

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

ANDREW PROVENCIO, a single)
man,)

Plaintiff,)

vs.)

TIFFANY YOUNG and MATT YOUNG,) CV2015-002274
Husband and Wife, JOHN AND)
JANE DOES I-X; ABC)
CORPORATIONS; AND XYZ)
PARTNERSHIPS,)

Defendants.)
-----)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
PRELIMINARY INJUNCTION HEARING - DAY 2

BEFORE THE HONORABLE RANDALL WARNER

Phoenix, Arizona
March 17, 2015

Reported by:

Crystal Hereford, RPR

Certified Court Reporter No. 50893

(COPY)

T E S T I M O N Y

WITNESS:

PAGE:

TERI MASTERSON

Direct Examination by Mr. Rivera. 4
 Cross-Examination by Mr. Matura 43
 Redirect Examination by Mr. Rivera 62

DARIN GUTHRIE

Direct Examination by Mr. Matura. 70
 Direct Examination by Mr. Young 97
 Cross-Examination by Mr. Rivera 98
 Redirect Examination by Mr. Matura. 113

BEEJAN JANKA

Direct Examination by Mr. Matura. 116
 Cross-Examination by Mr. Rivera 138
 Redirect Examination by Mr. Matura. 152

TIFFANY YOUNG

Direct Examination by Mr. Matura. 155
 Cross-Examination by Mr. Rivera 211
 Redirect Examination by Mr. Matura. 267

1 Q. Let me stop you there.

2 A. I was paid --

3 Q. Let me stop you there. Is this a personal
4 transaction between you and Andy?

5 A. None of these are personal, because he
6 controlled the joint venture, therefore the investment
7 capital that went into DMC.

8 Q. Ms. --

9 A. There is no -- there is no separation --

10 Q. Mr. Provencio never stole \$222,000.

11 A. He absolutely did. Absolutely.

12 Q. And then why in your affidavit do you say
13 because of possible conversion of assets? As of the
14 date of your affidavit, you said there was possibly a
15 conversion of assets.

16 A. No question about it. Let's talk about
17 that.

18 Q. What evidence do you have, as you sit here
19 in front of the Court today, that Mr. Provencio -- let
20 me put it differently, and then we're going to move on.
21 You don't have any evidence.

22 A. I do.

23 Q. You haven't presented any evidence through
24 counsel or through the testimony today to establish that
25 Mr. Provencio stole \$222,761 from the company.

1 A. I would like to present that right now.

2 Q. Well, Mr. Matura -- and I would invite him
3 to --

4 A. I --

5 Q. -- to bring that up when he gets to ask
6 questions. Okay?

7 So let's talk about Exhibit 12. Do you
8 still have Exhibit 12 in front of you?

9 A. 38, 13, 12. Yes. I have 12.

10 Q. By the way, Exhibit 11, that's the
11 unanimous consent of the directors, I believe. I'll
12 pull it out, and we'll talk about it more specifically.
13 But is it your testimony now that you auto signed that?

14 A. You mean this document right here?

15 THE COURT: Why don't you show her
16 Exhibit 11.

17 BY MR. RIVERA:

18 Q. Yeah. That was an unfair segue.

19 A. This one?

20 Q. That is Exhibit 11. Yes. Did you auto
21 sign that?

22 A. We did both a handwritten -- I remember
23 signing documents in Joe's office right around the same
24 time that we had originals. Those originals have yet to
25 be located. Wherever those are, we don't know.

1 calendar, but we were there. Yeah.

2 Q. You were late.

3 A. Okay. I was -- well, I'd have to look at
4 the calendar, but I don't think so. I could have been,
5 five minutes. It doesn't mean that we don't move
6 forward with our board meeting for DMC, which has
7 critical issues that need to be solved.

8 Q. Your minutes -- and I can pull them out if
9 you need me to -- that you prepared of your meeting with
10 your husband where you unilaterally kicked Andy out of
11 the presidency, reduced his shares in the company, and
12 kicked him out as a director said that it was pending an
13 investigation.

14 A. Uh-huh.

15 Q. And that occurred on December 22, 2014 --

16 A. It was ratified on the 22nd. The actual
17 meeting that occurred --

18 Q. I didn't even --

19 A. -- was on the 15th.

20 Q. -- ask my question yet, ma'am.

21 A. Sorry.

22 Q. It's now been January, February, March,
23 nearly three months later, and you still have not
24 presented any evidence that my client stole money from
25 the company, have you?

1 A. I would like to present that now, if I
2 could.

3 Q. As of this moment, it -- as of this
4 moment --

5 A. But I have so much to talk about.

6 Q. As of this moment --

7 A. As of this moment, no.

8 Q. -- you haven't presented that, correct?

9 A. No. But I did turn this file over to the
10 Gila County Prosecutor's Office, and I'll tell you why I
11 did that. It was --

12 Q. No. I didn't ask.

13 The reports that Mr. Blumenthal requested,
14 he requested very basic corporate accounting
15 information, separate profit and loss statements for the
16 companies of January and February 2015. The digital
17 versions must be in a format that can easily be
18 accessed. He also asked for a listing of DMC's accounts
19 payable as of January 31, 2015 and February 28, 2015.
20 As of this moment, have you not complied with
21 Mr. Blumenthal's order or given him that information,
22 correct?

23 A. No.

24 THE COURT: I'm sorry. No, not correct?
25 No --