LLP, located at 300 Spectrum Center Drive,
13 Suite 1420, Irvine, California. My name is Spencer
14 Benveniste from Sound Deposition Services with
15 offices located at 400 Oceangate Plaza, Suite 400,
16 Long Beach, California. The court reporter is
17 Marialena Sala. This is the start of Volume 1,
18 Tape No. 1.

19 Counsel, if you would introduce yourselves
20 and state your affiliations, please.

21 MR. BROWN: My name is Jason Brown and my
22 firm represents Robert Conconi, Diane Conconi, and
23 Alberta Service Bureau, Incorporated.

24 MR. CONNER: Frank Conner for the plaintiffs
25 and cross-defendants.

1 THE VIDEOGRAPHER: Will the court reporter
2 please swear in the witness.

3

4 JEFFREY LEISHMAN,
5 having been first duly sworn,
6 was examined and testified as follows:

7

8 EXAMINATION

9 BY MR. BROWN:

10 Q Good morning, Mr. Leishman.

11 A Morning.

12 Q My name is Jason Brown and my firm
13 represents Robert Conconi, Diane Conconi, and Alberta
14 Service Bureau, Incorporated in a lawsuit that
15 Pacific Asian Enterprises, Incorporated filed against
16 it in the Orange County Superior Court. Do you
17 understand that?

18 A Yes.

19 Q While the setting here today is informal,
20 you've just taken an oath and it's the same oath that
21 you would take as if you were in a court of law. Do
22 you understand?

23 A Yes.

24 Q As such, you're under the same obligation to
25 tell the truth. Do you understand that?

1 A Yes.

2 Q You're also subject to the same penalty of
3 perjury as if you were testifying today in court. Do
4 you understand that?

5 A Yes.

6 Q Please state your full name.

7 A Jeffrey Alan Leishman.

8 Q Have you ever gone by any other names?

9 A No.

10 Q Please state your current home address.

11 A 1002 Shafer Street in Oceanside, California.

12 Q How long have you resided at that address?

13 A About three and a half years.

14 Q What was your prior address?

15 A It was 852 Rio Claro Court in Oceanside.

16 Q How long were you there?

17 A 14 years, I believe.

18 Q With whom do you reside at your current
19 address?

20 A My wife.

21 Q Any adult children?

22 A At present my daughter's in school, but
23 technically I guess she still lives there, but she's
24 off to college.

25 Q Do you have any present plans to locate to a

1 different residence?

2 A No.

3 Q Have you taken any medications that will in
4 any way affect your memory or ability to testify
5 today?

6 A No.

7 Q Have you ingested any alcohol or other drugs
8 that in any way impairs your ability to testify here
9 today?

10 A No.

11 Q Is there any reason why physically,
12 emotionally, or otherwise you cannot give your best
13 testimony here today?

14 A No.

15 Q Have you ever had your testimony taken by
16 deposition before?

17 A Yes.

18 Q As a party or a witness?

19 A Well, I was -- it was for a person that sued
20 us for a trip and fall accident on our property. So
21 I guess I was a party. My company was. Perhaps I
22 was a witness.

23 Q Did that person sue you individually
24 or did they --

25 A No.

1 Q -- sue PAE?

2 A Just PAE.

3 Q Okay. Was that the only occasion that
4 you've been --

5 A There was another one. It was a person that
6 sued PAE. That was probably 2008, something like
7 that. That was the only other one.

8 Q What was the nature of that lawsuit?

9 A It was some complaints about a boat that he
10 had complaints about.

11 Q Do you recall who the plaintiff was in that
12 matter?

13 A It was a guy named Eric Anderson.

14 Q Were you sued individually in that lawsuit
15 or was it PAE again?

16 A It was PAE.

17 Q What was the most recent of those two
18 depositions?

19 A It was the trip and fall. It was last
20 month.

21 Q You were deposed last month in that case?

22 A Yes.

23 Q Although I'm confident that your attorney
24 has explained the deposition process to you, I need
25 to go over certain ground rules that we all need to

1 follow to make sure that this deposition goes
2 smoothly. I will be asking you a series of
3 questions. All of my questions and your answers will
4 be taken down in shorthand by the court reporter
5 sitting to your left and transcribed into a booklet.
6 Do you understand that?

7 A Yes.

8 Q There are two guidelines that are necessary
9 to abide by because of the transcribed record. First
10 of all, the court reporter can only take down one of
11 us talking at a time. I need you to please wait
12 until I conclude my question before you begin your
13 response. Do you understand that?

14 A Yes.

15 Q Second, the court reporter can only take
16 down audible responses; yes, no, or whatever other
17 audible response is required by the question.
18 Uh-huhs, shrugs, gestures, and nods cannot be
19 accurately reported. Do you understand that?

20 A Yes.

21 Q Within a week or two after the conclusion of
22 this deposition, you will be sent the original of the
23 transcript and will have an opportunity to make
24 changes. However, I must caution you that I can
25 comment on the fact that you made such changes at the

1 time of trial. Do you understand that?

2 A Yes.

3 Q Any substantive changes made may prove
4 harmful or embarrassing to you at trial. Do you
5 understand that?

6 A Yes.

7 Q If at any time today you do not fully
8 understand any question that I ask, will you please
9 let me know immediately so that I can clarify the
10 question or rephrase it?

11 A Yes.

12 Q If you do respond, please be aware that it
13 will be assumed that you fully understood the
14 question and are answering it as asked. Do you
15 understand that?

16 A Yes.

17 Q Certain of my questions today may require a
18 good-faith estimate. While I am entitled to your
19 good-faith estimates where appropriate, I do not want
20 you to guess. Do you understand that?

21 A Yes.

22 Q For example, if I ask you how tall your
23 counsel is, based on your interaction with counsel
24 and your life experiences, you could probably come
25 pretty close to estimating your counsel's height;

1 right?

2 A Yes.

3 Q However, if I asked you how tall my son is,
4 because you've never met my son, you would only be
5 able to guess his height. Do you understand the
6 difference between an estimate and a guess?

7 A Yes.

8 Q If at any time you need a break, please just
9 ask. However, I would ask that we don't take breaks
10 while questions are pending. Fair enough?

11 A Yeah.

12 Q I'm going to be using a few acronyms and
13 shorthand expressions today and I want to ensure that
14 you understand them before we proceed. From this
15 point forward when I say N120 or vessel, I mean the
16 Nordhavn 120, Hull No. 1. Is that okay with you?

17 A Yes.

18 Q From this point forward when I say PAE, I
19 mean Pacific Asian Enterprises, Incorporated or
20 Nordhavn. Okay?

21 A Uh-huh. Yes.

22 Q Before you came here this morning, did you
23 review any documents in preparation for your
24 deposition?

25 A I did. I read Dan Streech's deposition and

1 Jim Leishman's deposition.

2 Q Did you review any other documents?

3 A No.

4 Q Do you keep a diary, journal, or detailed
5 calendar?

6 A No.

7 Q Before coming here today, did you talk to
8 anyone other than your counsel in preparation for
9 your deposition?

10 A I talked to Jim Leishman. We drove up
11 together.

12 Q Anyone else?

13 A No.

14 Q What did you and Jim Leishman discuss?

15 A Mostly a meeting that he had yesterday with
16 our marketing people. We talked about what questions
17 might be asked of me, which was pretty much some of
18 the questions that was asked of him and Dan.

19 Q What were some of the questions?

20 A Probably mostly what does the Westport
21 Experience mean to you? That seemed to be the theme
22 of most of it.

23 Q Anything else?

24 A No.

25 Q What else did you all discuss?

1 A My vacation that I just got back from.

2 Q Anything else relating to this case?

3 A No.

4 Q Do you have any social media accounts?

5 A Facebook and LinkedIn are the two that I can
6 think of.

7 Q Do you have a Twitter account?

8 A No.

9 Q Or Instagram, anything like that?

10 A No.

11 Q Have you ever discussed any facet of this
12 case on Facebook?

13 A No.

14 Q Do you recall what your user name is on
15 Facebook?

16 A Jeff Leishman, I believe.

17 Q Have you ever discussed any facet of this
18 case on LinkedIn?

19 A No.

20 Q Do you recall if your LinkedIn account is
21 under your name as well?

22 A Yes, it is.

23 Q Do you belong to or have an account with any
24 other social media sites?

25 A No.

1 Q Have you ever discussed any facet of this
2 case on any other websites or blogs?

3 A No.

4 Q Never on any of the entries on PAE's
5 website?

6 A No.

7 Q Have you told anyone about this lawsuit
8 other than your counsel and your brother that you
9 just mentioned?

10 A I've never told anybody that doesn't already
11 know. My wife, I suppose I've talked to her about
12 it. My kids know that there's a lawsuit, but I don't
13 discuss details of it with them.

14 Q You said other than people who already know.
15 Who are those other people?

16 A Trever Smith, people in the office. That
17 would be some of the project managers, Dan Streech,
18 Sue Tatar.

19 Q Sue Tatar, your CFO?

20 A Correct.

21 Q Anyone else?

22 A No.

23 Q Any neighbors?

24 A No.

25 Q Friends?

1 A No.

2 Q You described being deposed twice in
3 previous lawsuits that PAE's been involved in. Have
4 you ever -- have you ever participated in a lawsuit
5 other than those two?

6 A No.

7 Q Never in your individual capacity?

8 A No.

9 Q Have you ever been convicted of a felony?

10 A No.

11 Q Where did you go to high school?

12 A San Clemente.

13 Q When did you graduate?

14 A '78.

15 Q Did you attend college?

16 A Saddleback.

17 Q What dates did you attend Saddleback?

18 A I got an AA degree, I think, in '84.

19 Q What was your course of study?

20 A It was drafting and design.

21 Q Did you ever finish a BA?

22 A No, I didn't.

23 Q Did you ever take any other undergraduate
24 courses from anywhere else?

25 A I went through a correspondence course. At

1 the time it was called The Yacht Design Institute and
2 it was a course in yacht design.

3 Q When did you attend --

4 A '84 through '87. I got a diploma in '87
5 from that school.

6 Q What was the diploma?

7 A Small craft naval -- yacht design and naval
8 architecture.

9 Q Does that give you the acronym NA?

10 A It does.

11 Q Have you earned any sort of training
12 certificates?

13 A I've been to some classes for 3D design,
14 Rhino. I got some certificates from that.

15 Q What's Rhino?

16 A It's a 3D design program.

17 Q Do you know what the acronym stands for?

18 A I don't. I think it's Rhino. I think it's
19 just a name.

20 Q You got a training certificate from that?

21 A Yes.

22 Q When did you get that?

23 A Must have been 2011 probably, 2012.

24 Q Any other training certificates?

25 A Not that I can think of.

1 Q Is the NA considered a professional license?

2 A No.

3 Q Do you hold any professional licenses?

4 A No.

5 Q Can you talk me through what the NA means?

6 A It's just a naval architect.

7 Q It looks like you went through about three
8 years of classes on that. Can you describe what the
9 course of study was like?

10 A Yeah, it was a home study thing. So you
11 would do -- there was 20 or so study programs and
12 typically they give you four years to finish the
13 course. And so you work at home at your pace and
14 send in -- at the time it was all -- there was no
15 electronic e-mail or anything. It was all done by
16 mail. And potentially just worked through it for
17 three and a half years or so. Basically it just
18 taught you the fundamentals of yacht design, small
19 craft naval architecture, which is primarily what we
20 do at Nordhavn. We don't do ship design or
21 commercial design or anything.

22 Q You said there were approximately 20
23 classes?

24 A Something like that, yes.

25 Q Did each class have an associated credit

1 that you would receive at the end?

2 A It was just a pass or fail, I believe.

3 Q Do you recall some of those specific classes
4 of those 20?

5 A Flotation, drafting, steel construction,
6 aluminum construction, wood construction, lines
7 plans. I can't remember all of them.

8 (Danll Streech
9 entered proceedings.)

10 BY MR. BROWN:

11 Q Does the maintenance of your NA require any
12 continuing education?

13 A No.

14 Q Do you take any continuing education?

15 A Like I took the Rhino classes for 3D design,
16 but no. I read, you know, the practical -- Ocean
17 Navigator and different magazines that -- you know,
18 Professional BoatBuilder, that type of stuff.

19 Q Are those professional magazines in your
20 field?

21 A Well, they're -- for the most part that's
22 who would read those.

23 Q Naval architects?

24 A Naval architects, marine engineers. Just
25 people in the industry, more or less.

1 Q What does the naval architect certificate
2 allow you to do?

3 A It just gives you some credentials that
4 you've had some training in yacht design or in -- in
5 certain cases a naval architect could be designing an
6 aircraft carrier, but in my case it's small craft
7 naval architecture.

8 Q But to be -- to design a small craft, you
9 don't need the NA?

10 A You don't need it, no.

11 Q It's just -- it's well-respected in the
12 industry because of the course of study and the
13 academic rigor that goes into it?

14 A Yes.

15 Q Do most major yacht builders -- your
16 competitors, do most of them have NAs that work for
17 them as well?

18 A Whether or not they work for them, I
19 couldn't say, but I'm sure that their designs are
20 done by an NA.

21 Q Do you have any relatives or close friends
22 in the legal business?

23 A No.

24 Q Have you ever served in the military?

25 A No.

1 Q How long have you been employed at PAE?

2 A 33 years.

3 Q What's your current title?

4 A I am the chief designer. That's usually
5 what I'm referred to as.

6 Q So you started approximately 1982?

7 A Correct.

8 Q Is my math right?

9 A Yes.

10 Q Okay. Where did you work prior to that?

11 A I was a full-time student. I had part-time
12 jobs in restaurants and things like that.

13 Q Nothing else in the industry?

14 A Well, I did work for PAE as part time
15 cleaning boats and varnishing and things like that.

16 Q When did your part-time work with PAE start?

17 A Probably right out of high school. Even
18 during high school I think I would come down. If
19 they would call and said they needed a boat washed, I
20 might come down and do some work for them. So since
21 I was probably 16 on and off.

22 Q What are your duties at PAE currently?

23 A I'm in charge of the design and engineering
24 department.

25 Q How many employees do you have?

1 A Currently I have four people under me.

2 Q Are you the only NA?

3 A Yes. Well, I should correct that. I think
4 David Jen, who is in our China facility in Taiwan --
5 he's a Taiwanese guy -- I think he's a naval
6 architect/marine engineer.

7 Q Do you know where he received his
8 credentials?

9 A It would have been at the University in
10 Tainan, Taiwan.

11 Q What other duties do you have?

12 A There's a lot of crossover in our company,
13 so I -- I interact with a lot of the project managers
14 on decisions that they might have to make to build a
15 boat per the contracts, but mostly it's just
16 design-related things.

17 Q Typically what are some of the decisions
18 that project managers ask you about?

19 A If there's a design change that's been
20 talked about, maybe an owner requested a change
21 order, they come to me and say, Can we do this? Is
22 it going to cause any problems? Do you see any
23 reason why we wouldn't want to do this? Things like
24 that. Just try and stay out of trouble. Trying to
25 keep out of trouble.

1 Q Do you have any other job titles?

2 A No.

3 Q So other than design, engineering, and
4 interacting with project managers, what other duties
5 do you have at PAE?

6 A I'm a part owner in the company, so I sit in
7 in a lot of meetings, but it's not really a
8 requirement or a duty. I do it out of -- I like to
9 keep up on certain things.

10 Q Do you ever do sales?

11 A No.

12 Q Do you ever become involved in budgeting or
13 accounting?

14 A No. Back to the sales question, I do get
15 involved with a customer. If we have a meeting and a
16 customer's coming in and we're trying to put a deal
17 together, I'll be involved in doing drawings for him
18 or reacting to whatever questions he might have
19 design-wise. So if you want to call that sales, I
20 guess it would be.

21 Q In those circumstances are you mostly there
22 to answer technical questions or are you there to do
23 negotiating?

24 A No. Mostly it's all technical questions.

25 Q Other than those items that you just

1 mentioned, do you have any other duties at PAE?

2 A No.

3 Q After you finish your designs and draw up a
4 design in the engineering of a vessel, what
5 interaction do you have with your project managers
6 during a build?

7 A Typically my involvement is mostly in the
8 development of like Hull No. 1 of a new project. So
9 I'm involved with decisions. There's a lot of things
10 that come up when you're building the boat that are
11 on paper that don't quite work out or you need to
12 change. So I'm consulted on how best to address a
13 problem like that. Once I finish the design, it gets
14 engineered by our in-house engineer Phil Arnold, so
15 he does the construction plans and calculations that
16 would pertain to that model.

17 Q Is it at that point that standard
18 specifications are developed for a vessel?

19 A Standard specs would be developed prior to
20 the boat being -- going into production and actually
21 getting bids from the yard on how much it would be to
22 build it. So I do get involved in producing standard
23 specifications. That's part of the design process.

24 Q So let me just walk back through that so I
25 completely understand this. You developed the design

1 and the engineer specifications, blueprints, drawings
2 for Hull No. 1, and then at that point Phil Arnold
3 takes over?

4 A No. Phil just does the engineering.

5 Q So what happens -- between when you are
6 doing your NA drawings and doing the engineering and
7 design, at what point does Phil Arnold take over?

8 A I don't -- well, before the boat goes into
9 production, the actual boat, not the tooling --
10 tooling and the boat are two different things -- they
11 need to have a construction plan to build the boat.
12 And Phil would take the drawings that I've done and
13 engineer the proper beams and laminate schedules and
14 so forth that the boat would require to meet certain
15 industry standards.

16 Q Are you in conjunction with Phil Arnold
17 then -- I guess and the project manager, are you all
18 then developing standard specifications? When does
19 that happen?

20 A That happens prior to the boat even being
21 built. We get a standard set of specs right away so
22 we know what the boat's going to cost and what we
23 have -- and have engineering do it and what
24 components are going to be put into it.

25 Q I guess my question is chronologically when

1 does that happen?

2 A That happens -- okay. The initial design
3 would be done -- say it's a preliminary design, then
4 we'd say, Yeah, we like that. Let's pursue that. So
5 then we would develop a set of specifications to go
6 with that preliminary design and we would take it to,
7 say, the factory. Here's our idea. This is the boat
8 that we're thinking about building. How much can you
9 build it for? If we agree on those kind of terms,
10 the price, then we might decide to start marketing
11 it.

12 Q Do you know Adam Conconi?

13 A I've met him twice.

14 Q When did you meet him?

15 A I met him the first time when he was in
16 Taiwan with his dad. He was probably ten years old.

17 Q Was that on a previous build?

18 A It was on the 76.

19 Q When was the second time that you met him?

20 A The second time was when we delivered the
21 boat to Vancouver. He got on the boat in Vancouver
22 and rode it to the boathouse with us on the 120.

23 Q Did you speak with him at all?

24 A Yeah, I spoke with him a little bit.

25 Nothing -- just casual conversation. I think we

1 instructed him how to use the pull-down mast
2 arrangement. That was going to be his job.

3 Q Do you require -- do you remember any other
4 conversations you had with him?

5 A No.

6 Q Do you recall speaking with him about
7 anything else during that second conversation?

8 A Not really, no.

9 Q When you are designing and engineering a
10 Hull No. 1, can you just walk me through generally
11 what goes into that?

12 A Well, depends on -- like Hull No. 1, you
13 would -- you'd set -- you know, you'd define what you
14 wanted the boat to be. How long it's going to be.
15 What we're going to use it for. Is it going to be
16 full displacement or semi-displacement, meaning is it
17 going to go 8 knots or is it going to 20 knots. We
18 have to figure out how much fuel you want to put in
19 it.

20 Basically you come up with a general size of
21 the boat and what you want it to do so then you know
22 how heavy it has to be, but the main thing is getting
23 a boat that you like the looks of on paper. So you
24 do a lot of stretching. So once you get a profile
25 that you think is going to fit the needs that the

1 boat has to accomplish, then you would take that
2 profile and you would start developing an interior
3 plan. During the profile you always are conscious of
4 the levels of the boat, how much head room you need
5 in certain areas. It's a long, kind of tedious
6 process. But once you have the basics of the shape
7 of the boat and the general layout, you can develop a
8 set of hull lines, make sure that your interior's
9 going to fit that you want to be in the boat. And if
10 it doesn't, then you have to adjust the hull lines or
11 adjust the interior.

12 Once you're satisfied with all that
13 preliminary work, you would develop the lines at that
14 point. Those lines would be used to make the tooling
15 for the boat. Defines the shape of the boat. And
16 from there you would develop all the detail interior
17 plans, the machinery plan, the tankage plan.

18 Q When you're developing these plans, what
19 systems do you develop or engineer and then what
20 systems does then the project manager decide on?

21 A The project manager doesn't really decide on
22 any of the systems. That would be done by myself and
23 Phil Arnold. So my job would be to, like I said,
24 develop the general arrangement of the boat, which
25 would be the placement of the engines and the tankage

1 and various components of the boat, the interior.
2 And then Phil Arnold would double-check those -- you
3 know, those drawings and make sure we're not putting
4 something in the boat that might -- you know, he
5 hardly needs to double-check, but flotation of the
6 boat's important, so you can't have -- like if I put
7 the engines all the way in the bow, he's going to
8 say, This is not going to work. That's not going to
9 happen, but those are the kind of things he would
10 double-check. If he sees a glaring error in the
11 weight distribution or something, he would call that
12 out or double-check it.

13 Q I guess what I'm trying to figure out is it
14 seems like you're kind of the big picture guy with
15 design and engineering. Would that be an accurate --

16 A That's probably accurate, yes.

17 Q Who does more of the nitty-gritty detailed
18 design and engineering for systems in the vessel
19 or --

20 A That's Phil Arnold. And in the case of the
21 120, we subcontracted a lot of that out to a fellow
22 named Andrew Mund, who's a company called Applied
23 Marine Design.

24 Q Can you spell his last name?

25 A M-u-n-d.

1 Q What did Andrew Mund develop?

2 A He developed most of the systems' drawings
3 including the electrical system.

4 Q Any others?

5 A Any other people design or any other
6 systems?

7 Q Was Andrew Mund the main individual from
8 Applied Marine Design that developed all those
9 drawings?

10 A Yes, unless he had -- he had another fellow
11 working for him. I can't remember his name, but for
12 the most part Andrew was our contact.

13 Q Is he an NA?

14 A Yes, he's an NA and professional engineer.

15 Q Can you give me a list of some of the
16 systems that he developed?

17 A Okay. I'll go through. He developed the
18 fuel system, the water system, the oil change system,
19 the electrical system, the -- I think the holding
20 tank system, gray water system, the compressed air
21 system. There's probably others, but those are the
22 major ones.

23 Q Do you recall any others sitting here?

24 A Not really, no.

25 Q So once --

1 A Oh, firefighting system. I'm sorry.

2 Q Okay. Did Andrew Mund become involved --
3 let me -- when did Andrew Mund become involved in the
4 process?

5 A Very early on. Even before we went to
6 contract, we had meetings with Andrew Mund and Bob
7 Conconi.

8 Q Did you have -- did Andrew Mund become
9 involved with the prior purchasers of the 120?

10 A He was involved, yes.

11 Q Then again when the Conconis took over the
12 contract?

13 A Yes. I don't know if they took over the
14 contract, but they -- they signed a new contract.

15 Q Okay. Were you involved with any
16 negotiations for the purchase of the N120 between PAE
17 and the Conconis?

18 A I was present during the Fort Lauderdale
19 Boat Show. I didn't necessarily negotiate, but I was
20 present at some meetings that things were talked
21 about.

22 Q Is that the 2009 Fort Lauderdale Boat Show
23 that was in Fort Lauderdale --

24 A Right. Yes.

25 Q Just let me finish my question, please.

1 Did that happen at the end of the October in
2 2009 to the best of your recollection?

3 A Yes.

4 Q How would you describe your involvement?

5 A I was at the show with Trever and Dan was
6 there. My purpose was to stay with the Conconis,
7 walk through the show, look at equipment, look at
8 other boats, you know, go aboard some of the other
9 big boats there and generally just, you know, discuss
10 the 120, how it would compare maybe to some of the
11 other boats.

12 MR. BROWN: I'm handing the witness a
13 document that was previously marked and identified as
14 Exhibit 48. I'm also handing a copy to counsel.

15 Q Please just take a look at that and let me
16 know when you're finished.

17 A Okay.

18 Q Do you recognize Exhibit 48?

19 A I vaguely recognize it. I don't have a
20 clear recollection of it, but yeah, I was copied on
21 it.

22 Q What is it?

23 A I think it's a series of -- well, Bob
24 Conconi asking Dan a series of questions and Dan
25 responding to those questions.

1 Q Does Exhibit 48 appear to be a true and
2 correct copy of the document you just identified?

3 A Yes.

4 Q Let me go back briefly. You mentioned
5 earlier that you're an owner of PAE. Who are the
6 other shareholders?

7 A Dan Streech, Jim Leishman, and Tsai Wan
8 Sheu?

9 Q Are you also a director of PAE?

10 A Yes.

11 Q Who are the other directors?

12 A Dan Streech and Jim Leishman.

13 Q Is Tsai Wan Sheu a director?

14 A No.

15 Q Are you certain?

16 A I'm certain that he is not a director at
17 this time.

18 Q Has he ever been a director?

19 A No. He might become a director.

20 Q Do you know why James Leishman would testify
21 that he's a director of PAE?

22 A I think Jim just got confused and maybe
23 didn't know for sure. We've talked about it, so I'm
24 assuming that he just didn't have a clear
25 recollection whether we implemented that yet or not.

1 As I know it, he's not a director.

2 Q Your brother's the vice president of PAE?

3 A Correct.

4 Q You think he was just confused when he
5 testified under oath that Tsai Wan Sheu was a
6 director?

7 A I don't know what was -- what he was at the
8 time. I don't know.

9 Q Well, I think you said you thought he might
10 have been confused.

11 A Well, he said "I believe." So I don't think
12 that that was 100 percent certain on his part.

13 Q Okay. So he's not a director at this time?

14 A No.

15 Q Are you regularly cc'd on e-mail
16 correspondence between PAE and the Conconis?

17 A I believe I am. There may be a lot of them
18 that I'm not, that I'm not aware of, but I think I
19 am.

20 Q This e-mail, Exhibit 48, to the best of your
21 recollection, is this the first time that Robert
22 Conconi expressed interest in purchasing the N120?

23 A I don't think it's the first time. I think
24 there was probably some things leading up to this,
25 but maybe it was the first time he asked specific

1 questions of this nature.

2 Q It looks like his e-mail's dated
3 August 25th, 2009; is that right?

4 A Yes.

5 Q Do you recall when the contract with the
6 previous owners, the Grossmans, fell through?

7 A It would have been probably December,
8 January of 2008 or 2009. Sometime after the big
9 crisis, financial crisis hit.

10 Q So to the best of your recollection, there
11 was a period of about six or eight months where PAE
12 didn't have a buyer for the N120?

13 A It would have been something -- yeah, a
14 period of time like that.

15 Q When do you recall Robert Conconi first
16 expressing interest in purchasing the 120?

17 A It would have been the summer of this 2009.
18 I don't know if it was much earlier than August.

19 Q So maybe June or July of 2009?

20 A I don't recall. It could have been August
21 or July, but definitely well before the boat show
22 because we were talking about the boat show in
23 August.

24 Q Sometime during the summer of 2009?

25 A Yes.

1 Q Would you e-mail Robert Conconi directly
2 concerning the N120?

3 A On occasion I would, but I would never
4 without copying everybody.

5 Q When you e-mailed him, were those mostly
6 regarding technical questions?

7 A Yes.

8 Q Do you ever recall e-mailing him about
9 anything that was a non -- anything that wasn't a
10 technical question about the vessel --

11 A No.

12 Q -- or the specifications?

13 A No, I don't remember.

14 Q Do you recall contributing to any of the
15 answers imbedded to the questions within the e-mail
16 from Robert Conconi on August 25th, 2009?

17 A The only one that stood out would have been
18 the boathouse question, whether or not we can design
19 the boat to fit in his boathouse. And we -- I don't
20 remember specifically discussing it, what the details
21 were, but I'm sure we decided we could do a folding
22 mast arrangement that would fit into his boathouse
23 once we had the actual dimensions of the boathouse.

24 Q Do you recall contributing to any of the
25 other answers imbedded in Robert Conconi's e-mail?

1 A No, I wouldn't have -- I wouldn't have had
2 much involvement in any other subjects there.

3 Q Do you see where it states that We --
4 meaning PAE -- have been using a build time of
5 30 months for planning, but could probably improve on
6 that. I could imagine that the build time for your
7 boat would be under 30 months? Do you see that?

8 A (No audible response.)

9 Q It's on the second page there.

10 A Oh, yes. We have been using build time
11 30 months for our planning, but could probably
12 improve that. Yeah, I see that.

13 Q Was that a true statement at the time?

14 A At the time, yes.

15 Q Did you -- were you involved in the time
16 estimate on this project and developing the time
17 estimate on this project?

18 A I wasn't the one doing the time estimating.
19 Trever Smith was working with the yard on that, so I
20 was aware of what the time would have been. I don't
21 remember exactly what the 30 months -- where that
22 came from, but it would have been from Trever Smith
23 and the factory.

24 Q So to the best of your recollection, PAE and
25 the factory developed that time estimate?

1 A Yeah.

2 Q Was that after you finished your drawings,
3 after Andrew Mund did his design and engineering, and
4 after Phil Arnold did his construction plans?

5 A No. This would have been well before any of
6 that took place. I mean, the drawings were very far
7 along from my perspective, but I needed to present to
8 the Conconis. Actually, a lot of the drawings that
9 we did for the previous client, the Grossmans, were
10 applicable to this. So a lot of the work was done,
11 but the Andrew Mund stuff certainly wasn't done.

12 Q Was Phil Arnold's stuff done?

13 A Phil Arnold's stuff was not done. It was
14 far enough along to where there wasn't a lot to do,
15 but we had to submit everything through the American
16 Bureau of Shipping to get the certification. So that
17 required Phil to do a lot -- a lot of work, so that
18 wasn't done.

19 Q So to the best of your recollection, what
20 was completed as far as the design and engineering of
21 the vessel on August 25th of 2009?

22 A It would have been the basic design, all of
23 the interior, machinery plans, sections and profiles
24 of the interior, and the general construction plans
25 would have been done at that time.

1 Q But not some of the more detailed plans that
2 Andrew Mund eventually developed?

3 A The systems were specified but not drawn.

4 Q And not the construction plans that Phil
5 Arnold would eventually develop?

6 A They were enough -- far enough along to
7 where the yard was able to quote on the boat. They
8 just weren't submitted to ABS for certification at
9 this time.

10 Q Did you think that 30 months was a realistic
11 timetable?

12 A Yeah.

13 Q Why?

14 A Just based on what we could build an 86 for
15 there at the time.

16 Q Let's talk about that for a second. I
17 believe either Mr. Streech or your brother, James
18 Leishman, testified that the plan, the design for the
19 120 was essentially an extrapolation from the 86.
20 Would you agree with that?

21 A We would have used a lot of the stuff that
22 we've learned on the 86 to apply it to the 120. I
23 guess extrapolate is a good word.

24 Q How did you extrapolate from the design of
25 the 86 to develop the design and engineering for the

1 120?

2 A Well, I suppose it would have just been -- I
3 don't know. I didn't get involved in that. Quite
4 honestly, I can't answer that. I didn't do that
5 work.

6 Q Well --

7 A I wasn't really involved in the process of
8 estimating how long it would take. That was Trever
9 and the factory.

10 Q I guess I'm not asking about the timetable
11 anymore. I'm just asking about the design and
12 engineering and how you went about doing that for the
13 N120. Specifically because the N120 was the largest
14 project that PAE was --

15 A Right.

16 Q -- undertaking; right?

17 A Yes.

18 Q And it's still the largest project that PAE
19 has undertaken; correct?

20 A Yes.

21 Q So what did you do to develop the 120 if it
22 wasn't extrapolating from the 86?

23 A Well, when we developed the systems and so
24 forth on the 120, we looked at what we had on the 86
25 and we knew we had to, you know, up -- you know,

1 upgrade it so it would be larger, more suitable for
2 like a mega yacht style boat, which means just
3 everything's more commercial. We didn't use, you
4 know, the same water pump that we used on the 86. We
5 upgraded the water pump to something that's more
6 commonly used on 100-plus-foot boats. Everything
7 just got bigger and to a higher spec.

8 Q What is your definition of a mega yacht?

9 A That's always a question people ask.
10 There's super yachts and there's mega yachts. I
11 should know this, but I get confused. I think a mega
12 yacht is the next step up from a super yacht. I
13 believe we're in the super yacht category. Anything
14 over 30 meters is considered a super yacht. I
15 believe that's what the World Superyacht Awards
16 defines super yacht as. I think it's anything over
17 30 meters generally could be described as a super
18 yacht.

19 Q I guess the 86 is right on the border there?

20 A It's -- yeah, it's under 30 meters.

21 Q Is the 96 a super yacht?

22 A It will be when it's finished, yes.

23 Q So other than looking at the 86 and then
24 deciding which systems you had to upgrade to account
25 for the fact the N120 was going to be a super yacht

1 and had different requirements, what other things did
2 you do to develop the 120's design and engineering?

3 A Well, we knew we were going to have the boat
4 as a classed boat through ABS, so all the systems
5 were designed from the beginning to meet ABS
6 requirements. On 86 that's an option.

7 Q Do you recall when PAE first submitted
8 anything to the ABS, when ABS first became involved
9 in certifying the N120?

10 A Well, before we go into production, we have
11 to provide all of the construction plans, basically
12 all the plans. You can do it in sequences. The
13 first one would have been the hull construction plan.
14 That would have been probably December or January.
15 Prior to the boat going -- getting laid up, they
16 would have had to approve those.

17 Q Is that December of 2009 or January of 2010?

18 A Yes.

19 Q Or the year prior before the Conconis --

20 A No. It would have been after the contract
21 was signed in 2009.

22 Q Do you recall what PAE submitted to ABS at
23 that time?

24 A I don't. That was Phil Arnold's
25 responsibility, but -- I don't. It would have been

1 the construction plans for the hull, shell
2 construction.

3 Q Were you involved at all in the ABS
4 certification process?

5 A There was so many aspects of that, but not
6 directly involved where I had to correspond with the
7 ABS people. That was Phil Arnold's position, but I
8 was kept aware of most -- most of it.

9 MR. BROWN: I'm handing the witness a
10 document that's previously been marked and identified
11 as Exhibit 49. I just handed it to him for review.
12 I'm handing a copy to counsel as well.

13 Q Mr. Leishman, please let me know when you've
14 finished reviewing Exhibit 49.

15 A Okay.

16 Q Do you recognize Exhibit 49?

17 A I don't recall it specifically, but yes, I
18 recognize -- sort of recognize it.

19 Q What is it?

20 A It is an e-mail from -- between Dan and
21 Bob -- correspondence between Dan and Bob where it
22 looks like we're giving Bob a proposal prior to the
23 agreement being signed.

24 Q Does Exhibit 49 appear to be a true and
25 correct copy of the document you just identified?

1 A Yes.

2 Q Can you take a look at the bottom of the
3 second page underneath the label "Delivery
4 Location" --

5 A Yes.

6 Q -- and then continuing to the next page? It
7 looks like Mr. Streech tells Mr. Conconi that PAE has
8 budgets for a team of people -- of PAE people to be
9 on-site in China for commissioning. Do you see that?

10 A Yes.

11 Q Was that true?

12 A We had people there, yes.

13 Q Do you -- what involvement did you have in
14 commissioning the 120?

15 A I didn't have a lot of involvement other
16 than, you know, answering some questions. I was at
17 the factory about two weeks before -- about three
18 weeks before it left for Hong Kong. So there was a
19 lot of things going on, a lot of questions. I think
20 Trever and I commissioned the water maker at that
21 time. David Jen was there, who's our full-time
22 employee there.

23 Q You said you were -- you traveled to China
24 three weeks before the vessel left for Hong Kong. Do
25 you remember when that was?

1 A That was in mid June of 2013.

2 Q That's when you arrived?

3 A Yes.

4 Q Were you involved in budgeting for the 120?

5 A No.

6 Q Did you have -- do you recall being involved
7 in any conversations in which budgeting for the 120
8 was discussed?

9 A Not specifically. I had -- my -- at that
10 time I was going to be in charge of provisioning the
11 boat. So I kind of had to get my team together and
12 ask them what they thought, but we didn't really know
13 what the pricing of things were in China. So we
14 guessed at a budget for all the provisions.

15 Q What provisions?

16 A It was -- you know, the chef and assistant
17 chef needed to provide provision for -- I think we
18 had 14 people on board for what we anticipated to be,
19 you know, up to eight weeks. So it was a lot of
20 things. We had a -- I think they ended up buying
21 30 ducks and, you know, just truckloads of things
22 coming down to the boat.

23 Q So when you talk about provisioning, you
24 mean provision for the travel from Hong Kong to
25 Canada?

1 A Yeah, and that included toothpaste and soap
2 and dish soap and all those type of things.

3 Q More specifically, who was -- who developed
4 PAE's budget for the manufacture of the 120?

5 A That would have been -- Trever would
6 primarily come up with budgets, pricing for certain
7 things.

8 Q Did you become involved in that aspect?

9 A I probably -- yeah, I'm sure I was included
10 in on -- you know, I reviewed things, but I didn't
11 come up -- I didn't develop the budgets personally.

12 Q Were any aspects of the 120 budget submitted
13 to you for approval?

14 A No.

15 Q Who would those go to for approval?

16 A It would have primarily been Dan who was the
17 lead PAE person that actually -- you know, everybody
18 would have reported to.

19 Q Do you see on the first page there of
20 Exhibit 49, the fourth attachment says, "N120
21 Standard Specifications"?

22 A On which page?

23 Q First page.

24 A Where is it again?

25 Q It's in the -- basically the "Subject" line.

1 Underneath the "Subject" line underneath
2 "Attachments."

3 A Oh, okay.

4 Q The fourth one is N120 Standard
5 Specifications and the date is June 17th, '09?

6 A Correct.

7 Q Do you recall how those standard
8 specifications were developed?

9 A Yeah, we would have developed -- that was
10 probably, you know, a -- who knows how many revisions
11 had been made up to that point, but Trever and myself
12 and Phil -- I probably would have developed the very
13 first set of specs and it would have been based on
14 the 86 and then Trever -- I remember Trever would go
15 in and say we're not -- we're actually doing it
16 differently on the 86. So it was kind of a moving
17 target to keep track of all the revisions. This
18 would have been at a certain point in time. I'm sure
19 it changed from those specs up -- when Andrew Mund
20 got involved, he upped the scope of the spec with
21 things like I mentioned, water pumps that were bigger
22 and better.

23 Q Do you recall when the standard
24 specifications for the 120 were finalized?

25 A Well, I don't recall when, but for the No. 1

1 boat, they would have been finalized for that boat at
2 the contract signing, for the most part. That would
3 have been like -- you know, that's what we would live
4 by.

5 Q To the best of your recollection, was the
6 contract signed in mid November 2009?

7 A It was sometime after the Lauderdale Boat
8 Show, so that's pretty quick, but probably that or in
9 December. I can't remember the exact date.

10 Q Do you recall how long before the signing of
11 the contract the standard specifications were
12 finalized?

13 A How long before that? Standard -- it's hard
14 to say because, you know, the boat sat in limbo for a
15 number of months between contracts. So obviously at
16 the signing of the first contract that we had with
17 the Grossmans, that they would have been done at that
18 point. I don't know how many revisions were made
19 between that time and the time of the Conconi
20 contract, but --

21 Q Do you?

22 A -- probably not a lot.

23 Q Do you have an estimate of how many
24 revisions were made between the Grossman's contract
25 and the Conconi's contract?

1 A I don't -- no, I would be guessing.

2 Q Under ten?

3 A I was going to say half a dozen if I had to
4 estimate, but --

5 Q What were those revisions based on? What
6 was happening that required PAE to revise the
7 standard specifications from the time the Grossmans
8 signed the contract?

9 A Well, there's things, you know, on the
10 interior that might have changed. Maybe there was,
11 you know, another head. I can't specifically
12 remember. If it would have been shown on the drawing
13 differently than what the Grossmans had, we would
14 have probably developed the spec for his boat at that
15 time as a standard boat and it might have been a
16 little bit different than what the Grossmans had and
17 I don't remember exactly. I think the Grossmans had
18 a leaning post for a helm chair. Okay. Well, we
19 didn't -- that was in their spec possibly. Conconi
20 had three helm chairs, so that would have been in his
21 spec. Nothing significant.

22 Q Were the standard specifications modified
23 based on input from the Conconis prior to the
24 Conconis signing the contract?

25 A I don't think the standard spec was modified

1 based on input from them other than what we decided
2 might be, you know, a better standard spec. I can't
3 give you any specific examples of what that might
4 have been.

5 Q But to the best of your recollection, none
6 of those modifications were based on Robert Conconi
7 or Diane Conconi saying that they wanted something
8 different?

9 A No. That would have been just done in the
10 contract package. It would have been -- if it was
11 different than that spec, it would have been called
12 an Attachment 1 and that basically states anything
13 that's outside of the specification that might be
14 different and we would just list it on there.

15 Q Are the standard specifications normally an
16 attachment to these contracts?

17 A I don't know what the number is. Sometimes
18 it's different, but it probably is.

19 Q If I gave you a copy of the purchase
20 agreement between PAE and the Conconis, would that
21 refresh your recollection as to where the standard
22 specifications are?

23 A Yeah.

24 MR. BROWN: Okay. I'm handing the witness a
25 copy of Exhibit 10, which is the purchase agreement.

1 Q Please just review that and let me know when
2 you've finished.

3 A The entire purchase agreement?

4 Q No, just to refresh your recollection about
5 where the standard specifications are.

6 A Yeah, that's in Attachment 2.

7 Q Okay. Thank you. So all of the
8 Attachment 2 items in the Conconis' contract were
9 developed without the Conconis' input on the standard
10 specifications?

11 A Yes.

12 Q And that everything that was requested in
13 addition to the standard specifications or to modify
14 the standard specifications at the time of
15 contracting were included in Attachment 1?

16 A That's correct.

17 Q Are you familiar with Westport Yachts?

18 A Yes.

19 Q How so?

20 A It's just a well-known brand of big boats.

21 Q When you attended the 2009 Fort Lauderdale
22 Boat Show, were you aware that the Conconis were also
23 looking at a Westport yacht?

24 A I was.

25 Q How so?

1 A They made it known to us.

2 Q During the time you were at the
3 Fort Lauderdale Boat Show with the Conconis, did the
4 Conconis ever describe a customer service experience
5 that Westport offered?

6 A Experience, no.

7 Q Did they describe a customer service from
8 Westport?

9 A They didn't describe a customer service.
10 They described a package that Westport puts together
11 when you sign a contract and it's generally just a
12 package that includes electronics and dinghies and
13 all of the various dishes and pots and pans and
14 cutlery, all that kind of stuff.

15 Q In any of those conversations that you had
16 or you were involved in with the Conconis at the
17 Fort Lauderdale Boat Show in 2009, you don't recall
18 any discussion about customer service relating to
19 Westport?

20 A I don't recall customer service, no.

21 Q Other than the standard package that you
22 just described, I think as an example you gave an
23 electronics package. Was there anything else that
24 the Conconis told you they wanted PAE to replicate
25 from Westport?

1 A They wanted to make sure that we could meet
2 or exceed the quality of the Westport and that was
3 the one thing that I remember that they definitely
4 wanted.

5 Q What do you think they meant?

6 A Well, the quality of the Westport would have
7 been the -- specifically I think they were talking
8 about the joiner work, the woodwork inside the boat,
9 the fit and finish of the boat in general. You know,
10 that type of thing.

11 Q Did they ever mention -- was there any
12 discussion of the vessel being turnkey?

13 A Not with -- no. Turnkey, no. I don't
14 remember turnkey.

15 Q Do you recall any other discussions about
16 the standard of quality that the Conconis expected?

17 A They just -- well, obviously they wanted a
18 high quality boat and they wanted it to meet or
19 exceed the Westport. That was the only defining
20 term, I guess, that you could use.

21 Q Do you ever recall the Conconis discussing
22 the requirement that the vessel be on time?

23 A They were concerned about not having a boat
24 to use for the summer of -- I guess it was 2013 or
25 whatever year -- they wanted to make sure that they

1 had a boat to use. They didn't want to be without a
2 boat for a season.

3 Q They didn't want to be without any boat or
4 without the 120 for the -- for that season?

5 A Well, they didn't want to be without -- I
6 assume they were thinking the 120, but it -- there
7 wasn't -- they just wanted to know when their 120
8 would be done because they didn't want to be without
9 a boat for a season.

10 Q Do you recall the Conconis discussing a
11 requirement that the manufacture of the 120 be on
12 budget?

13 A No, we didn't -- I mean, not specifically.
14 Everybody assumed it would be on budget.

15 Q Why did everyone assume that it would be on
16 budget?

17 A Because we signed -- we were going to sign a
18 contract for a certain boat. We usually don't go
19 over budget or have cost overruns that require the
20 customer to pay.

21 Q Usually don't?

22 A No.

23 Q Do you recall other times that PAE has gone
24 over budget on a vessel that required the owner to
25 pay?

1 A No.

2 Q So this was the first time?

3 A That we went over budget? We didn't go over
4 budget, as far as I know.

5 MR. BROWN: I am handing the witness a
6 document that's been previously marked and identified
7 as Exhibit 52. I'm also handing a copy to counsel.

8 Q Mr. Leishman, please let me know when you're
9 finished reviewing Exhibit 52.

10 A Okay.

11 Q Do you recognize Exhibit 52?

12 A I don't recognize it. I was copied on it,
13 it looks like, but I -- I don't remember it.

14 Q What is it?

15 A It's some correspondence between Chris June
16 and Bob Conconi.

17 Q Does it appear to be a true and correct copy
18 of the document you just identified?

19 A Yes.

20 Q The e-mail appears to be an exchange between
21 Robert Conconi and a sales representative from
22 Westport Yachts named Chris June; correct?

23 A Yes.

24 Q Have you ever met Chris June?

25 A Yes.

1 Q When?

2 A I met him at the 2009 Fort Lauderdale Boat
3 Show.

4 Q Did you speak to him about the Westport 112?

5 A I don't think I did. I met him -- I might
6 have met him on the dock one time and then he let us
7 go -- Trever and I go aboard the 130.

8 Q Not the 112?

9 A I don't recall going aboard the 112 with
10 Chris or the Conconis. The only Westport I remember
11 going on was the 130 and it was just Trever and I,
12 and Chris was nice enough to let us go aboard the
13 boat unescorted.

14 Q That first meeting, you said it was on the
15 dock?

16 A I recall walking by their display with the
17 Conconis and Trever and they introduced me to him.

18 Q What did you speak about at that time?

19 A Hi. I just introduced myself.

20 Q Nothing --

21 A Nothing of the boat or Westport. It would
22 have been weird to talk about, you know, Westports
23 compared to Nordhavns.

24 Q Was it just exchange and niceties?

25 A Yeah, yeah.

1 Q You said you went over there with Robert
2 Conconi and Trever Smith. What do you recall -- why
3 do you remember going to Westport's display with
4 Robert Conconi and Trever Smith?

5 A At the time I was with Conconi, we were just
6 walking the docks and we went by the booth, by their
7 display. It was not a -- there was not -- it wasn't
8 intended just to go to that booth. We were just
9 walking by and I think Bob might have seen him or
10 wanted to introduce us to him. The second time I
11 went back was specifically to look at the 130, the
12 quality of the boat, with Trever. I believe Bob and
13 Diane had already gone home. This was after they had
14 left and it was the last day of the show or near the
15 last day of the show, and we went aboard that boat
16 just to look at the quality and make sure that we
17 weren't promising something or getting into something
18 that we couldn't deliver.

19 Q When do you recall Robert Conconi saying
20 anything about his desire that PAE replicate or make
21 any part of the Westport better in the build of the
22 120?

23 A It was to meet or exceed. Yeah, it would
24 have just been discussions because he was -- I guess
25 you could say he was negotiating with Westport to buy

1 one of their boats and he wanted to make sure that we
2 could deliver a boat of that quality and it would
3 have just been during that show. I don't have a
4 specific like meeting or anything that that took
5 place at.

6 Q After that first brief interaction with
7 Chris June, did you ever have a more in-depth
8 conversation with him?

9 A No, I've never seen him again.

10 Q So when he facilitated you and Trever Smith
11 touring the 130, did you discuss anything with Chris
12 June beforehand?

13 A No, we didn't -- we didn't talk. It would
14 have just been thank you very much. I appreciate it.
15 Come look at our boat if you want kind of thing.

16 Q But nothing specific about what goes into
17 the manufacture of the 130 or any customer service
18 associated with the 130?

19 A No, nothing specific like that.

20 Q Do you recall why Robert Conconi forwarded
21 this e-mail from Chris June to you, Mr. Streech,
22 James Leishman, and Trever Smith?

23 A I think he just wanted us to know that he
24 was looking at Westport as well as our boat.

25 Q You don't think that Robert Conconi intended

1 this e-mail to be a frame of reference as to the
2 items he expected to be included in the manufacture
3 of the 120?

4 A I think -- I think -- you know, this is
5 obviously starred on your thing. So, I mean, he
6 wanted us to know that he wanted to buy the boat.
7 The boat that we sold him would include electronics,
8 a tender. All the things that I described earlier
9 would be part of the package that he bought.

10 Q So it looks like Chris June says, "We are
11 the manufacturer, not a dealer. Everything is
12 included in the purchase from the electronics,
13 tender, interior design, appliances to the linens and
14 silverware." What do you think he meant by
15 "everything is included"?

16 A Everything -- I don't know what
17 "everything" -- "everything" is such a broad term,
18 but everything that we defined and the Conconis
19 defined was, you know, the things that he's mentioned
20 here, including pots and pans and wine glasses,
21 martini glasses, beer glasses. So even down to his
22 and her robes was included.

23 Q Is that what you believe the Conconis meant
24 when they said they wanted an experience or they
25 wanted a manufacturer of certain components similar

1 to the Westport?

2 A Well, I think they just meant that they
3 wanted -- they didn't want to have to -- they didn't
4 want to be burdened with just all of these decisions
5 in buying things that were going to obviously be on
6 the boat. You know, the towels and the silverware
7 and all that. They just wanted that on the boat
8 ready to go when they took delivery.

9 Q So to the best of your knowledge, did PAE
10 promise the Conconis that everything would be
11 included?

12 A Did we promise? We didn't say everything
13 would be included. We defined what would be included
14 in the purchase agreement.

15 Q Were those the same things that Chris June
16 was describing here?

17 A They were the same things. I don't know --
18 if that's all that Chris June was describing, we went
19 far beyond that. But "everything" is not a term that
20 we would use.

21 Q Do you recall discussing with Robert Conconi
22 the contents of this e-mail?

23 A Specifically this e-mail, no. I mean, I
24 remember discussing what items would be included in
25 the boat. You know, the one I just mentioned, all

1 the list of the things that you put in the cupboards
2 and all that.

3 Q Anything else?

4 A No.

5 MR. BROWN: I'm handing the witness a
6 document that's been previously marked and identified
7 as Exhibit 53 and I'm handing a copy to counsel as
8 well.

9 Q Mr. Leishman, please review that document
10 and let me know when you're finished.

11 MR. CONNER: Before we have any questions,
12 why don't we take a break. We've been going close to
13 an hour and a half.

14 THE VIDEOGRAPHER: Off the record. Time is
15 11:25 a.m. This is the end of Tape 1. We are off
16 the record.

17 (Recess.)

18 THE VIDEOGRAPHER: Back on the record. Time
19 is 11:42 a.m. This is the beginning of Tape 2.

20 BY MR. BROWN:

21 Q Mr. Leishman, before we went off the record,
22 I asked you to review Exhibit 53. Have you had a
23 chance to review it?

24 A Yes.

25 Q What is Exhibit 53?

1 A It looks like an e-mail from Bob Conconi to
2 Dan where he describes the presentation of the
3 Westport 112. There's specs attached.

4 Q Does it appear to be a true and correct copy
5 of the document you just described?

6 A Yes.

7 Q Do you see the third sentence there where
8 Robert Conconi says, "They are an all in approach,
9 all electronics. You can make small changes.
10 Everything works, cameras. Everything works,
11 televisions. Everything works"? Everything is
12 included. Do you see that?

13 A Yes.

14 Q Do you recall discussing the -- he also
15 states that, "They" -- meaning Westport -- "have a
16 painless way of delivering a vessel and their
17 customers are happy" towards the end of that
18 paragraph -- the end of that e-mail?

19 A Yes.

20 Q Did it appear to you that this was an
21 important part of the agreement between PAE and the
22 Conconis?

23 A The all-in approach where -- the electronics
24 and the other things that he mentions there, that was
25 obviously important. You want things to work. I

1 mean, it's always important for a customer going into
2 a deal to anticipate a happy experience, a good
3 experience.

4 Q What do you think Robert Conconi meant by
5 "They have a painless way of delivering a vessel"?

6 A I don't know what he meant by that.

7 Q Had the Conconis had issues with previous
8 deliveries of their Nordhavns?

9 A Not that I'm aware of. On the 76 it was
10 kind of a disaster because the boat was in an
11 accident. But the 86, as I recall, was -- I don't
12 recall any issues, but I wasn't that involved in it.
13 He had a 62 that he bought from the brokerage side of
14 things, so -- but as far as the delivery being
15 painless, I don't know -- I don't know what he meant
16 by that.

17 Q Do you recall discussing this e-mail or the
18 Westport 112 with any other PAE employees?

19 A No. I think -- I think I would have looked
20 at these specifications. Trever and I would have
21 gone through these at this time and just -- you know,
22 to compare probably.

23 Q Do you recall specifically doing that with
24 Trever?

25 A Not specifically, but I know we would have.

1 Q Did you discuss the all-in approach with
2 Robert Conconi at any time?

3 A We discussed that he wanted everything that
4 we discussed earlier, the list of items that I
5 mentioned, you know, the towels and the robes and all
6 that, to be part of the contract, part of the boat.

7 Q Do you believe that's what Robert Conconi
8 meant by "the all-in approach"?

9 A Yes.

10 Q Nothing else?

11 A Nothing else.

12 MR. BROWN: I'm handing the witness a copy
13 of a document that has been previously marked and
14 identified as Exhibit 54. I'm handing a copy to
15 counsel as well.

16 Q Mr. Leishman, please review that document.
17 Let me know when you're finished.

18 A Okay.

19 Q Do you recognize Exhibit 54?

20 A I recognize it. I don't -- yes. I mean,
21 it's an e-mail that I would have received.

22 Q What is it?

23 A An e-mail from Trever to Bob where I was
24 copied.

25 Q On October 7th, 2009?

1 A Yeah, it looks like it.

2 Q Does Exhibit 54 appear to be a true and
3 correct copy of the document you just described?

4 A Yes.

5 Q Do you see imbedded within Exhibit 54 is an
6 e-mail from Trever to -- Trever Smith to Robert
7 Conconi wherein he says -- well, he asks Robert
8 Conconi whether he can call to discuss, among other
9 things, the Westport spec for the 112 and the all-in
10 approach?

11 A I see where he wants him and I to discuss
12 the interior of the 120 and he also wanted to touch
13 on the Westport spec for the 112 and the all-in
14 approach.

15 Q Do you recall what you and Trever discussed,
16 what he's referencing here?

17 A I do not recall what we would have
18 discussed.

19 Q Do you recall being -- do you recall
20 discussing with Trever Smith the Westport spec for
21 the 112 and the all-in approach?

22 A I think -- I don't recall, but we would have
23 looked at the spec and made sure that we were able to
24 duplicate or, you know, satisfy Bob that we were
25 going to meet or exceed that.

1 Q Did you speak with Robert Conconi about the
2 Westport specs?

3 A I don't recall. In fact, I might have just
4 done the interior part of the conversation and let
5 Trever talk about the Westport. I don't recall. It
6 looks like my involvement was more about the interior
7 layout, which I was pretty heavily involved in.

8 Q Do you recall speaking to anyone other than
9 Trever Smith about the Westport specs?

10 A No.

11 Q Do you recall speaking to anyone other than
12 Trever Smith about the all-in approach?

13 A No. I mean, I imagine Dan and Trever and I
14 would have, you know, discussed whatever the list was
15 that went into the contract, you know, what was
16 included and what the budgets were for it.

17 Q Do you recall that conversation?

18 A I don't recall it, no.

19 MR. BROWN: I'm handing the witness a copy
20 of a document that was previously marked and
21 identified as Exhibit 55. I'm handing a copy to
22 counsel as well.

23 Q Mr. Leishman, please review that document.
24 Let me know when you're finished.

25 A Okay.

1 Q Do you recognize Exhibit 55?

2 A Yes.

3 Q What is it?

4 A It's an e-mail from -- well, a series of
5 e-mails between Trever and Bob discussing the tender,
6 the electronics package, and the vessel monitoring
7 system.

8 Q Do you recall having a conversation with
9 Trever Smith about the Westport 130 package that
10 comes standard?

11 A No, not -- no, I don't remember that.

12 Q Do you recall having a conversation with
13 Trever Smith about the 130?

14 A I just remember he said that they were going
15 to duplicate the 130 electronics package, and I don't
16 remember the dinghy discussions. I think Bob ended
17 up buying his own dinghy, but I didn't get -- I think
18 I probably would have made sure whatever dinghy he
19 chose was going to fit on the boat, but I don't
20 recall that.

21 Q Do you recall what -- when you and Trever
22 Smith toured the 130, do you recall what you all
23 discussed during that tour of the 130?

24 A I don't recall discussing much other than I
25 remember when we -- I don't really remember this, but

1 I've seen e-mails where we must have concluded that
2 that boat on -- the level of finish on that boat was
3 something that we could easily duplicate. We would
4 have been looking at the style of the joiner work,
5 the finish of the varnish, you know, the gel coat or
6 the paint work on the outside, the stainless steel
7 work.

8 Q Do you know what other things you were
9 looking for when you were looking through the 130,
10 the Westport 130?

11 A I think just the level of -- you know, just
12 the quality level and the complexity of what they
13 built there was something we could easily do.

14 Q Were you mainly focused on the interior
15 decorations and the joinery work as you mentioned or
16 were you looking at any of the other systems on the
17 vessel?

18 A We didn't have access to really dig too
19 deep, like open up panels and things. So we didn't
20 get to look closely at what the real mechanical part
21 of the boat looked like. But the visual part of the
22 boat, yeah, just the aesthetics and the fit and
23 finish was our main focus.

24 Q Do you recall how long you were on the 130?

25 A 15 minutes, 20 minutes tops.

1 Q You think that gave you -- that gave you a
2 sufficient amount of time to determine that Nordhavn
3 could replicate or improve on the fit and finish of
4 that vessel?

5 A Yes.

6 MR. BROWN: I am handing the witness a copy
7 of a document that was previously marked and
8 identified as Exhibit 56. I just handed a copy to
9 counsel as well.

10 Q Mr. Leishman, please review that document
11 and let me know when you're finished.

12 A Okay.

13 Q Do you recognize Exhibit 56?

14 A Yes.

15 Q What is it?

16 A E-mail exchange between Dan and Bob Conconi.

17 Q Does it Exhibit 56 appear to be a true and
18 correct copy of the document you just described?

19 A Yes.

20 Q Exhibit 56 appears to be a reply to an
21 e-mail from Robert Conconi wherein Robert Conconi
22 lists certain expectations he has for any agreement
23 to purchase the N120; is that accurate?

24 A Yes.

25 Q I'd like to draw your attention to the first

1 page and it's the sixth paragraph down. It's a
2 two-line paragraph above "Other items in your
3 e-mail."

4 A Uh-huh.

5 Q Do you see that?

6 A Yes.

7 Q It states, "We completely understand your
8 request for an 'all in' approach and will repackage
9 the boat accordingly." Do you see that?

10 A Yes.

11 Q That all-in approach, is that what you
12 described earlier with the aesthetics and the joinery
13 work and --

14 A No, that's the -- you know, the items like
15 the dishes and the pots and pans and the linens and
16 towels, all that kind of stuff.

17 Q Do you recall discussing the all-in approach
18 with any other PAE personnel around this time period
19 before Dan Streech sent this e-mail?

20 A Well, whatever Trever and I talked about
21 that we would include in the boat would have been
22 discussed between him and I. Those items that I
23 described earlier, the electronics and the other
24 items.

25 Q Underneath that it says, "Other items in

1 your e-mail" and the second one there says, "All-in
2 tanks full package. Understood and no problem." Do
3 you see that?

4 A Yeah.

5 Q Did you have any understanding about the
6 all-in tanks full package?

7 A It's just what it says there.

8 Q Which is what?

9 A Tanks full means tanks full.

10 Q What do you think he meant by "tanks
11 full"?

12 A It looks like he meant fuel tanks full.

13 Q Was it your understanding that "Understood
14 and no problem" meant that PAE had no problem
15 delivering the N120 with a tank of fuel to Robert
16 Conconi?

17 A At this time it looks like that would have
18 been not a problem.

19 Q Do you see in the fourth paragraph on the
20 first page there where it talks about there's a plan
21 for you to spend time with Robert and Diane Conconi
22 inspecting boats and products?

23 A Yes.

24 Q Other than that tour that you took with
25 Trever Smith on the 130, what other inspections of

1 boats and products did you conduct at the Fort
2 Lauderdale Boat Show in 2009?

3 A We went through the vendor booths looking
4 at, you know, just stabilizer packages, all of the
5 different systems that would go -- that we expect for
6 the boat. I think we went to all those booths,
7 whoever was there. We went aboard a couple big
8 boats, a couple big, big 200-plus-foot yachts, looked
9 at those.

10 Q Was that just for your own edification or
11 was that because you were looking for systems for the
12 120?

13 A No. It was more entertainment for Bob and
14 Diane.

15 Q Anything else?

16 A That I spent time with Bob and Diane with at
17 the show?

18 Q Right.

19 A Well, I was -- we went to the, you know, the
20 area where they have the VIP booth so you could rest
21 and have drinks and lunch and so forth. We spent a
22 lot of time in there.

23 Q So other than touring the 130 and then a
24 couple of the 200-plus-foot vessels and then going to
25 some of the vendor booths, do you recall inspecting

1 any other boats with the Conconis?

2 A No.

3 Q At the Fort Lauderdale Boat Show in 2009,
4 you don't ever recall discussing a turnkey vessel
5 with the Conconis?

6 A Not using that term. We discussed the --
7 what was going to be included in the -- you know, in
8 the final boat, the things that we discussed earlier.

9 Q But never a mention of turnkey or a similar
10 phrase?

11 A Not that I can recall, no.

12 Q Did you take part in any negotiations
13 between the Conconis and PAE at that Fort Lauderdale
14 Boat Show in 2009?

15 A Only being present at a breakfast where we
16 were kind of defining the boat a little bit more
17 than -- you know, than we had in the past. I wasn't
18 negotiating with them, no.

19 Q Who was present at the breakfast?

20 A Dan and Trever.

21 Q Is that Danll Streech and Trever Smith?

22 A Yeah, and Diane and Bob and myself.

23 Q What do you recall being discussed during
24 that conversation?

25 A Just more of the -- defining the boat. You

1 know, pretty much -- I don't recall specifics.
2 There's a lot of discussion that goes on when you're
3 buying a boat. It would have been timing and -- I
4 don't recall specifically.

5 Q Do you recall being present at any other
6 time during the 2009 Fort Lauderdale Boat Show when
7 the Conconis and PAE personnel were negotiating the
8 contract?

9 A Not any other time than that time. My focus
10 at that breakfast, now that I recall, was more or
11 less trying to define what Bob wanted on his
12 flybridge. That was a big topic and the boathouse,
13 making sure that we could get the boat in the
14 boathouse.

15 Q You don't recall being present during any
16 other negotiations at that boat show?

17 A Not at the boat show, no. We didn't really
18 do any negotiations.

19 Q Do you recall whether Robert Conconi had any
20 concerns with respect to purchasing another vessel
21 from PAE?

22 A I don't think he had any concerns.

23 Q He didn't mention the accident with the 76
24 as a concern?

25 A He never mentioned that to me.

1 Q Do you recall any other discussions of
2 Westport yachts during the Fort Lauderdale Boat Show?

3 A No.

4 MR. BROWN: I'm going to hand the witness a
5 copy of a document that's been previously marked and
6 identified as Exhibit 60. I'm handing a copy to
7 counsel as well.

8 Q Mr. Leishman, please review that document.
9 Let me know when you're finished.

10 A Okay.

11 Q Have you ever seen this e-mail before?

12 A No.

13 Q These series of e-mails?

14 A No.

15 Q Do you see in the e-mail that Trever Smith
16 sent to Anthony Utley on February 17th, 2010, the
17 second one, three lines down, Trever Smith says,
18 "Right now it is already in the deal for the yacht to
19 be turnkey"?

20 A Yes.

21 Q What do you think Trever Smith meant by
22 that?

23 A I think he meant it was -- "yacht to be
24 turnkey." Well, it's hard to say because obviously
25 any boat that you build and deliver is going to be at

1 some point turnkey. This looks like he was saying it
2 was going to be ready to leave -- depart China. I
3 think that's what he was referring to. We had to
4 take it across the ocean on its own bottom, so
5 it needed -- the electronics needed to be working and
6 everything else on the boat needed to be -- that was
7 critical to the passage would need to be working.

8 Q So turnkey means that the systems critical
9 to the vessel needed to be working?

10 A Yes.

11 MR. CONNER: Objection. Misstates what he
12 said. He said systems critical to the passage.

13 THE WITNESS: Yes, that's what I meant to
14 say.

15 BY MR. BROWN:

16 Q So --

17 A Systems that were critical to the boat being
18 delivered from China to Vancouver needed to be
19 working. So electronics would fall under that
20 category, the toilets, the water maker, you know,
21 that type of thing.

22 Q So in your estimation and your opinion, a
23 turnkey vessel simply means that the electronics and
24 the systems are working?

25 A In this context that Trever wrote, I think

1 that's what he was referring to.

2 Q Have you ever used the term "turnkey" in any
3 other context?

4 A I don't usually use that term. I can't
5 remember using that term. But typically when we do
6 electronics packages at the yard, they're not turned
7 on at the yard. The boat gets shipped here and then
8 the electronics supplier comes down and sometimes
9 does everything from actually wiring the component or
10 sometimes he just turns it on and has to tune it and
11 do whatever needs to be done to get it functioning.
12 But in this case, it would all have to happen in
13 China.

14 Q You mentioned that the systems needed to be
15 working for the passage. Is that what Trever Smith
16 meant by "Right now it is already in the deal for the
17 yacht to be turnkey"?

18 A I don't know what he meant by that.

19 Q You don't have any opinion?

20 A I think what he meant by that was the all-in
21 approach that was discussed earlier where things were
22 on the boat, the boat was ready to go, there was no
23 provisioning that -- as far as the towels and the
24 things we talked about earlier that will allow you to
25 use the boat. That was what he was referring to.

1 Q What items do you think were in the deal for
2 the yacht to be turnkey?

3 A Electronics was the major one and then all
4 of the things that you would typically have on the
5 boat to use the boat.

6 Q What were some of those things?

7 A Dishes, pots and pans, silverware, towels,
8 sheets, that type of thing.

9 Q Anything else?

10 A There's probably lots of things, but I can't
11 specifically think of any. Spare parts.

12 Q What kind of spare parts?

13 A We had a lot of spare parts on the boat.
14 There was probably 500 different spare parts on the
15 boat; filters and -- fuel filters, oil fillers,
16 impellers.

17 Q So in your opinion, those things are
18 required for a vessel to be turnkey?

19 A For a vessel to go on a long voyage like we
20 were doing, yeah, they needed to be there.

21 Q Is there any amount of time that a vessel
22 needs to be provisioned for as far as spare parts?

23 A No, there's no amount of time. You're
24 just -- you know, for interval -- for maintenance
25 intervals you'd have oil filters and fuel filters.

1 So, I mean, I don't think we ever changed any
2 filters, fuel filters, or anything on the entire
3 six-week voyage. We were looking -- I think we
4 changed everything when the boat got to Vancouver at
5 some point.

6 Q Typically -- I don't have familiarity with a
7 vessel this size. Typically when do you change fuel
8 and oil filters in a vessel of this size?

9 A I can't remember on that boat. The engine
10 manufacturers have their maintenance schedules. I
11 think it's 500 hours on the main engines, but I'm
12 guessing. I don't know.

13 Q Do you recall if anyone took notes at the
14 Fort Lauderdale Boat Show regarding any discussions
15 that PAE personnel had with the Conconis?

16 A Trever was the primary note taker that I
17 recall. I don't know if the Conconis took notes.

18 Q Trever did, though?

19 A Trever did.

20 Q Do you recall ever reviewing those notes?

21 A He produced those notes not too long ago. I
22 think I looked at those notes, but I don't remember
23 what they were. We looked at them at that time
24 period at the Lauderdale Show and there was only
25 maybe less than 20 notes or so that were taken.

1 Q In your opinion did PAE and the Conconis
2 come to any agreement with respect to the purchase of
3 the N120 at that Fort Lauderdale Boat Show in 2009?

4 A It's hard to say an agreement. I think we
5 got closer to an agreement, but I don't think we made
6 any, you know, firm agreements. That happened after
7 the show.

8 Q Did you make any agreements that were not
9 firm?

10 A No. At any point during that show, either
11 of us could have just walked away. There was no --
12 there was no commitments made. I guess you could say
13 we were all kind of on the same page, but there had
14 been no signatures or any formal agreements.

15 Q Had you agreed to some of the fundamentals
16 of the purchase agreement?

17 A I don't think we agreed -- I think we agreed
18 to go back and write everything up and put it into a
19 purchase agreement. I don't think we agreed at that
20 point on anything other than agreeing to go further
21 with the deal.

22 MR. BROWN: I'm handing the witness a copy
23 of a document that was previously marked and
24 identified as Exhibit 61. I'm handing a copy to
25 counsel as well.

1 Q Mr. Leishman, please take a moment and
2 review that document. Let me know when you're
3 finished.

4 A Yeah, I see it.

5 Q Do you recognize Exhibit 61?

6 A Yeah.

7 Q What is it?

8 A It's a follow-up e-mail from Dan to the
9 Conconis thanking them for the time at the boat show
10 and the fundamentals of the agreement that was worked
11 on.

12 Q Does Exhibit 61 appear to be a true and
13 correct copy of the document you just identified?

14 A Yes.

15 Q So you just said it, but Mr. Streech says,
16 "Thank you very much for the time that you and Diane
17 have given us over the last three days." Was he
18 referring to the time at Fort Lauderdale Boat Show?

19 A Yes, it looks like it.

20 Q Then it appears there's some bullet points
21 here. 1, 2, 3, 4, 5, 6, 7 bullet points and an
22 imbedded spreadsheet --

23 A Yes.

24 Q -- in that e-mail. Do those items appear to
25 be the fundamentals of the agreement that the

1 Conconis and PAE agreed to at Fort Lauderdale Boat
2 Show?

3 A It appears to be that, yes.

4 Q Within the fundamentals of the agreement,
5 there's several references to Westport Yachts;
6 correct?

7 A There is one on the second page and one on
8 the electronics package and the AV package, yes. So
9 three.

10 Q Do you recall any other discussions of
11 fundamentals of the agreement at the Fort Lauderdale
12 Boat Show that are not included in this e-mail?

13 A I don't remember anything.

14 MR. BROWN: I am handing the witness a copy
15 of a document that was previously marked and
16 identified as Exhibit 62. I'm handing a copy to
17 counsel as well.

18 Q Mr. Leishman, please review that document.
19 Let me know when you're finished.

20 A Okay.

21 Q Do you recognize Exhibit 62?

22 A Yes.

23 Q What is it?

24 A It's an e-mail from Trever to Bob and Diane
25 after the show talking about the Westport 112.

1 Q And the e-mail was on November 4th, 2009?

2 A Yes.

3 Q Does Exhibit 62 appear to be a true and
4 correct copy of the document that you just
5 identified?

6 A Yes.

7 Q Do you see where it says that you and Trever
8 Smith visited a Westport 112 while at the
9 Fort Lauderdale Boat Show in 2009?

10 A Yes.

11 Q Do you recall this visit now?

12 A I thought I went on the 130, but I may have
13 those reversed. Maybe it was a 112 that I went on
14 with Trever and they went on the 130.

15 Q But you do recall touring one Westport
16 yacht?

17 A I recall touring one Westport yacht.

18 Q It looks like Trever Smith at least
19 remembers that you spent about 45 minutes touring the
20 yacht?

21 A Yeah, it didn't seem like that long. It
22 could have been. It seemed like we were on and off
23 pretty quick, but --

24 Q You recall -- at least I think you testified
25 earlier that you recall this tour being after the

1 Conconis left the Fort Lauderdale Boat Show?

2 A That's what I recall, yes.

3 Q He also says -- Trever Smith also says,
4 "Jeff and I view the 112 Westport with Chris June on
5 Sunday afternoon"?

6 A Yeah.

7 Q Do you recall --

8 A I don't recall Chris -- Chris escorting us.
9 I don't recall that. I thought we met him, he said
10 go ahead, take a look, had a courtesy showing.
11 That's what we call it. I don't know.

12 Q So looking at this e-mail doesn't refresh
13 your recollection any better?

14 A It doesn't, no.

15 Q So you don't recall any discussions that you
16 may have had with Chris June then?

17 A No.

18 Q It looks like based on this e-mail and the
19 previous e-mail regarding the fundamentals of the
20 agreement that you and the rest of the primaries at
21 PAE were confident that the N120 would meet or exceed
22 the fit and finish of the 112, the Westport 112?

23 A Yes.

24 Q Were you involved at all in drafting the
25 purchase agreement?

1 A No.

2 Q Do you recall contributing any language and
3 terms to that agreement?

4 A No.

5 MR. BROWN: I'm handing the witness a copy
6 of a document that was previously marked and
7 identified as Exhibit 65 and I'm handing a copy to
8 counsel as well.

9 Q Mr. Leishman, please review that document.
10 Let me know when you're finished.

11 A Okay.

12 Q Do you recognize Exhibit 65?

13 A Yes.

14 Q What is it?

15 A E-mail exchange from -- between Trever and
16 Bob concerning some changes to Attachment 1 and
17 Attachment 7.

18 Q Does Exhibit 65 appear to be a true and
19 correct copy of the document that you just described?

20 A Yes.

21 Q So I think you just -- you just honed in on
22 the language that was discussed where Robert Conconi
23 requests changes be made to include various packages
24 similar to the Westport 30 (sic). Do you see that?

25 A (No audible response.)

1 Q It's the first couple lines of his e-mail to
2 Trever Smith cc'ing you.

3 A Okay.

4 Q Do you know what the difference is between
5 having these packages included within Attachment 1
6 instead of within Attachment 7 of the agreement?

7 A I can't -- I don't know. I can't tell you
8 that. I don't understand that.

9 Q If I showed you the purchase agreement,
10 specifically Attachment 7 and 1, would that refresh
11 your recollection?

12 A It might help.

13 MR. BROWN: I'm handing the witness a copy
14 of a document that was previously marked and
15 identified as Exhibit 10, which is the purchase
16 agreement and the attachments.

17 Q Mr. Leishman, please review that document,
18 Attachment 7 and Attachment 1, and let me know if
19 that refreshes your recollection.

20 A Yeah, I see Attachment 1 and I see
21 Attachment 7. I don't know why they're separated. I
22 didn't -- I don't know what -- much about this
23 purchase agreement, so I'm not sure. What is your
24 question?

25 Q Do you know what the difference is between

1 including those changes in Attachment 1 versus
2 Attachment 7?

3 A I don't. I don't know. I'd have to go
4 through the whole thing. I didn't -- none of this
5 really -- none of this was -- had much to do with my
6 participation. I think in reading the part about the
7 hydraulic stairs and things that I would have had to
8 fit into the boat, I wouldn't have paid much
9 attention to this at all.

10 Q Okay. Thank you. You can give it back to
11 me.

12 A Okay.

13 Q In your opinion what does it mean to have an
14 electronic package similar to Westport 130?

15 A It would have been a package that was -- we
16 can say equal to the -- well, there's two radars,
17 there's navigation equipment, there's communication
18 equipment. There's lots of things that go into an
19 electronics package and they have a defined package.
20 I'm sure it was probably in their spec. And we would
21 have had to either duplicate that or come up with
22 something that was equivalent to that.

23 Q Do you recall having any discussions with
24 any other PAE primaries about what was included in
25 the electronics package for the Westport 130?

1 A I don't recall that. That would have been
2 between Trever and probably the fellow at Alcom
3 Marine that does most of our electronics.

4 Q Then similarly do you recall having any
5 discussions about an AV package similar to
6 Westport 130?

7 A I don't recall.

8 Q Sitting here today, do you believe you
9 toured the Westport 130 or Westport 112 at the
10 Fort Lauderdale Boat Show in 2009?

11 A I honestly couldn't tell you. I thought it
12 was the 130, but apparently Trever says we went on
13 the 112. They kind of look alike.

14 Q Just a little bit longer. What was your
15 involvement with the manufacture of the 120 after the
16 purchase agreement was executed?

17 A The manufacture of the boat itself. I
18 was -- like I said, I was involved -- since it was
19 Hull No. 1, I was pretty closely involved with most
20 of the decisions that were made that were maybe
21 different than what the design pointed out.

22 Q Were those all change orders?

23 A No, not necessarily change orders. Some
24 things that needed to be modified. You know, maybe
25 some tankage needed to be readjusted or just small

1 things that come up when you're building a boat that
2 don't look quite like the drawing intended it to be.

3 Q Did you find that to be the case more so
4 with the 120 because it was the first time that PAE
5 had built a 120?

6 A No, but there's always issues that come up
7 with a Hull No. 1. This was no -- this actually was
8 a pretty smooth Hull No. 1 as they go. There wasn't
9 a whole lot of things that came up, but, you know, we
10 have a pretty good team. Trever's pretty good about
11 that. So a lot of the things that did come up were
12 easily solved on the spot during his trips. I was
13 kept informed of anything that was different. I went
14 on various visits to the yard to inspect the boat.

15 Q What do you recall -- what do you recall
16 about any of the changes that had to occur that were
17 not change orders from the Conconis? I think you
18 just mentioned you recalled one with Trever Smith.
19 What was that one?

20 A I don't remember what that would have been.
21 I just said he was able to handle certain things on
22 the spot. I don't specifically remember any major
23 changes that would have been significant other than
24 just little things. You know, there's a head knocker
25 going up a set of stairs, so we have to shift the

1 stairs a little bit, things like that.

2 Q I think as an example you gave that the --
3 the tankage needed to be modified. Do you recall
4 that occurring with the 120?

5 A Yeah, prior to -- that was prior to the
6 tankage being built, but when we had to -- we had to
7 do some flooded stability calculations. So we had to
8 make the aft tanks a little bit bigger than what we
9 originally intended just to take up some of the
10 volume that would normally be taken up if it flooded
11 by the seawater, things like that.

12 Q Do you recall any other changes?

13 A There was changes. A lot of the changes
14 that were made were done, I think, maybe even prior
15 to the contract. There was tooling changes. You
16 know, a lot of things reveal themselves when you're
17 building the deck tooling. We had to raise the
18 wheelhouse up a little bit. I can't remember if that
19 was before or after the contract. It might have been
20 after.

21 Q Do you have any other specific recollections
22 of any changes after the contract?

23 A Not specifically, no.

24 Q Any general recollections?

25 A Nothing that really jumps out at me.

1 Nothing. If I could think of something, I'd let you
2 know.

3 Q Do you recall if the building process was
4 broken into phases?

5 A No. It's a continuous process.

6 Q How often would you visit the South Coast
7 Marine in Xiamen, China during the manufacture of the
8 120?

9 A Oh, boy. I was probably there four times a
10 year during the process. That wasn't just for the
11 120. I go there and visit, you know, look at other
12 boats and things.

13 Q What would you do when you would go to South
14 Coast Marine for -- well, specifically regarding the
15 120?

16 A Usually it was more of an inspection, just
17 visually looking at it, making sure that I liked what
18 I had drawn on paper. And occasionally, like I said,
19 I'd make a change here or there, but it was during
20 the tooling phases. When the boat was in
21 construction, Trever was pretty much in charge of
22 making sure that the boat and the specifications were
23 being followed. I would go there just to inspect it
24 and kind of enjoy the process of looking at this big
25 beautiful boat.

1 Q Do you recall ever having to make any
2 changes to the manufacture or your designs or your
3 engineering as a result of any of those inspections?

4 A During the tooling, we made quite a few
5 changes, but that was prior to the contract. So
6 during the build of Hull No. 1, I mean, there was
7 probably 1,000 different little changes and I -- you
8 know, Trever could tell you more than I could what
9 little tweaks he made.

10 Q When you say the tooling changes, do you
11 mean changes to moulds, changes to machinery?

12 A Moulds.

13 Q Okay. You said you went approximately four
14 times a year during the manufacture?

15 A Yes.

16 MR. BROWN: Now would be a good time for
17 lunch?

18 MR. CONNER: Sure.

19 THE VIDEOGRAPHER: Time is 12:35 p.m. We
20 are off the record.

21 (Lunch recess.)

22 THE VIDEOGRAPHER: Back on the record. The
23 time is 1:37 p.m.

24 BY MR. BROWN:

25 Q Mr. Leishman, you testified earlier that you

1 arrived in China prior to the delivery of the vessel
2 sometime in June of 2013; is that correct?

3 A Yes.

4 Q How long were you there prior to the vessel
5 leaving China to Hong Kong?

6 A Well, I think we left China somewhere around
7 the 13th or 14th.

8 Q Of July?

9 A I think so. It was sometime in July. I
10 know it was after the 4th of July.

11 Q So were you in China for two weeks, three
12 weeks prior to departing for Hong Kong?

13 A At least -- probably three weeks, yeah.

14 Q Did you visit the vessel when you arrived in
15 June?

16 A Yes.

17 Q Was the vessel complete when you saw it?

18 A No. There was lots of activity on the boat
19 still being done.

20 Q What was still unfinished?

21 A Carpet had to go in, the furnishings had to
22 go in, there was sea trials that had to take place
23 with ABS. Just a lot of little last-minute touch-up
24 items, finishing items.

25 Q Anything else unfinished?

1 A As far as the construction of the boat went?

2 Q Well, were any systems unfinished?

3 A There was some systems that hadn't been
4 started up yet.

5 Q Do you recall what those were?

6 A The water maker, the sewage treatment system
7 we didn't start up. The oily water separator, the
8 Kabola heating system. I actually think they started
9 the Kabola heating system up prior to that, but there
10 was some problems with the piping, that they had to
11 redo all the piping because the spec for the pipe was
12 wrong. Actually, the water maker I started up with
13 Trever, so that was done while I was there. So just
14 those other items.

15 Q The sewage treatment, the oily water
16 separator, and the Kabola heating system?

17 A Those were the ones that I recall.

18 Q Do you recall any others?

19 A Not -- no.

20 Q Then do you recall when the vessel traveled
21 to Hong Kong?

22 A Yes.

23 Q What date?

24 A We were in Hong Kong probably like the 16th,
25 somewhere abouts, 15th.

1 Q Were you on board the vessel during the sea
2 trial on July 15th, 2013?

3 A If there was a sea trial on July 15th, I
4 would have been on board.

5 Q Well, how many sea trials do you recall
6 participating in after you arrived in China?

7 A I believe I went on three sea trials.

8 Q Were those all sea trials in conjunction
9 with the ABS certification?

10 A Mostly, yes. Well, one was with ABS. We
11 came in, we had some heating issues with one of the
12 engines. We worked on that, went out and sea trialed
13 again without ABS to make sure we had the problem
14 solved, and then we went out again with ABS after
15 that. There might have been another sea trial, but
16 those were the three I remember.

17 Q So two were sea trials where ABS was
18 conducting their inspection and certification?

19 A Yes.

20 Q Who at PAE oversaw the sea trials, those
21 three?

22 A Well, on the ABS sea trials, it was the
23 factory engineers at South Coast, Johnny Ku and his
24 team of -- you know, the electricians and the people
25 that were in that department at the factory.

1 Q How do you spell Ku?

2 A K-u. So he was dealing with the ABS guy
3 who's a Chinese guy. So there was nobody at PAE who
4 could really communicate with him.

5 Q From your time on the vessel during these
6 sea trials, can you describe what the ABS
7 certification entailed?

8 A On the sea trials they do a number of
9 different maneuvers with the boat. They do -- they
10 do a full RPM in reverse maneuver where they back the
11 boat down for something like -- might be as much as
12 ten minutes. That seems awfully long. Five to ten
13 minutes where you have to go full RPM in reverse.
14 Then they do a number of high-speed full throttle
15 turns, hard over to hard over. So they want to see
16 just how the vessel behaves in a roll. And then they
17 do full hard over turns where they just, you know,
18 see what the turning radius of the boat is. And then
19 they have to do just wide-open throttle runs to
20 see -- make sure that the temperatures of the exhaust
21 systems and everything are going to be stable.

22 Q During the PAE's -- excuse me. During ABS's
23 sea trials in China, was PAE commissioning systems?

24 A Not necessarily during sea trials. They
25 were pretty much focused on the ABS things. There

1 might have been -- there was really no other work
2 going on at those sea trials.

3 Q Do you recall Robert Conconi or Diane
4 Conconi being on board during any of the sea trials?

5 A I think he was on one of them.

6 Q Do you recall which one?

7 A It was probably the last one that we did.

8 Q Do you remember what happened on that last
9 sea trial? You just described some of the --

10 A I think we did those high-speed turns and I
11 think we were also testing the overheating of the
12 engine, which we had resolved, and then there were
13 some crash stops where they go full throttle and
14 forward and you throw it in reverse and make sure the
15 boat can stop at a certain length. They were on
16 board for that, I believe.

17 Q Did you participate in commissioning any
18 systems while you were in China?

19 A Only the water maker.

20 Q No other systems?

21 A I tested the fire system. The fire stations
22 we tested -- Trever and I and David Jen -- to make
23 sure they were operational.

24 Q Were they operational?

25 A Yes, it was fine. What else? We tested the

1 anchoring systems, make sure all that was
2 functioning. Really when you're on the boat -- we
3 were basically living on the boat at the time at the
4 factory. So you're testing everything while you're
5 living on the boat as far as the water systems and
6 the galley appliances and things like that. So in a
7 way that's sort of commissioning because part of
8 commissioning is testing things to make sure they
9 work properly.

10 Q Do you recall demonstrating any systems to
11 the Conconis during the time you were in China?

12 A I think they were there when we tested the
13 fire system. They were on the boat from the time it
14 left Xiamen to Hong Kong. So they were using
15 systems. You know, coffee makers and galley
16 appliances, all of their heads, showers, things like
17 that.

18 Q Do you recall when the Conconis arrived in
19 Xiamen?

20 A It would have been --

21 Q Sorry. Can you spell Xiamen for the record,
22 please?

23 A X-i-a-m-e-n.

24 Q Thank you.

25 A -- probably two -- it's hard to say because

1 there was a typhoon that came through that prevented
2 us from leaving. I remember they went on a vacation
3 where -- they went on a cruise up the river somewhere
4 and then they came back and we were supposed to
5 leave, but I can't remember if we got pinned down by
6 the typhoon at that point and they were still at a
7 hotel, because they stayed in a hotel for a little
8 while. It had to be two or three days before we left
9 for Hong Kong. Yes, I remember because they were --
10 we had our chef on board and they were provisioning
11 the boat. At the same time they were provisioning,
12 they had to cook meals for everybody. So it was kind
13 of an awkward time because there was a lot of work to
14 be done but they had to break and cook meals because
15 Conconi decided to move on board the boat.

16 Q And he decided to move on board the boat a
17 couple days before --

18 A Yeah.

19 Q -- you left for Hong Kong?

20 A Which was fine. It just was -- there was
21 still a lot of provisioning going on.

22 Q Did you participate in commissioning any
23 other systems before the vessel left for Canada?

24 A No.

25 Q When PAE commissions a system, how does it

1 annotate or memorialize that the system's
2 commissioned?

3 A I think it's -- I don't think there's a real
4 formal like sign-off sheet or anything. There's
5 usually a work list of things that have to be done
6 and a person gets assigned that job and it's -- it's
7 done and it's working. I don't think there's a list
8 that we keep on file that would show that.

9 Q Was the person who was assigned that job
10 Trevor Smith?

11 A Assigned the job of creating the list or --

12 Q Well, creating the list and then tracking
13 systems as they were commissioned.

14 A I think he would be -- a lot of stuff is
15 done at the factory. They're in charge of it. They
16 have their own people that go around. There's a QC
17 guy and he goes and makes sure that the systems are
18 functioning the way they should.

19 Q Who's that?

20 A Well, he's kind of a dual guy. His name is
21 Joe. And he's a head electrician, but he also does a
22 lot of QC stuff for the systems.

23 Q Do you know Joe's last name?

24 A He was on the boat going to Vancouver.
25 Joe -- I don't.

1 Q So other than Joe, who else had at South
2 Coast was responsible for participating in, I guess,
3 overseeing the commissioning of systems?

4 A It was -- well, Johnny was the project
5 manager, the Chinese project manager on the boat.

6 Q Is that Ku?

7 A Johnny Ku, yes. And then David Jen has a
8 huge part in, you know, the final days of the boat
9 before it goes -- well, that boat before it left for
10 Hong Kong. But on all of our boats, he's a pretty
11 key PAE employee that goes through and signs things
12 off and looks for trouble.

13 Q Getting back to the ABS certification,
14 they're not commissioning all of the vessel's
15 systems, are they?

16 A No.

17 Q Do you know if Mr. Ku, Mr. Jen, or Joe
18 demonstrated any systems to the Conconis before the
19 vessel left for Canada?

20 A Probably not before it left, but all three
21 of those guys were on board the boat. And I'm not
22 sure what -- we had watch schedules, so I don't know
23 what happened during their watch. I think Johnny and
24 the Conconis were on watch together. So he might
25 have just, you know, helped them with going on engine

1 room tours and so forth. I don't know how many times
2 they did that.

3 Q Is Johnny Ku -- was he Taiwanese? Is he
4 Chinese?

5 A He's Taiwanese.

6 Q Does he speak English well?

7 A Yes, yes. Not perfect, not as good as David
8 Jen, but he's pretty good.

9 Q Then do you recall when the vessel departed
10 Hong Kong for Canada?

11 A It would have been the 20 something of July.
12 24th maybe. I don't know. Sometime in that area.

13 Q Was Trever Smith in Hong Kong when --

14 A He was there for a little while.

15 Q Do you recall him telling the Conconis that
16 he would be on the dock with his team on their
17 arrival?

18 A I don't recall him saying that.

19 Q What duties did you have during the passage
20 from Hong Kong to Canada?

21 A I was one of the watch captains. There was
22 three of us; Jim, Paul Grover, and myself. Basically
23 it was a watch standing schedule that was -- I think
24 we were on twice or three times a day and I had three
25 people on my team. Generally just stand your watches

1 and make sure the boat is okay.

2 Q Did the Conconis ever stand watch with you?

3 A Never.

4 Q So do you know what the Conconis -- well,
5 why didn't they stand watch with you?

6 A Well, when I say they didn't stand watch
7 with me, they were there sometimes. They were free
8 to come and go as they pleased, but they weren't -- I
9 wasn't on watch with them.

10 Q Did they stand watch?

11 A They stood watch.

12 Q When they were present when you were the
13 watch captain, did you ever demonstrate any of the
14 vessel systems to the Conconis?

15 A I think there was times when I showed Bob
16 how to do something on one of the plotters or, you
17 know, the radar equipment. I think I demonstrated
18 all the fire equipment. That was my job. I was the
19 fire officer, whatever you want to call it. If there
20 was -- you know, I did a fire drill with everybody on
21 board. I prepped everybody, all watch people that
22 were going to stand watch -- actually everybody on
23 board on how to use all of the electronic equipment
24 on board. That was prior to us leaving Hong Kong.
25 That was part of the insurance inspector's

1 requirement where I had to get everybody -- I had a
2 sheet that I made that had checkmarks and you had to
3 sign it that you understood each piece of equipment.

4 Q Do you recall who the insurance inspector
5 was?

6 A I don't remember his name. He was a local
7 Hong Kong guy, I would think.

8 Q When you did that fire drill, you said you
9 did it in Hong Kong?

10 A We did it the first day out of Hong Kong.

11 Q So you were at sea?

12 A At sea. But I prepped everybody on the
13 basics of what to do during a fire drill. So when I
14 said I'm going to blow the horn at any time, so be
15 prepared, and we did that.

16 Q During the fire drill, did you test any of
17 the vessel's fire equipment?

18 A We did not test it, no.

19 Q Did you keep a log or a diary or a journal
20 during the crossing?

21 A The ship's log was in the wheelhouse and
22 every -- every, you know, watch crew would have to,
23 on every hour, fill out just basic information of
24 certain things that were on -- you know, outside
25 temperatures, wind direction, speed of the boat.

1 Q What other items go into that log?

2 A I think the fuel burn and the -- you know,
3 there's a remark column if there was anything odd
4 that happened, if there was a ship that you sighted
5 or -- I can't remember. There's heading of the boat
6 obviously, the size of the seas, the strength of the
7 wind. That was about it.

8 Q Do you recall having to annotate any issues
9 or problems with any of the systems during the
10 voyage?

11 A Not really. I think we had -- the only
12 thing we had was the autopilot would do some funny
13 things once in a while. It would crap out and you'd
14 have to reset it. I think we would make a note, you
15 know, just so we could keep track of how often it did
16 it.

17 Q Other than the autopilot, do you recall
18 anything?

19 A No.

20 Q Do you recall whether there were any system
21 failures during the voyage other than the autopilot,
22 I guess?

23 A One time the engine starting acting up, one
24 of the engines. I think it was the starboard engine.
25 It just was -- I don't remember what the symptoms

1 were, but it was off. There was something wrong.
2 There was a high temp alarm. But anyway, we all went
3 down there and we were kind of worried about it, but
4 it turned out it was just a -- like an electrical
5 plug that worked itself loose and easily resolved,
6 luckily.

7 Q If there were any systems failure or systems
8 problems, they would be annotated in the log?

9 A They would have been annotated in the log,
10 yeah, I would think. I mean, I imagine that was
11 because everybody was on it, so somebody must have
12 made a note of it. I didn't.

13 Q To the best of your knowledge, did that log
14 stay with the vessel after PAE and their employees
15 departed?

16 A I think it did, yeah.

17 Q What other duties did you have during the
18 passage from Hong Kong to Canada?

19 A Well, it's kind of everybody's duty to try
20 and keep the boat clean. I did a lot of cleaning and
21 things like that when I was off watch. Sometimes I'd
22 help in the galley, but mostly just cleaning, I
23 guess.

24 Q Do you recall ever being present or
25 overseeing or supervising any commissioning of any

1 systems other than the ones you already mentioned?

2 A No. We had -- no. I think we started the
3 fuel centrifuge in Hong Kong and that was working.
4 That was commissioned in Hong Kong and that worked
5 most of the way. It ended up having a problem in --
6 I think in Adak we had a problem with it.

7 Q What was the problem?

8 A I think it -- something happened to one of
9 the bearings or something and it just started getting
10 really loud and we just didn't want to run it
11 anymore. So we switched over to a back-up system we
12 had and that was fixed when it got to Vancouver.

13 Q Do you recall being present, supervising any
14 times where any of the vessel systems were
15 demonstrated to the Conconis?

16 A I wasn't, again, with them on watch, so I
17 don't know how often they got to the engine room to
18 look at things, but I do know Mike Telleria was on
19 board the boat. He's our -- an engineer that works
20 under me and he's --

21 Q Can you spell his last name?

22 A T-e-l-l-e-r-i-a, I believe. It might be two
23 R's. Anyway, he's the -- he's a technical writer and
24 he does all of our owner's manuals and he was on
25 board the boat from Hong Kong to Vancouver. Well, he

1 got off at Adak, I should say, with the Conconis. He
2 was working real close with Bob and Ron Porter, who
3 is Bob's -- I don't know. He's a friend or a
4 relative. Anyway, they were working just daily with
5 Mike on the owner's manual. So I know Ron was
6 intimately involved in going down and following Mike
7 around and reviewing what Mike had written and then
8 going and, you know, inspecting the description of
9 how to operate things and coming back with
10 suggestions. That happened the entire way across for
11 eight hours a day, seven days a week.

12 Q Do you know how much of that time Robert or
13 Diane Conconi were present?

14 A I think most of the time they were there
15 with Ron. Ron and Bob spent a lot of time with -- I
16 don't think Diane spent that much time with Mike.
17 Ron was primarily the guy that was always walking
18 around with it and highlighting things.

19 Q Was there a plan to commission any
20 additional systems or work on the punch list when the
21 vessel arrived back in Canada?

22 A Yes.

23 Q Did that happen?

24 A Yes.

25 Q When did that happen?

1 A It happened not long after the boat arrived
2 in Canada that we had people up there.

3 Q Who was up there?

4 A I think Justin Jensen went up, my son Drew
5 went up, Drew Leishman, Mark Craven. I don't know
6 exactly who was on the list, but these are the guys
7 that I think at one point or another went up. That
8 first trip I don't know exactly. I think it was
9 Justin Jensen and could have been -- could have been
10 my son Drew or could have been Casey Dipietro, one of
11 our other commission guys.

12 Q The vessel arrived in Canada on or about
13 August 29th, 2013; is that correct?

14 A Yes.

15 Q So when did that team from PAE go up to
16 service the vessel?

17 A I would say within two weeks of that, but
18 I'd have to look back and see for sure.

19 Q What did they go to work on?

20 A They just went up to work on the list of
21 items that was created during the crossing and
22 whatever other list Trever had created. I don't know
23 exactly what that list was at that point. And then
24 there was the Cathelco. We wanted somebody to go up
25 there and look at the Cathelco thing and kind of take

1 a look at that. Mike Telleria was up there, I
2 believe, too.

3 Q Was that before or after the vessel was
4 hauled out to Delta Marine?

5 A That was before that.

6 Q That was sometime in September of 2013, to
7 the best of your recollection?

8 A It would have been in September, yeah.

9 Q Do you recall what items on the punch list
10 they resolved or fixed?

11 A I don't.

12 Q When was the vessel hauled out to Washington
13 to Delta Marine?

14 A I think we went up there right before the
15 Fort Lauderdale Boat Show. So it would have been
16 late October.

17 Q Was there ever a plan for PAE employees to
18 be in Canada awaiting the vessel's arrival to work on
19 that punch list?

20 A Waiting on the dock, I don't think so. I'm
21 not aware of that.

22 Q So was the plan the entire time, to the best
23 of your recollection, for PAE to fix those things
24 immediately after arrival or was --

25 A As soon as practical, yeah. I think our

1 main thing was get the boat, you know, detailed and
2 cleaned and, you know, get the grime off of it from
3 the trip across the ocean. But yeah, our people
4 would have planned on going up right away.

5 Q Did PAE clean the vessel and get the grime
6 off of it?

7 A We had people come and do that, yeah. I
8 don't think our guys did it. We subcontracted out.

9 Q After the vessel arrived in Canada?

10 A Yes.

11 Q Immediately after?

12 A I'd have to look and see when. I don't
13 know. It might have been two weeks after, a week
14 after. I'm not sure.

15 Q Was it the same time that the other team
16 went up including your son and Justin Jensen?

17 A I don't know. I don't know.

18 Q How long were you on the vessel after it
19 arrived in Canada?

20 A Not long. Probably -- well, we arrived in
21 Canada at the dock at 6:00 in the morning and I
22 probably left the boat at 4:00 in the afternoon.

23 Q So it arrived in Vancouver first; right?

24 A Yes.

25 Q And then it went to the Conconis' boathouse

1 in Port Moody?

2 A Yes.

3 Q How long of a trip was that?

4 A Probably maybe an hour.

5 Q So after the vessel arrived in Port Moody,
6 how long were you on it?

7 A Probably hour and a half to two hours.

8 Q What happened then?

9 A Then there was -- we just -- you know, Bob
10 said, Okay, guys. I think we're done here, and we
11 left.

12 Q Then how long after that did you leave
13 Canada?

14 A I think the next morning.

15 Q Before you left Canada, had the Cathelco
16 system had that leak, the failure that led to the
17 leak of the seawater?

18 A No, it hadn't.

19 Q When the vessel arrived in Canada, were
20 there any systems that had not yet been commissioned?

21 A Only the ones I mentioned earlier, the three
22 items that I'm aware of.

23 Q Is that the oily water separator?

24 A Yeah, the oily water separator, the sewage
25 treatment, and the Kabola.

1 Q Were there any others?

2 A Not to my knowledge, no.

3 Q Could there have been others?

4 A Not -- not systems like that. I think the
5 Boning system -- which if you call that a system or
6 not, I don't know -- that needed to have some things
7 worked out still. That was about it.

8 Q Anything else?

9 A No.

10 MR. BROWN: I'm handing the witness a
11 document that has previously been marked and
12 identified as Exhibit 111. I'm handing a copy to
13 counsel as well.

14 Q Mr. Leishman, please review that document.
15 Let me know when you're finished.

16 A Yeah, okay.

17 Q Do you recognize Exhibit 111?

18 A Yes.

19 Q What is it?

20 A It's an e-mail exchange between Dan and Bob
21 regarding the boat, the process of the boat.

22 Q Does it appear to be a true and correct copy
23 of the document you just described?

24 A Yes.

25 Q Do you see about halfway down the first page

1 there's a two-line paragraph starting with "My
2 systems"?

3 A Yes.

4 Q Bob Conconi says, "My systems are not
5 commissioned or operational. This is not warranty.
6 It is a deficiency in the manufacture and has never
7 been commissioned." Do you see that?

8 A Yes.

9 Q Let me ask you this. How long after the
10 vessel had arrived in Canada was this?

11 A This looks like it was in February, so --

12 Q So almost six months after the vessel
13 arrived?

14 A Yeah, something like that.

15 Q Was this after the vessel had been hauled
16 out to Delta Marine?

17 A Yes.

18 Q How long had PAE been working on the
19 deficiency list for the vessel at this point?

20 A Well, probably since the first trip they
21 made up there in September. But, you know, I don't
22 know how -- what systems he's even referring to here.

23 MR. BROWN: Okay. Let's go ahead and take a
24 break.

25 THE VIDEOGRAPHER: The time is 2:11 p.m.

1 This is the end of Tape 2. We are off the record.

2 (Recess.)

3 THE VIDEOGRAPHER: Back on the record. The
4 time is 2:22 p.m. This is the beginning of Tape 3.

5 BY MR. BROWN:

6 Q Mr. Leishman, before we went off the record,
7 I was asking you about that two-line paragraph where
8 Robert Conconi states, "My systems are not
9 commissioned or operational," and then goes on. Do
10 you see that?

11 A Yes.

12 Q Other than the systems that you already
13 mentioned, the Kabola heating system, the oily water
14 separator, and the sewage treatment plant, are there
15 any other systems that were not commissioned at that
16 time?

17 MR. CONNER: Objection. That misstates the
18 evidence. He said that those systems were not
19 commissioned when the boat left China. This is in
20 February of the next year. Your question assumes
21 that those systems were never commissioned during
22 that period of time and that's an incorrect
23 statement.

24 BY MR. BROWN:

25 Q Did you understand my question,

1 Mr. Leishman?

2 A I was kind of going where Frank was going to
3 go with my answer.

4 Q Okay. Then let me ask you this. On
5 February 19th, 2014, were those commissioned -- were
6 those systems commissioned, the three I just
7 mentioned?

8 A If they -- I believe they were in the
9 process or finished being commissioned.

10 Q Do you know which of those three systems had
11 not yet been commissioned as of February 19th, 2014?

12 A I believe the heating system was still
13 un-commissioned. The other two were either in the
14 process or were done with commissioning.

15 Q Where he writes, "This is not warranty. It
16 is a deficiency in the manufacture and has never been
17 commissioned," is that a true statement?

18 A I don't even know what he's talking about.

19 Q Are the -- were -- the repairs to those
20 systems, were those warranty issues in February of
21 2014 or were these still contractual obligations?

22 A I don't know what systems he's referring to
23 in that statement. He says "My systems." What
24 systems?

25 Q Well, earlier in the e-mail he talks about

1 the Kabola system; correct?

2 A Yes.

3 + Q So was -- the Kabola system, in February 19,
4 2014, were those warranty repairs that PAE still had
5 to do or were those contractual obligations that had
6 not yet been fulfilled?

7 MR. CONNER: Objection. That is a
8 nonsensical question. A warranty is a contractual
9 obligation. So don't answer that question.

10 MR. BROWN: What is your objection that
11 you're instructing your client on?

12 MR. CONNER: The question is nonsensical.

13 MR. BROWN: And you think nonsensical is an
14 objection that you can instruct your client not to
15 respond on?

16 MR. CONNER: Yeah, I do.

17 BY MR. BROWN:

18 Q Okay. Are you going to follow your
19 attorney's advice?

20 A Yes.

21 Q The repairs that PAE still had to do on the
22 Kabola heating system on February 19, 2014, were
23 those warranty repairs?

24 A I don't know what actually was done on that
25 system. I know that the system was taken out and

1 moved, so I think it was being upgraded. But at that
2 point there was no discrepancy on whether or not the
3 heating system was our responsibility. We just
4 hadn't received a quote to do the work yet.

5 Q So the heating system was PAE's
6 responsibility?

7 A Yeah.

8 Q Who were you waiting on the quote from?

9 A There was a quote from Tri-Shore, I think,
10 or Captain Mark had the quote and he hadn't shared it
11 with us at this time.

12 Q So it's your understanding that PAE couldn't
13 finish commissioning the Kabola system until they got
14 a quote from --

15 A I'm just reading what I read in this
16 document, the response from Dan. So I don't have a
17 clear recollection of that time frame and what was
18 actually going on, but I can only assume that this --
19 what Dan said was the response to this.

20 Q On February 19th, 2014, were there still
21 commissions on the vessel that had not been
22 commissioned?

23 A Other than the Kabola, I don't -- I'm not
24 aware of any, but I don't know if everything was
25 totally finished or if it was in the process. We

1 were waiting for the subcontractors to show up. I
2 know that the oily water separator had been worked on
3 and there was something that -- that might have been
4 the fuel centrifuge. I think the oily water
5 separator was working.

6 Q When PAE hauled out the vessel to Delta
7 Marine Services in Washington, what was the intent?
8 What was PAE going to repair or work on at Delta
9 Marine?

10 A The major thing was the Cathelco, to fix the
11 leak. Then there was some scratches on the bottom
12 that occurred during the delivery and there was a
13 broken fin -- stabilizer fin that had to be replaced
14 and there was a -- I think there was a transducer
15 depth -- or a speed transducer up on the bow that
16 needed to be looked at or replaced, and that was --
17 that was the main reason. Those were the main
18 focuses.

19 Q Were those the only items on the punch list
20 or deficiency list at that time?

21 A For Delta to work on?

22 Q Well, just generally for the vessel.

23 A No. There would have been other items.

24 Q When did PAE intend to resolve those?

25 A As soon as possible. We sent people to

1 Delta to work on some of them. I don't know which
2 ones were done up there at Delta, but there was some
3 work done by our guys and some subcontractors that
4 came.

5 Q Does it usually take six months for PAE to
6 work through a deficiency list?

7 A It can, yeah.

8 Q Is that typical?

9 A Depends on the circumstances of the boat.
10 It's kind of hard -- sometimes it's hard to get our
11 people into Canada, so we have to use subcontractors,
12 and they -- you know, we can't really predict when
13 they're going to be available, but we do our best to
14 get the boat done as quickly as possible. It's not
15 in our interest to let the thing sit forever. We
16 don't get paid.

17 MR. BROWN: I am handing the witness a copy
18 of a document that was previously marked and
19 identified as Exhibit 92. I'm handing a copy to
20 counsel as well.

21 Q Mr. Leishman, please take a look at the
22 document. Let me know when you're finished.

23 A Okay.

24 Q Do you recognize this document?

25 A Yeah.

1 Q What is it?

2 A It's e-mail between -- well, Trever and Bob
3 and Dan and Bob after the boat was delivered to the
4 boathouse.

5 Q Does this appear to be a true and correct
6 copy of the document you just described?

7 A Yes.

8 Q This was just after the boat was delivered
9 to Canada; right?

10 A It looks like it, yeah.

11 Q Approximately a week after?

12 A Uh-huh. Yes.

13 Q Do you see in the e-mail that Robert Conconi
14 sent to Dan Streech on September 6th, the third
15 paragraph in, he says, "At this moment we have a boat
16 with mold growing in every sink and bathroom, dirty
17 carpets, food left everywhere, stained sheets, and a
18 lot of" -- should say non-operating systems. Do you
19 see that?

20 A Uh-huh. Yes.

21 Q Is that the condition that PAE left the boat
22 in?

23 A No.

24 Q Was there mold growing in sinks and
25 bathrooms?

1 A No.

2 Q Were there dirty carpets?

3 A There was a few stains on the carpet,
4 primarily where Bob spilled coffee.

5 Q Was there food left everywhere?

6 A No. There was food -- some food in the deep
7 freezers in the lazarette and there possibly was some
8 food in the Sub-Zero refrigerators.

9 Q Were there stained sheets?

10 A There was one set of sheets that had a
11 little blood stain on them from -- somebody cut
12 themselves or scratched or something, which was on
13 the list to be replaced, and Destry Darr was going to
14 replace it.

15 Q Then do you see where in the first paragraph
16 Mr. Conconi says, "To put it simply" -- well, he
17 says, "Please do a review of our arrangement and when
18 delivery was to happen and what was included." And
19 then it goes on to say, "To put it simply, here are
20 the keys. It is perfect and flawless. The fuel
21 tanks are full and we there are no outstanding
22 issues. At that moment, any money I owe you and you
23 owe me would be accounted for and the finalization of
24 the purchase contract would take place." Do you see
25 that?

1 A Yes.

2 Q Was that your understanding of what was
3 supposed to happen during the delivery and before
4 final payment?

5 A Fuel tanks full was not in the deal and -- I
6 mean, it would be the goal to have everything perfect
7 and working flawlessly, but on a boat of that
8 complexity, it's probably never going to come true.
9 That would be the goal. Definitely not the fuel
10 tanks full.

11 Q Then Trever Smith responds, reading in the
12 second paragraph there, "The remainder of the work
13 list are normal items and we will get these all done
14 in the most timely manner as possible." Do you see
15 that?

16 A Yes.

17 Q Do you recall having any conversations with
18 the other PAE primaries about when PAE believed they
19 could do these repairs and what "most timely manner"
20 meant?

21 A I think it just meant as soon as practical.
22 The sea chest repairs required a haul-out and it was
23 difficult to find a facility in that area that could
24 haul the boat, you know, any quicker than we did at
25 Delta. So that took more time than we had hoped.

1 Q Do you recall when the haul-out to Delta
2 occurred?

3 A It was in late October.

4 Q Then Trever Smith says there in the last
5 paragraph, "It will be perfect as planned." We just
6 need -- we just -- well, it's a typo. We just need a
7 little time to dial everything in before the official
8 handover. What do you think he meant?

9 A I think he just meant we need to, you know,
10 make sure everything is working properly.

11 Q Because it was PAE's responsibility to
12 ensure that the equipment is installed and working?

13 A To the insurer?

14 Q To ensure that the equipment is installed
15 and working properly.

16 A Well, yeah. I mean, most of it, but some of
17 it we couldn't really take responsibility for. Like
18 electronics, we didn't -- we didn't get involved in
19 the installation of that. We didn't -- Bob set that
20 up on his own with his own guy, James Turnbull.

21 Q Is that the Boning system?

22 A No. The Boning system -- James was a little
23 bit involved in the Boning, but the Boning was an
24 outside company. I forget the name, but Boning was
25 Bob's choice for the vessel monitoring system instead

1 of the InteliSea that it was contracted for.

2 Q Do you know whether Bob Conconi made that
3 choice based on a recommendation from Trever Smith?

4 A Trever didn't recommend it. Trever went
5 along with it. Trever knew the gal, Eva Chu, who was
6 working for the company Boning at the time and
7 trusted Eva, but didn't -- you know, I don't think
8 Trever said, Hey, Bob forget the InteliSea. Look at
9 this system. It's better. Because we wouldn't do
10 that. We know InteliSea. It's been -- it's probably
11 the No. 1 monitoring system in the world for big
12 boats. So I don't -- I mean, Bob went and got sold
13 by Eva and the person there that was demonstrating
14 the Boning system at Lauderdale and I think that was
15 what his decision was based on, not what Trever said.
16 Trever just didn't object to it and he had no reason
17 to at the time. It sounded like a great system.

18 Q What did Trever Smith mean by "before the
19 official handover"?

20 A I don't know what he meant by "the official
21 handover."

22 Q Did he mean delivery?

23 A You could interpret it as that. I don't
24 know. Official handover -- yeah. I mean, when Bob
25 finally paid the balance due, I suppose that would be

1 the official handover or when Bob took control of the
2 boat and started using it. I don't know.

3 Q Do you know what he meant by "the remainder
4 of the work list are normal items"? What are normal
5 items?

6 A Just things that require adjustments or kind
7 of low level, not real technical issues that might be
8 there. There was some -- I think there was some
9 vents and things that we needed to put in, some
10 exterior doors, there was some cleaning that needed
11 to be done. As a result of the Cathelco leaking, you
12 know, it put some saltwater and stuff in areas that
13 need to be cleaned up.

14 Q Was that Cathelco failure a normal item?

15 A The Cathelco failure was totally not normal.
16 But after it was fixed, the other items that resulted
17 from the Cathelco failure were just normal
18 cleanup-type things.

19 Q To the best of your recollection, did Delta
20 Marine fail to fix some items that it initially
21 agreed to fix?

22 A That's -- that was a surprise to us. They
23 didn't paint the bottom -- do the bottom paint
24 touch-up that we thought that they agreed to do. And
25 they argued that, well, we tried to get to it. We

1 just didn't have time. So I guess the agreement with
2 Delta, from their point of view, was that they hoped
3 they could get to that. Our understanding was that
4 for sure you had to get to that. That's one of the
5 reasons why we hauled the boat. It was a
6 misunderstanding. They didn't paint the bottom and
7 they felt bad. They gave us a credit. I think they
8 were going to haul the boat out -- it was either for
9 free or for half price next time the boat was to be
10 hauled out. It was a minor -- some minor blemishes,
11 a scratch from the chain on the bulbous bow and some
12 little scratches on the bottom. It wasn't a
13 structural thing. It was just cosmetic. So we
14 weren't that concerned about it. Bob didn't seem to
15 be that concerned about it either. But yeah, they
16 didn't paint the bottom.

17 Q Did Mr. Conconi grow frustrated at the pace
18 of the repairs as the months wore on?

19 A He seems to have based on the last e-mail
20 that we read, but -- I mean, he might have been. He
21 never expressed that to me personally.

22 Q Did he express it to anyone else when you
23 were present or in an e-mail that you were cc'd on?

24 A Nothing -- this was February 19th. So this
25 was a pretty -- this was the most, you know, upset

1 that I'd seen him. Now, we were dealing a lot with
2 the Captain Mark and Captain Mark wasn't -- didn't
3 seem to be too stressed out. You know, he's kind of
4 seen this stuff before. He knows they were going to
5 use the boat starting in April or March or something.
6 So things were progressing at a pace where they were
7 going to be able to use the boat, as far as I know.

8 MR. BROWN: I'm handing the witness a copy
9 of a document that was previously marked and
10 identified as Exhibit 130. Also giving counsel a
11 copy.

12 Q Mr. Leishman, please review that document.
13 Let me know when you're finished.

14 A Okay.

15 Q Do you recognize Exhibit 130?

16 A Yes.

17 Q What is it?

18 A It's an e-mail between Bob and Jim. Bob
19 Conconi and Jim.

20 MR. CONNER: Let's take a break.

21 MR. BROWN: Can he finish answering the
22 question before we take a break?

23 MR. CONNER: Do you have anything further to
24 say?

25 THE WITNESS: That was the question and I

1 answered it.

2 THE VIDEOGRAPHER: Off the record?

3 MR. BROWN: Yes.

4 THE VIDEOGRAPHER: The time is 2:45 p.m. We
5 are off the record.

6 (Recess.)

7 THE VIDEOGRAPHER: Back on the record. Time
8 is 2:59 p.m.

9 BY MR. BROWN:

10 Q Mr. Leishman, does Exhibit 130 appear to be
11 a true and correct copy of the document that you
12 identified prior to us going off the record?

13 A Yes.

14 Q Have you reviewed the inspection report that
15 Steve D'Antonio, Marine Consulting, created?

16 A At the time I did.

17 Q Have you had a chance to review it since
18 then?

19 A No.

20 Q Do you recall having any meetings with any
21 of the other PAE primaries, I guess including Trever
22 Smith, about that report?

23 A Trever and I looked at it.

24 Q Did you all come to any conclusions about
25 the report?

1 A No, nothing -- I don't know. What do you
2 mean by "conclusions"?

3 Q Well, did PAE agree to correct any of the
4 deficiencies and make repairs as a result of that
5 report?

6 A Yeah, I think we -- yes, we agreed to a lot
7 of it, not all of it.

8 Q Do you recall what you and Trever Smith
9 discussed about it?

10 A I don't. Only the items at -- there was
11 different categories that D'Antonio, you know, files
12 his findings under. So there's some that are just
13 suggestions or observations and others that are a
14 little bit more important than that, then there's
15 others that are like safety items. So any one that
16 was not just an observation or a recommendation, we
17 paid close attention to and probably did most, if not
18 all, of those.

19 Q Do you recall how Steve D'Antonio annotated
20 those in his report?

21 A I think it was a lettering system; A, B, C,
22 D.

23 Q If all the A -- all the A items were the
24 safety items, PAE agreed to correct all those?

25 A I would think so, unless there was just

1 something that we didn't -- totally didn't agree
2 with. But yeah, if it was -- usually if he points
3 something out like that, it's correct. He's good.

4 Q On that second category that you described
5 that's not an observation or a safety item, did PAE
6 agree to --

7 A I think so. I think we did a lot of it.
8 You know, a lot of his findings were maintenance-type
9 things that would be normal maintenance kind of
10 stuff.

11 Q Have you seen the wood survey that Offshore
12 Interiors did?

13 A I did.

14 Q Were you on the inspection of the N120 that
15 occurred last week?

16 A No.

17 Q The wood on the vessel currently, is that a
18 fit and finish equal to or better than the
19 Westport 112 viewed at the 2009 Fort Lauderdale Boat
20 Show?

21 A I think it is, yeah.

22 Q Was that based on any conversations you had
23 with any of the individuals who were -- other than
24 counsel, who were on the inspection from last week?

25 A I got a report from Jim and Dan and they

1 said it was minor, easily fixed, and not hardly
2 noticeable.

3 Q Was -- did they give you any indication of
4 whether the Offshore Interiors' wood survey was a
5 true and correct account of the condition of the
6 wood?

7 A They -- no. I mean, the survey showed some
8 cracks and they went up and looked and the cracks
9 didn't appear to be anywhere as extensive or as --
10 you know, as serious as what some of the photographs
11 showed in the survey report.

12 Q So were the photographs in the survey report
13 incorrect?

14 A I don't -- I don't think that there was
15 anything in the survey report that wasn't -- that was
16 fabricated. But, you know, certain times you can use
17 certain light to get a result that you want in
18 photography and we've seen it over the years. Just
19 sending pictures to customers, they'll look at a
20 picture and think, oh, my God, you know, the wood
21 looks like it's too stripy or it's this or that, and
22 it's just the lighting. So there might have been
23 some blemishes that really were enhanced by light
24 that you couldn't really even see without a spotlight
25 on it.

1 The cracking, I think typically -- you know,
2 boats you'll get cracks in joiner work. And
3 depending on the humidity and stuff, if the crack
4 develops, it will grow and it will shrink and it will
5 do things with humidity. So possibly it was at the
6 very worst time when the photographs were taken and
7 it might have closed up a little bit since then. I
8 don't know.

9 Q Did they mention anything about fingerprints
10 and handprints being underneath the top coat of
11 the --

12 A They didn't see anything that really stood
13 out that they told me about.

14 MR. BROWN: I've had marked and identified
15 as Exhibit 137 a copy of a summary of deficiencies
16 from Tri-Shore Yacht Services, Limited. I'm going to
17 hand this -- I'm sorry. The Bates stamp number is
18 Conconi 052250 through 052257. I'm handing it to the
19 witness and I'm also handing a copy to counsel.

20 (Exhibit 137 marked.)

21 BY MR. BROWN:

22 Q Mr. Leishman, please take a look at that
23 document and let me know when you're finished.

24 A This, I guess -- go through each item. It's
25 just a list from Devin at Tri-Shore.

1 Q Have you seen this document prior to today?

2 A I think I did when it came in.

3 Q What is this document?

4 A It's a list of what Devin suggests or found
5 that he thinks are deficiencies in the boat.

6 Q Does it appear to be a true and correct copy
7 of the document you just described?

8 A Yes.

9 Q It looks like -- you see in the first
10 paragraph where he states -- and this is Devin
11 Hicks -- "This is a summary of deficiencies found,
12 and the work completed to correct them, on the motor
13 vessel Aurora 2013 between the dates of February 11,
14 2014 to September 30, 2015"? Do you see that?

15 A Yes.

16 Q I'd like to draw your attention to Item 2.
17 It's the -- where Mr. Hicks states, "Sea-fire system
18 incorrectly wired and circuit boards not functioning
19 properly." Do you see that?

20 A Yes.

21 Q Is that sea-fire system the system that you
22 described earlier, the fire suppression system that
23 you tested in Hong Kong?

24 A No.

25 Q What is the sea-fire system?

1 A Sea-fire is an automated fire system through
2 a -- you know, a chemical solution in a bottle that
3 gets triggered in the engine room if a fire breaks
4 out.

5 Q You see where he states, "Engine room intake
6 and exhaust fan baffles would not close at proper
7 time during fire extinguisher sequencing allowing
8 fire suppressant to escape engine room"? And he goes
9 on to say, "Found a wiring fault inside terminal
10 strip causing control board to malfunction." And in
11 parentheses he has "shipyard installation."

12 A Yes.

13 Q Did you commission the sea-fire system?

14 A No, I didn't.

15 Q Do you know who commissioned the sea-fire
16 system?

17 A It would have been the factory.

18 Q Is that one of the three individuals you
19 described earlier?

20 A Yeah.

21 Q Mr. Wu (sic), Joe or --

22 A Joe, probably his name. I think this system
23 was part of the ABS, you know, inspection.

24 Q Are you certain?

25 A ABS requires a fire system, so I'm certain

1 that they would have signed off on it.

2 Q If that description is accurate -- what I
3 mean by that is if shipyard installation caused the
4 deficiency described here in 2, would that be a
5 warranty item?

6 A That would be a warranty item, yeah.

7 Q PAE would be responsible for fixing that?

8 A We would be, yeah.

9 Q Do you have any reason to believe that that
10 description is not accurate?

11 A I don't have any reason to believe it's not
12 accurate. I don't -- I don't have any reason to
13 believe that it's -- it was an issue. But, you know,
14 I think this guy Devin's a pretty good guy. You
15 know, what he found, he found.

16 Q Can you take a look at Item 3? The topic
17 here is air conditioning system faulting. In the
18 findings he says, "Three out of four chiller units
19 were critically low in refrigerant and leaking from
20 welds and hoses, most likely caused by improper
21 handling during installation."

22 A I see that.

23 Q Do you have any reason to believe that
24 that's not a correct statement?

25 A I don't think that's a correct statement.

1 The air-conditioning worked perfectly for, you know,
2 eight weeks while we were on that boat. There was
3 never any error codes. There was no leaks. Possibly
4 this all happened when they were working on the
5 Kabola system tying it into the -- tying the heating
6 system into the Kabola. I don't know. There was no
7 issue with air-conditioning, so this surprises me. I
8 don't -- I don't think that that -- that his
9 conclusions on -- if they were low on how it happened
10 were a result of installation.

11 Q So you don't think that his conclusion that
12 it was most likely caused by improper handling during
13 installation -- you don't think that's a sound
14 conclusion?

15 A I don't think so, because otherwise it
16 wouldn't have worked when we ran the boat and -- you
17 know, it was hot out. It was 90 degrees. It was
18 cold out, you know, in the 40s, and the system just
19 did a great job. We were down there looking. There
20 was no leaks. There was no error codes. There was
21 no indication of any problems.

22 Q Did you have any issues with the
23 air-conditioning during the --

24 A No.

25 Q -- passage?

1 A We had some confusion on the make-up air
2 units that was resolved and the system worked great.

3 Q But that's not what he's talking about here?

4 A No.

5 Q Can you turn the page and look at Item 4?
6 It says, "Aft port side deck winch leaking hydraulic
7 oil into lazarette."

8 A Yeah.

9 Q The finding is, "The factory had neglected
10 to install vent lines to either deck winch"?

11 A Yes.

12 Q Did you have any opportunity to inspect or
13 take a look at the aft port side deck winch?

14 A The installation, no, I didn't -- I wasn't
15 aware of this.

16 Q Do you have any reason to believe that
17 that's an inaccurate finding?

18 A I don't have -- the finding, I don't have
19 any reason to believe it's not -- I don't know what
20 the instruction manual calls for for the return line,
21 but it's quite possible.

22 Q If that finding is accurate as it's written
23 right there, would that be a warranty item?

24 A Yes. Those winches were used a lot during
25 the trip, especially in Hong Kong and while we were

1 in Xiamen still. So the winches were functioning
2 properly. A little leak, yeah, that's a warranty
3 item.

4 Q Can you take a look at Item 6, "Domestic
5 vacuum system plugged"?

6 A Right.

7 Q The finding there is, "After much
8 disassembly of tubing assemblies for ship's vacuum
9 system, we found substantial blockage from building
10 materials. It became apparent that the ship builders
11 had used the ship's vacuum to clean during
12 construction resulting in several ports providing
13 little or no vacuum." Did you have any issues with
14 the domestic vacuum system?

15 A No. I vacuumed the entire boat before we
16 got into Vancouver and it was all working fine. You
17 know, there could have been some blockage. I don't
18 know if it was building materials or -- you know,
19 there was no indication that there was any blockage
20 anywhere in the boat. We used every -- every one of
21 the inlets or outlets, and also the -- all of the
22 hoses were all wrapped in their boxes. So I doubt
23 that the yard used the vacuum system. They have
24 dozens and dozens of big vacuums that they bring in
25 to the boat, so they wouldn't use the on-board system

1 to clean up their mess.

2 Q Do you know that they didn't use those?

3 A The only people I saw use those systems were
4 the carpet installers from Florida. Two guys came
5 from Florida and they vacuumed up, you know, the
6 remnants of the carpet after they installed it, which
7 shouldn't have blocked the system. But if it was
8 blocked, it was blocked. It would be a warranty
9 item.

10 Q Then on Item 7, which says, "Tender fuel
11 tank under Portuguese bridge has no convenient way to
12 fill." His finding there is that, "The builders had
13 not installed a fill cap and tube on deck to
14 facilitate filling the gasoline tank for tender
15 supply."

16 A I remember seeing that and I asked Trever,
17 and he said that was not correct and that that -- so
18 I don't know about that, but I did question Trever on
19 that one. I remember that because I thought
20 that's -- that's crazy. Well, how could we have done
21 that? And it's not -- it wasn't true according to
22 Trever.

23 Q What did Trever say about that?

24 A He said that it was done. That it was
25 properly installed.

1 Q That was his recollection?

2 A That was Trever's recollection, yeah. Well,
3 you know what it was? Okay. Now -- I probably am
4 kind of speculating on this. Not speculating, but
5 there was a change from -- he changed -- the original
6 tank was going to be a diesel tank, the transfer
7 system from the diesel transfer pump, and then Bob
8 changed his mind and it switched into a gasoline
9 tank. There was a story behind it and I don't know
10 what the rest of the story is.

11 Q So if that finding is true as it's written
12 there, would that be a warranty item?

13 A I don't know. I'd have to let Trever
14 respond on that. I don't know the whole story on
15 that.

16 Q If you take a look on Page 3 at Item 11,
17 this is -- the subject is "Forward fire pump not
18 providing water flow to fire hose system." And then
19 in the second to last sentence of the finding, Devin
20 Hicks states, "These solenoids were found to be
21 corroded to the point where they could not activate.
22 There are stainless steel solenoids available from
23 the same manufacturer, however these were not
24 installed."

25 A Yes.

1 Q Did you have any opportunity to inspect the
2 forward fire pump?

3 A Yeah, we ran the forward fire pump. It
4 worked.

5 Q Do you know what material was used?

6 A For the fire pump?

7 Q Well, for the solenoids.

8 A For the solenoids? It was probably not
9 stainless. Probably was -- probably could have been
10 corroded. But, you know, again, that's -- that boat
11 was delivered, everything was working as far as these
12 kind of systems that were tested at the factory. You
13 know, when was this -- I wonder when this was found.
14 I don't know what day it was, but sometimes you got
15 to go and you got to -- solenoids like that will
16 stick and you got to give them a wrap or you got to
17 spray them with WD-40. So yeah, it -- the solenoids
18 could have been corroded. There was moisture up
19 there in that area.

20 Q Do you recall what the material was that PAE
21 used?

22 A We didn't use it. It was a solenoid off the
23 shelf. It would have been probably just a mild steel
24 solenoid valve that would have been used.

25 Q Was the forward fire pump something that PAE

1 installed?

2 A Yes.

3 Q So was PAE responsible for the installation
4 and demonstration of the systems to the buyer?

5 A And we did demonstrate that system to the
6 buyer. It just needed some maintenance, so I would
7 put that under a warranty item.

8 Q Do you see Item 12 there, "Bilge oil water
9 separator system non-operational"? Is that the same
10 oily water separator that we talked about a couple
11 times?

12 A Yes.

13 Q That is one of the systems that you did not
14 believe was commissioned when the boat left Hong Kong
15 but may have been commissioned in February 2014?

16 A Yes.

17 Q And it says, "Findings: It would seem the
18 system had never been run from the factory after
19 installation. ABS requirements indicate a visual and
20 audible alarm be installed. Much of the plumbing on
21 the system had not been installed properly. The
22 factory had not plumbed in a return line on the
23 optical oil sensor." Do you see that?

24 A Yes.

25 Q Do you still think that this system was

1 commissioned?

2 A I know it was commissioned at one point.
3 Whether it was after this -- this might have been
4 earlier in February, but it was commissioned and
5 working. When, I couldn't tell you. Maybe Devin did
6 it. I don't know, but I know it was on our list to
7 be done and it was done. I don't know how much of
8 the -- this all makes it sound so -- like it was
9 totally incompetence that installed it originally.
10 Probably just some simple little things that needed
11 to be added.

12 Q Do you know if PAE commissioned the bilge
13 oil water separator system?

14 A I don't know. I'm not sure even what's
15 involved in commissioning that system. I don't know
16 who did it.

17 Q If that statement is true as it's written
18 there, would that be a warranty item?

19 A The water separator, if it was -- if it was
20 commissioned and then it was found to be working
21 improperly, it would be a warranty item.

22 Q And if it hadn't been commissioned by PAE?

23 A Yeah, I think it was commissioned by PAE at
24 some point. So whether this -- whatever work he did
25 on it, he had to have -- he says it was -- had not

1 been installed properly. I just consider the oily
2 water separator was something we were going to do
3 when the boat arrived in Vancouver. Everybody
4 understood that. And whether or not it was done in
5 February, I don't know. I don't know when it was
6 done, but it was commissioned. It was worked on. I
7 think we had -- possibly, I think, our guys did some
8 work on it. Justin Jensen might have.

9 Q Are you certain?

10 A Not certain. I'd have to look at the
11 original discussions between Trever and our workers.

12 Q Can you take a look at Item 17? It says,
13 "Shore water hose reel wired incorrectly and stops
14 broken." In the finding it says, "Shore Water hose
15 reel was wired to run hose out as well as in. The
16 hose the reel was built to run the hose in only. No
17 stop was installed allowing the hose to pull in too
18 far and break the stops."

19 A I see it.

20 Q If that statement's true as it's written, is
21 that a warranty item?

22 A I don't really remember the hose reel at
23 all, but if something -- something broke, it would be
24 a warranty item.

25 Q Can you look at Item 22 on the following

1 page? It says, "All three generator mounting bolts
2 have no nuts holding the generators down. This is a
3 major safety issue and oversight by the builder."

4 A Yes.

5 Q Did -- was this one of the items that PAE
6 was going to address from the Steve D'Antonio report
7 or are you seeing this for the first time from this
8 report?

9 A I don't know if Steve D'Antonio reported
10 that. But yeah, that's a warranty item if there was
11 no lock nuts on it. I don't know, but that surprises
12 me. The boats in -- our factory's installed hundreds
13 and hundreds of generators, but maybe they came
14 loose. I don't know.

15 Q On 23 it says, "Access to equipment under
16 flybridge hot tub is inaccessible."

17 A Yeah.

18 Q Do you recall inspecting the hot tub or --

19 A Yeah, I think that's a -- that's an
20 incorrect statement because --

21 Q Why?

22 A I personally went under that hot tub and,
23 you know, looked at it, inspected it. I went in the
24 hot tub a couple times.

25 Q Was the equipment accessible?

1 A Yeah, it was.

2 Q On the following page, can you take a look
3 at Item 28? It says, "Waste treatment system
4 non-operational." I guess like the oily water
5 separator, is that one of the items you said was not
6 yet commissioned when the boat left Hong Kong but you
7 believed it was commissioned as of February 2014?

8 A Yeah, there was a lot of work on that.
9 Justin Jensen worked on it. Mark, the captain,
10 worked on it. So I don't know what Devin found, but
11 that system was commissioned.

12 Q So do you disagree with his finding that it
13 would seem the system had never been run from the
14 factory after installation?

15 A It hadn't been run from the factory after
16 installation.

17 Q It had or had not?

18 A It had not been run.

19 Q So --

20 A Although when it was commissioned, it had
21 been run. I mean, it was tested, but not -- we
22 didn't use it. By the time we left the factory to
23 the time the boat got to Vancouver, they hadn't been
24 run.

25 Q So when was it commissioned?

1 A I would have to look at the work list, but
2 it was definitely on all the lists and it had been
3 worked on. I remember reports from Mark. There was
4 some -- couple wires that needed to be added. Justin
5 Jensen was aware of it and was working on it.

6 Q So that was after the vessel arrived in
7 Canada?

8 A That was after it arrived in Canada.

9 Q Do you believe PAE commissioned that system?

10 A Yeah, I think it was -- probably between PAE
11 and Mark, it was commissioned. It would have been
12 after the boat came back from the Delta yard.

13 Q Do you see Item 30 where it says, "Air
14 handler installation makes maintenance difficult or
15 impossible," and in the finding Devin Hicks states,
16 "Many of the air handlers on board were installed
17 with the maintainable side facing inside its
18 cabinet"?

19 A Yes.

20 Q If that were true, is that a mistake in the
21 manufacture?

22 A No, it's not a mistake. It's a -- it's just
23 one of those things that you have to face when you're
24 building a boat. You can't -- everything can't be
25 exactly in the perfect position. So we -- we got

1 this complaint and we looked at it and we could get
2 to every one of those air handlers. Yeah, there was
3 a couple that you had to -- you know, you kind of had
4 to put your arm in and all you had to do is pull the
5 little screen out, clean it, and put it back in. On
6 that particular one, it was under the wheelhouse
7 stairs. So I think we agreed to get rid of that
8 filter on there and put the filter on the louver
9 door, but the rest of them, completely false that you
10 couldn't get to them to maintain them. All it is is
11 a little screen, a little mesh screen, that you have
12 to take out and then vacuum it. It's not like you
13 have to get in there with a wrench and do anything.
14 It's like changing your heater filter at home.

15 Q So do you disagree with this statement that
16 this makes maintaining the unit extremely difficult
17 and/or impossible?

18 A I disagree with that, yeah.

19 Q You don't think that the air ducting,
20 plumbing, and wiring would have to be completely
21 reinstalled?

22 A No. I disagree with it, as do the Cruiseair
23 people that built the system and inspected it when it
24 was done in China and when it was delivered to
25 Vancouver.

1 Q Who was that again?

2 A Ben Hayes from -- Haines from Cruiseair, the
3 manufacturer of the air-conditioning.

4 Q What did you recall Ben Haines finding?

5 A He said, yeah, that some of the air
6 handlers -- if in a perfect world you could put the
7 filters right in front of the door where you open the
8 door and change it, that's fantastic. But certain
9 arrangements of furniture and ducting, you kind of
10 got to turn them sideways so that you don't eat up
11 all the interior. So it can be less than optimal for
12 servicing, but it's not impossible. And he -- yeah,
13 compared to 90 percent of the boats that he sees out
14 there, this is just normal.

15 Q Do you recall -- I know you just gave an
16 example of why it would be installed that way. Do
17 you recall that being the reason why it was installed
18 that way on the 120?

19 A It would have been -- they would have
20 installed it in the orientation that made the most
21 sense to them as far as the joiner work goes and the
22 ducting, the routing of the ducting.

23 Q So you disagree that this was a major
24 oversight by the factory?

25 A I disagree.

1 Q Can you take a look at Item 32? "Fuel oil
2 polishing system non-operational." His finding is
3 that, "The system had never been run from the factory
4 after installation."

5 A That's false.

6 Q Why do you believe that's false?

7 A Because I ran the system personally. We ran
8 it all the way to Adak and then, like I said, it spun
9 a bearing or somehow it acted up, so we turned it
10 off. I remember talking to the fellow that went down
11 and fixed it. I had long conversations with him. We
12 actually had to fly him in from -- fly him in from
13 somewhere way up in Canada, but yeah, that was a
14 warranty item.

15 Q That repair that you just described, that
16 happened after the vessel arrived in Canada?

17 A Yes.

18 Q So do you disagree that -- so did you
19 believe that PAE commissioned that system?

20 A Yes.

21 Q In Canada?

22 A In China.

23 Q In China. Okay. So any operational failure
24 of that system was a warranty item?

25 A It was a warranty item.

1 Q We've already talked about this a little
2 bit, but can you take a look at Item 33? It says,
3 "Many areas of the wood finish on the interior of the
4 boat's hardwood decks, wall sections, and doors were
5 not finished correctly." It references that Offshore
6 Interiors' report?

7 A Yes.

8 Q Devin Hicks finds that this will entail a
9 major multi-step refinishing job on many areas of the
10 interior. Would you agree with that?

11 A No.

12 Q What do you think it would entail?

13 A Well, according to the guys that inspected
14 it, Jim and Dan and the shipyard owner that built the
15 boat, it would probably take three or four guys maybe
16 two and a half to three weeks to do all the
17 corrections. You know, I don't even know what
18 "finished" -- "were not finished correctly" and what
19 "major" even means. That doesn't mean anything. To
20 me if I was doing the job, it would be major. If our
21 factory was doing it, it's minor.

22 Q You don't consider the manpower hours of
23 three to four guys over two and a half to three weeks
24 being a major job?

25 A No. We do that all the time.

1 Q You said that the shipyard owner, that was
2 his estimate. Was that Tsai Wan Sheu?

3 A I think that's what he said, yeah. I wasn't
4 there. I got that from Jim.

5 Q Can you take a look at Item 37? It says,
6 "Fuel transfer pump plumbing inadequate for
7 transferring fuel to day tank." This finding is,
8 "After having major issues with the fuel transfer
9 pump, it was found that the size of the plumbing from
10 the pump manifold to the day tank was too small
11 causing the pump amperage to rise to a point where an
12 overload shutdown would occur."

13 A I see that.

14 Q Did you have a chance to inspect the fuel
15 transfer pump plumbing?

16 A No. We used the fuel transfer pump all the
17 way from Adak to Vancouver. I think there's a story
18 behind this. I don't know it, but I don't think this
19 conclusion is correct. Trever knows more about that.

20 Q Have you had any conversations with Trever
21 about this?

22 A I vaguely remember him saying that that was
23 not a correct conclusion.

24 Q Do you recall what he said?

25 A No, I don't recall, but there -- there was

1 an explanation or something that was causing that
2 thing to trip, but it wasn't the size of the
3 plumbing.

4 Q When you were on the boat, you didn't have
5 any problems or you don't recall any problems with
6 the fuel transfer pump?

7 A No, we didn't have any problems, because we
8 had to use that when the centrifuge quit working.
9 That was our only way to transfer fuel to the day
10 tank and we used it for two weeks after that, so --

11 Q Then do you see Item 39 where it says,
12 "There is a live, unterminated wire under the crew
13 stairs"?

14 A Yeah.

15 Q Do you know what wiring is under the crew
16 stairs?

17 A I don't know. You know, there's lots of
18 wires on the boat that sometimes are run and aren't
19 used. I don't know what that would have been. Live.
20 I don't know.

21 Q Normally when there's wiring that's not
22 eventually used, is it somehow capped?

23 A It should be, yeah. Yeah, we would want
24 that capped and identified, if possible.

25 Q So if that statement as it's written there

1 is true, would that be a warranty item?

2 A Yeah.

3 Q You see Item 42 where it says, "The FB wet
4 bar, lazarette, and many other receptacles lack GFI
5 protection"?

6 A I don't know if that's true. All of our
7 breakers are GFI protected that service those, so I'd
8 have to confirm that. I don't know if that's true.

9 Q What is GFI protection?

10 A The circuit breaker itself where the power
11 to the wiring goes out to the outlet, that's a GFI
12 protected breaker so it would protect the outlet.
13 But, again, that's -- a lot of times that's what we
14 have and I think that's what we found on this. I
15 talked to Trever and I believe that that's what the
16 solution was there.

17 Q Is that a warranty item?

18 A I don't think there was any action taken.

19 Q So that wouldn't be a warranty item?

20 A If there was not a problem. If the circuit
21 breaker was a GFI breaker, then you wouldn't have to
22 do anything.

23 Q You think that that's --

24 A I think so, yeah. I couldn't swear to that,
25 but I think that's what Trever told me and I -- you

1 know, we build all of our boats to ABYC and
2 Australian standards. So those are easy things. We
3 don't overlook that kind of stuff. I mean, the
4 outlet probably doesn't have a test switch on it like
5 you see in your bathroom, but it would be protected.

6 Q Can you take a look at 45? It says, "Hot
7 tub blows circuit breakers and does not function
8 properly." Mr. Hicks' finding is, "After diagnosing
9 the hot tub circuit protection system and
10 transformer, we found the factory had installed
11 electronic relays instead of contactors to switch the
12 240 volt loads for three heating elements."

13 A I see that.

14 Q Did you have any chance to inspect the hot
15 tub circuit breaker?

16 A We used the hot tub a couple of times. I
17 used it in Hong Kong and we used it when we were in
18 Adak and it heated and it worked. But, you know,
19 maybe these relays worked -- if that's indeed true --
20 I don't have any reason to believe it's not. Maybe
21 they wore out or they got -- sometimes electronic
22 circuits can get weaker as they're used. So this
23 would be a warranty item if it was true.

24 Q So is it possible that PAE installed
25 electronic relays instead of contactors?

1 A It's possible. I'm not an expert on the
2 electrical wiring of such a device, so I don't know
3 if there was a mistake or if that's wrong or if it's
4 just another way to do it.

5 Q Then the final item is Item 51. It says,
6 "Galley and aft deck countertops broken." The
7 finding was that, "Multiple edges and bullnose pieces
8 were found broken off on the granite countertops in
9 the main galley and on the aft deck due to poor
10 adhesion during installation."

11 A Never heard of that one. I know on the wet
12 bar there was a little chip on the granite. There's
13 a lift-up cover over the sink, but I never heard
14 anything about the galley or the aft deck.

15 Q If those breaks, those failures in the
16 granite were due to poor adhesion, would that be a
17 warranty item?

18 A If it was determined that it was an
19 installation error, it would be a warranty item. If
20 it was something that was dropped on it, who knows.

21 Q Did you ever become involved in, I'll just
22 say generally, customer service after a vessel is
23 delivered?

24 A I'll answer questions a lot of times for
25 people, but customer service like -- I'll do anything

1 for any customer if I'm asked, but that's not my area
2 of responsibility.

3 Q What are some of the things that PAE does
4 for its customers after the delivery of a vessel?

5 A Oh, provide parts, provide drawings, you
6 know, just general questions they might have about
7 something on the boat. What's the air draft of the
8 boat, that type of thing.

9 Q Sorry. I want you to refer back to that
10 report, Exhibit 137, one more time. Do you see on
11 the last page, the last paragraph, Devin Hicks says,
12 "I would refer you to the list of Steve D'Antonio.
13 At the time of this report, all 23 of the 'A' items
14 have been rectified leaving 24 'B' items and 107 'C'
15 items remaining"?

16 A Yes.

17 Q Did PAE agree to rectify any of those 24 B
18 items or 107 C items to your knowledge?

19 A Did we agree to -- did we agree to do them?
20 I don't know if we agreed or we disagreed with them.
21 We probably disagreed with them, so we didn't do
22 them, but I don't think we denied them being done.
23 If there was something that was in dispute, we would
24 have looked at it. But the B item, I can't remember
25 what his terminology for it is. It's a suggestion.

1 C items are just observations. Yeah, so there was
2 some items on the B list that we said, you know,
3 that's just not necessary.

4 Q Do you believe that PAE has completed
5 repairs or addressed all of the deficiencies
6 identified in the Steve D'Antonio report that PAE
7 agreed to?

8 A I think we've done our job on that. But I,
9 again, was not the lead guy on that, so I couldn't --
10 I couldn't tell you exactly what was done and what
11 wasn't done.

12 Q Do you think that there are any remaining
13 issues on the 120 that PAE's responsible to address?

14 A There probably are warranty issues right now
15 that we would love to address. There's the woodwork.
16 There's things that I'm sure we don't even know about
17 that we'll be happy to address.

18 Q Okay. Thank you, Mr. Leishman. I think
19 those are all the questions I have for you today.

20 I would propose that we relieve the court
21 reporter of her duties under the Code. I would
22 propose that the original transcript be sent to PAE's
23 counsel, who will then forward it to Mr. Leishman,
24 who in turn shall have -- do you want 20 days again?

25 MR. CONNER: Sure.

1 MR. BROWN: Who shall have 20 days to review
2 the transcript, make changes, then forward the
3 transcript to my office, and notify me of any and all
4 changes made under separate cover. My office shall
5 maintain the original of the transcript and agrees to
6 make it available at the time of trial or any other
7 pretrial proceeding. I would further propose that if
8 for some reason the original is lost or displaced,
9 the parties may use a certified copy of the
10 transcript at the time of trial or other proceeding
11 as if it were the original.

12 MR. CONNER: So stipulated.

13 MR. BROWN: So stipulated.

14 THE VIDEOGRAPHER: Time is 3:43 p.m. This
15 is the end of the videotaped deposition of Jeffrey
16 Leishman, Volume 1, dated October 6th, 2015. We are
17 off the record.

18 (Deposition concluded at 3:43 p.m.)

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DECLARATION UNDER PENALTY OF PERJURY

I, JEFFREY LEISHMAN, do hereby declare under penalty of perjury that I have read the foregoing transcript of my deposition; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this ____ day of _____,
20____, at _____, _____.
(City) (State)

JEFFREY LEISHMAN

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REPORTER'S CERTIFICATION

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: _____

MARIALENA SALA

CSR No. 10972

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