IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO. CACE 22001852

KAMEKA MANAGEMENT SOLUTIONS, INC. and ERYCK DZOTSI,

Plaintiffs,

v.

16260 SADDLE CLUB ROAD, LLC, RYAN BURKE, VEW LIVE, LLC and 2045 SW 127th AVENUE, LLC,

Defendants.

_____/

PLAINTIFFS' VERIFIED MOTION FOR AN ORDER TO SHOW CAUSE WHY RYAN BURKE SHOULD NOT BE HELD IN CRIMINAL CONTEMPT AND MOTION TO VACATE ORDER GRANTING MOTION TO QUASH

Plaintiffs, KAMEKA MANAGEMENT SOLUTIONS, INC. and ERYCK DZOTSI, by and through undersigned counsel, and pursuant to Fla. R. Crim. P. 3.830 and 3.840, hereby move (i) for an order to show cause why Defendant RYAN BURKE ("BURKE") should not be held in criminal contempt for perjury in connection with his in court testimony on August 21, 2023, and deposition testimony on February 23, 2023, provided in support of Defendants' Motion to Quash Service of Process, Set Aside Default and Order of Sale, and (ii) to vacate the August 23, 2023 Order Granting Motion to Quash, and state as follows:

INTRODUCTION AND SUMMARY OF ARGUMENT

The Plaintiffs obtained a default final judgment against BURKE and the corporate co-defendants in this action. The Defendants then sought to quash service and vacate the default and default judgment on the basis that BURKE was in Las Vegas, Nevada on the date that the process

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server certified she had served him at his home in Sunrise, Florida. After conducting an evidentiary hearing, based on BURKE's testimony this Court granted Defendants' motion and vacated the final judgment. As established herein beyond a reasonable doubt, BURKE committed perjury and submitted a forged document into evidence in furtherance of Defendants' motion to quash service.

Therefore, Plaintiffs seek an order vacating the order granting Defendants' motion to quash, reinstating the final judgment and awarding Plaintiffs their attorneys' fees and costs incurred defending the motion to quash. Further, the Plaintiffs request that the Court issue an order to show cause to BURKE as to why he should not be held in criminal contempt.

THE PERTINENT FACTS

Background

1. BURKE was personally served with the summons and complaint in this matter on April 11, 2022.[1]

2. On July 12, 2022, this Court entered a default final judgment on all counts of the Complaint against BURKE and the corporate co-defendants owned and controlled by BURKE.

3. On November 22, 2022, the Defendants filed their Motion to Quash Service of Process, Set Aside Default and Order of Sale ("Defendants' Motion") arguing that, "the Defendant RYAN BURKE was in Las Vegas, Nevada on April 11, 2022."

4. Defendants' Motion was supported by a sworn affidavit signed by BURKE, dated October 17, 2022. A true and correct copy of BURKE's Affidavit is attached hereto as **Exhibit A**.

[1] The corporate co-defendants owned and controlled by BURKE were also served on April 11, 2022 by serving BURKE as their registered agent and officer.

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Burke Testimony And Evidence

5. In his Affidavit, BURKE attested that:

> 2. On April 11, 2022, I was not present at my residence located [redacted]
>
> 3. I was present in Las Vegas, NV on business from April 1, 2022 until my return to my residence on April 14, 2022.

6. During BURKE's sworn deposition provided in support of Defendants' Motion, BURKE testified as follows:

> Q. Okay. Where were you on April 11, 2022?
>
> A. Las Vegas.
>
> Q. What was the purpose of your trip?
>
> A. Grammys ceremony.
>
> Q. Was that the only purpose?
>
> A. That was the -- that was the reason for -- for my trip.
>
> Q. Okay. Was that a business trip or a vacation?
>
> A. Business.
>
> Q. And how long were you in Las Vegas?
>
> A. From the 1st to the 14th.

(Transcript of the deposition of Ryan Burke, dated February 23, 2023, at p. 17, l. 21 – p. 18, l. 7). A true and correct excerpt of the transcript is attached hereto as **Exhibit B**.

7. An evidentiary hearing was held on Defendants' Motion on August 21, 2023. A true and correct copy of the hearing transcript is attached hereto as **Exhibit C**. During the hearing, BURKE provided the following sworn testimony:

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Q. Okay. So you checked in April 1st, and you checked out April 4th?

A. That is correct.

Q. Okay. During -- between April 4th and April -- April 9th, did you stay with any friends or relatives?

A. I did.

Q. Okay. Did you check back in to that hotel on April the 9th?

A. I did.

(p. 10, ll. 5-14).

Q. Okay. And does that show that there was a departure from Miami to Las Vegas on American Airlines Flight 462?

A. Yes, it does.

Q. And does that indicate that $817.20 was charged to your account for that purchase?

A. Yes, it does.

Q. Would you look at Exhibit 6? Does Exhibit 6 show the return from Las Vegas to Miami?

A. It does.

Q. And what date did you return?

A. April 14, 2022.

(p. 10, l. 19 – p. 11, l. 5).

Q. Or debit card. I'm sorry. And does that show that a debit card purchase on American Airlines flight, round trip, you made April 1st, returning April 14th of $817.20?

A. That's correct.

(p. 11, ll. 21-25).

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Q. Okay. You're familiar with the penalty of perjury; is that correct?

A. Yes.

Q. Is everything you told His Honor the truth today?

A. Yes.

Q. You were in Las Vegas from April 1st to April 14th?

A. That's correct.

(p. 12, l. 21 – p. 13, l. 4).

8. Based on BURKE's sworn testimony that he was in Las Vegas on April 11, 2022, and that he did not return home until April 14, 2022, the Court granted the Defendants' Motion and vacated the judgment against BURKE and the co-defendant corporations. (D.E.). In its ruling, the Court expressed his reasoning:

> THE COURT: Okay. Thank you. Certainly, folks, there is a conflict in the evidence. Nonetheless, I will grant the Motion to Quash so [if] Mr. Gaudioso can establish that the evidence proffered today is fraudulent. I will be happy to consider either direct or indirect criminal contempt in the future.

(Hearing Transcript, dated August 21, 2023, p. 70, l. 25 – 71, l. 5.)

9. BURKE admitted into evidence as Exhibits 5 and 6, a printout of a Record Locator -[redacted] which reflected that BURKE traveled from Miami to Las Vegas on April 1, 2022 on American Airlines ("AA") flight no. 462, and returned from Las Vegas to Miami on April 14, 2022 on AA flight no. 1524. Flight no. 1524 departed Las Vegas at 12:28 p.m. The Record Locator printout was also identified by BURKE and marked as Exhibits 2a and 2b, respectively, at his February 23, 2022 deposition at p. 20, l. 18 - p. l. 12. A true and correct copy of the printout of Record Locator:[redacted] is attached hereto as **Exhibit D**.

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American Airlines Travel Records

10. Post hearing, Plaintiffs issued a subpoena to AA to obtain details on "Record Locator: [redacted] and to obtain the flight manifests for the flights BURKE testified that he travelled to and from Las Vegas on. A true and correct copy of the AA subpoena is attached hereto as **Exhibit E**.

11. AA responded to the subpoena on October 5, 2023. A true and correct copy of AA's October 5, 2023 response to the subpoena is attached hereto as **Exhibit F**.

12. AA produced a flight manifest for flight no. 462 on April 1, 2022, confirming that BURKE traveled from Miami to Las Vegas on April 1, 2022.

13. However, in its response, AA stated that there are no records indicating that BURKE returned to Miami on April 14, 2022 on flight no. 1524:

> After a thorough search of our records, using the information provided, we are unable to locate a passenger manifest for April 14, 2022, Flight AA 1524, from Las Vegas (LAS) to Miami (MIA) for passenger Ryan Burke responsive to your request.

14. AA produced its detailed report on Record Locator: [redacted] AA's report indicates that BURKE's return flight from Las Vegas to Miami was the red eye departing at 11:45 p.m. on April 4, 2023, AA flight no. 2742, ***not*** the 12:28 p.m. flight departing on April 14, 2022, flight no. 1524 reflected on the document entered into evidence by BURKE as Exhibits 5 and 6. (Exhibit F).

15. Due to the information provided by AA, Plaintiffs issued a second subpoena to AA to obtain the flight manifest for flight no. 2742, departing Las Vegas for Miami on April 4, 2022. A true and correct copy of the second AA subpoena is attached hereto as **Exhibit G**.

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16. AA responded to the second subpoena on November 2, 2023. A true and correct copy of AA's November 2, 2023 response to the subpoena is attached hereto as **Exhibit H**.

17. AA produced a redacted flight manifest for AA flight no. 2742, which departed Las Vegas at 11:50 a.m. on April 4, 2023. The flight manifest establishes that BURKE was on flight no. 2742 and arrived in Miami at 7:11 a.m. on April 5, 2023. (Exhibit H).

ARGUMENT

BURKE must be held in criminal contempt for his perjured testimony given during the August 21, 2023 evidentiary hearing on Defendants' Motion, and given during his February 23, 2023 deposition testimony. Further, BURKE must be held in criminal contempt for submitting into evidence the forged or altered printout of AA's Record Locator: [redacted] BURKE's conduct obstructed and interfered with the judicial process resulting in a valid judgment being vacated. As sanctions for his contemptuous conduct, the Court should vacate the Order Granting Motion to Quash, punish BURKE with incarceration, and award Plaintiff its reasonable attorneys' fees and costs incurred defending Defendants' Motion.

I. Standard For Criminal Contempt

Criminal contempt can either be direct or indirect. *Bank of N.Y. v. Moorings at Edgewater Condo. Ass'n, Inc.*, 79 So. 3d 164, 166 (Fla. 2d DCA 2012). "Direct criminal contempt sanctions are imposed for conduct that takes place in the judge's presence while indirect contempt sanctions are imposed for conduct that takes place outside the judge's presence." *Id.* at 167. Perjury in the context of a motion to vacate is sufficient to support a finding of direct criminal contempt. *See, Roberts v. State*, 515 So. 2d 434 (Fla. 4th DCA); *Bumgarner v. State*, 245 So.2d 635 (Fla. 4th DCA 1971).

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Telephone: [redacted] Facsimile: [redacted]

For a witness in a judicial proceeding to be held in criminal contempt based on purported perjurious testimony, it must be shown that: (1) the alleged perjury had an obstructive effect; (2) there was judicial knowledge of the falsity; and (3) the testimony involved was pertinent to the issue at hand. *Rhoads v. State*, 817 So. 2d 1089, 1091 (Fla. 2d DCA 2002), citing *State ex rel. Luban v. Coleman*, 138 Fla. 555, 189 So. 713 (1939). A very strict standard of proof is necessary to establish judicial knowledge of the falsity of testimony. *Emanuel v. State*, 601 So. 2d 1273, 1275 (Fla. 4th DCA 1992). That standard is satisfied only where the witness admits falsity or other circumstances demonstrate beyond question the false nature of the testimony. *Id.*

Additionally, forged or altered evidence will support criminal contempt. *See, Bradley v. State*, 420 So. 2d 417 (Fla. 1st DCA 1982). *See, also, Sisira Kumara Kumaragamage Don v. Tera Int'l Grp., Inc.*, 100 Va. Cir. 365 (Va. Cir. Ct. 2018); *Henning v. Ritz*, 2004 NYLJ LEXIS 3543 (N.Y. Sup. Ct. 2004).

Because criminal contempt is "a crime in the ordinary sense," imposition of criminal contempt sanctions requires that a contemnor be afforded the same constitutional due process protections afforded to criminal defendants. *Parisi v. Broward County*, 769 So. 2d 359, 364 (Fla. 2000) (citations omitted). These rights include the right of criminal defendants to be represented by counsel, the right to have the State prove the offense beyond a reasonable doubt, and the right not to incriminate oneself. *Id.*

II. Burke's Criminal Contempt

Unquestionably, perjured testimony has an obstructive effect on the judicial system, and trial judges should not tolerate this type of interference with the judicial process. *See Bartz v. State*,

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Telephone: [redacted] Facsimile: [redacted]

221 So.2d 7, 9 (Fla. 2d DCA 1969). Here, as a result of BURKE's perjury and forged evidence, the Court vacated a valid final judgment against the Defendants.

The flight records provided by AA in response to Plaintiffs' subpoenas establish conclusively the falsity of BURKE's testimony and documentary evidence. There is no doubt that BURKE returned to Miami from Las Vegas on April 4, 2022, and that he was not on the April 14, 2022 AA flight as he repeatedly testified.

Finally, BURKE's testimony was at the heart of Defendants' claim that they were not served with the complaint in this action

CONCLUSION

As Plaintiffs have conclusively established all three requirements to hold BURKE in direct and indirect criminal contempt of court, the Plaintiffs respectfully requests that:

A. The Court issue an order requiring BURKE to show cause why he should not be held in criminal contempt and incarcerated, fined, or punished as the Court deems appropriate;

B. The Court issue an order vacating the order granting Defendants' Motion and reinstating the final judgment *nunc pro tunc* July 12, 2022;

C. Award Plaintiffs' their reasonable attorneys' fees and costs; and

D. Grant such further and other relief as the Court deems just and proper.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter an order(s) in accordance with the relief sought herein, and grant such further and other relief as the Court deems just and proper.

Respectfully submitted,

COHEN LAW

COHEN LAW
2332 Galiano Street, Second Floor, Coral Gables, FL 33134
Telephone: [redacted] Facsimile: [redacted]

Attorneys for Plaintiffs
2332 Second Floor
Suite 202
Coral Gables, FL 33134
Tel: [redacted]
Fax: [redacted]
Email: [redacted]
Email: [redacted]

/s/ Keith R Gaudioso
Danielle Cohen, Esq.
Fla. Bar No.: 27623
Keith R. Gaudioso, Esq.
Fla. Bar No.: 34436

VERIFICATION

In accordance with Fla. Stat. § 92.525, under penalty of perjury, I declare that I have read the foregoing Motion, and attest that the facts stated therein are true.

11/21/23
Date

By: Keith R Gaudioso
KEITH R. GAUDIOSO

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2332 Galiano Street, Second Floor, Coral Gables, FL 33134
Telephone: [redacted] Facsimile: [redacted]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was filed via E-Portal and served on counsel for Defendant, Robert A. Rosenblatt, Esq, The Rosenblatt Law Firm, 7695 SW 104th Street, 2nd Floor, Pinecrest, FL 33156, at [redacted] on this the 21st day of November 2023.

/s/ Keith R Gaudioso
Keith R. Gaudioso, Esq.

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Telephone: [redacted] Facsimile: [redacted]

EXHIBIT A

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO. CACE22001852

KAMEKA MANAGEMENT SOLUTIONS, INC.

Plaintiff,

-vs-

16260 SADDLE CLUB ROAD, et al.

Defendant.
_____/

AFFIDAVIT OF RYAN BURKE

Affiant, RYAN BURKE, being duly sworn deposes as follows:

1. My name is Ryan Burke. I am the registered agent for VEW Live, LLC; 2045 SW 127the Avenue, LLC and 16260 Saddle Club Road, the Defendants named in the complaint.

2. On April 11, 2022, I was not present at my residence located at [redacted]

3. I was present in Las Vegas, NV on business from April 1, 2022 until my return to my residence on April 14, 2022.

4. I was never served with any summons on April 11, 2022.

5. Moreover, I was never notified of Plaintiff's Motion for a Default filed by Plaintiff on or about May 3, 2022.

6. Attached to this affidavit are my travel documents which reflect my absence from Florida between April 1st and April 14th, 2022. (See Exhibit 1 attached hereto).

NOT AN OFFICIAL COURT DOCUMENT - ADD AN UNOFFICIAL COPY

exhibit 5

FURTHERMORE AFFIANT SAYETH NAUGHT.

Dated this 17th day of October, 2022.

[redacted]

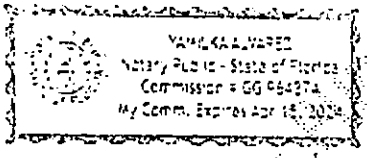
RYAN BURKE

STATE OF FLORIDA

COUNTY OF MIAMI DADE

BEFORE ME the undersigned authority personally appeared Ryan Burke _____, who after being dully sworn sates that the information contained in the foregoing is true and correct to the best of his knowledge and belief.

Dated this 17th day of October, 2022.



[redacted]

NOTARY PUBLIC

My Commission Expires: 4/15/2024

NOT AN OFFICIAL DOCUMENT

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

KAMEKA MANAGEMENT SOLUTIONS, INC., and ERYCK DZOTSI,

Plaintiffs,

v. Case No. CACE-22-001852

16260 SADDLE CLUB ROAD, LLC, RYAN BURKE, VEW LIVE, LLC, and 2045 SW 127TH AVENUE, LLC,

Defendants.

VIDEOCONFERENCE DEPOSITION OF

RYAN BURKE

DATE: Thursday, February 23, 2023

TIME: 1:07 p.m.

LOCATION: Remote Proceeding

Sunrise, FL [redacted]

REPORTED BY: Gwen Dunn, Notary Public

JOB NO.: 5767415

[redacted] [redacted]

A P P E A R A N C E S

ON BEHALF OF PLAINTIFFS KAMEKA MANAGEMENT SOLUTIONS, INC., AND ERYCK DZOTSI:

RAYMOND CARRERO, ESQUIRE (by videoconference)
Raymond Carrero, P.A.
9771 South Dixie Highway
Pinecrest, FL 33156
[redacted]

ON BEHALF OF DEFENDANTS:

ROBERT "BOB" ROSENBLATT, ESQUIRE (by videoconference)
The Rosenblatt Law Firm
7695 Southwest 104th Street, Second Floor
Pinecrest, FL 33156
[redacted]

ALSO PRESENT:

Karim Kameka (by videoconference)

I N D E X

EXAMINATION:		PAGE
By Mr. Carrero		6

E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit A	1/5/22 Sun Biz Printout	9
Exhibit B	2/18/22 Document	10
Exhibit C	Notice of Deposition	12

(**Note: Exhibits retained by counsel.)

P R E V I O U S L Y M A R K E D E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit 1	Black Flyer	20
Exhibit 2A	Airline Trip Confirmation	20
Exhibit 3A	9/13/22 Hotel Email	25
Exhibit 4A	Second Hotel Email Printout	25
Exhibit 5	Checking Account Statement	23

QUESTIONS INSTRUCTED NOT TO ANSWER

PAGE	LINE
31	20

P R O C E E D I N G S

THE REPORTER: Good afternoon. My name is Gwen Dunn, and I am your reporter assigned by Veritext to take record of this proceeding. We are now on the record at one oh seven eight -- 1:07 p.m.

And this is the deposition of Mr. Ryan Burke taken in the matter of Kameka Management Solutions, Inc., and Eryck Dzotsi vs. 16260 Saddle Club Road, LLC, Ryan Burke, VEW Live, LLC, and 2045 Southwest 127th Avenue, LLC. Case number is CACE-22-001852; and today's date is February 23, 2023; and we are all appearing Zoom videoconference.

I am a notary authorized to take acknowledgments and administer oaths in the state of Florida. Parties agree that I will swear in the witness remotely, outside of his presence.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recording virtually of this proceeding:

- is intended for all uses permitted under applicable procedural and evidentiary rules and laws in the same manner as a deposition recorded by

stenographic means; and
- shall constitute written stipulation of such.
At this time will everyone in attendance please identify yourself for the record and who you represent?
MR. CARRERO: Raymond Carrero for the plaintiffs.
MR. ROSENBLATT: Bob Rosenblatt for the defendants.
THE REPORTER: Thank you. Hearing no objection, I will now swear in the witness.
Mr. Burke, can you please raise your right hand?
WHEREUPON,
RYAN BURKE,
called as a witness, and having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:
THE REPORTER: Thank you. You can put your hand down, sir. Mr. Burke, can you please provide the city, state, and ZIP Code you're located at today for this deposition?
THE WITNESS: Sunrise, Florida [redacted]
THE REPORTER: Okay. Thank you.

Mr. Carrero, he's all yours, sir.

MR. CARRERO: Okay.

EXAMINATION

BY MR. CARRERO:

Q Good morning, sir. How are you? I'm sorry. Good afternoon. How are you?

A Thanks for asking.

Q Okay. Could you please state your name and spell it for the court reporter so she can take it down accurately?

A Ryan, R-Y-A-N, Burke, B-U-R-K-E.

Q Okay. I'm going to ask you a series of questions, and I want you to allow me to complete the question before you give an answer. Okay?

A That's fine.

Q Okay. Great. Have you ever had your deposition taken before in the past?

A Yes. I have.

Q Okay. Just to go over the ground rules again, I'll be asking you questions. You'll be making answers, and the court reporter will be taking down a transcript of everything that's said here today. Do you understand this?

A I do.

Q Okay. Is there any reason that you are not

able to give your best testimony today?

A No.

Q I'm sorry. You have to answer audibly so that she can write your answer.

A I said "no."

Q Okay. Are you under any medications that would affect your concentration or memory today?

A No.

Q Okay. Can you please state your home address for the record?

A [redacted]

Q Okay. How long have you resided at that address?

A Since 2010.

Q Okay. Has there been any interruption in your residence there?

A No.

Q Okay. And are you married?

A Yes.

Q Okay. And does your spouse live with you at that home?

A Yes.

Q Okay. Do any other adults live in that home with you?

[redacted] [redacted]

A No.

Q Okay. Do you ever have guests longer than seven days in your home?

A Yes.

Q Okay. Do you have an office?

A I have an office. Yes.

Q Where is that office? What's the address of that office?

A It's in my house.

Q Your same house, okay. Okay. And are you the registered agent for 16260 Saddle Club Road, LLC?

A Yes. I believe so.

Q Okay. Are you the registered agent for VEW Live Heights? That's V-E-W, L-I-V-E, LLC.

A I'm not sure about the -- I -- I'm -- I'm -- honestly, I'm not sure about the agent. I don't know if my agent -- I don't know about the agent. I know I'm a member, but I'm not sure about the agent for both of them.

Q Okay. Then I'll show you some documentation so hopefully you can confirm or deny.

MR. ROSENBLATT: Wait. Wait. This deposition is regarding process of service as to him being served --

MR. CARRERO: Yeah. I know, and I need

to know the registered agent --

MR. ROSENBLATT: -- as to him being served properly by the processor --

MR. CARRERO: Correct.

MR. ROSENBLATT: -- and whether or not he was in Broward County on April 11th, two thousand and, I guess, twenty-one.

MR. CARRERO: I want to make sure that this witness understands whether or not he's a registered agent for the defendants of the very service we're here to discuss.

MR. ROSENBLATT: All right. Well, go ahead; but let's see where it goes.

MR. CARRERO: Okay. I'm going to share my screen.

Is that okay, Madam Court Reporter?

THE REPORTER: Yes, Counsel.

MR. CARRERO: Okay. Let's go ahead and mark this as Exhibit A for identification.

(Exhibit A was marked for identification.)

BY MR. CARRERO:

Q This appears to be a Sun Biz Printout that was done on January 5, 2022; and it lists Ryan Burke as a registered agent for 16260 Saddle Club Road. Do

you see that document on your screen, sir?

A Who -- who are you speaking to? Me?

Q Yes. You're the one that's under oath answering questions. Yes.

A I do see it.

Q Okay. Is there any reason to think that this is incorrect, that Ryan Burke is not the registered agent for this company?

A No. If that's what it states, it means I'm the registered agent.

Q Fantastic.

MR. CARRERO: Can we mark that as Exhibit A for identification?

THE REPORTER: Yes, Counsel.

MR. CARRERO: Okay. Let me show you another.

This we'll mark as Exhibit B for identification.

(Exhibit B was marked for identification.)

BY MR. CARRERO:

Q It is for 2045 Southwest 127th Avenue, LLC; and it's from February 18, 2022; and it shows Ryan Burke as a registered agent for this company. Is there any reason to think that Ryan Burke is not --

you are not the registered agent for 2045 Southwest 127th Avenue, LLC?

A That -- that's correct. I am the registered agent.

Q Okay. Bear with me just a moment. Okay. Fantastic. You're here pursuant to a Notice of Taking Deposition Duces Tecum. Have you ever seen that document before?

A I'm sorry?

Q Let me show you the Notice under which you were called to be here, and I'm going to ask you whether you've seen this document in the past.

A Yeah. I don't recall.

Q Pardon? Sorry?

A I don't recall.

Q You don't recall. Okay. Do you see where there's four numbered paragraphs here?

A I do.

Q Okay. This is a request for you to bring documentation to this deposition, and your attorney has provided me with some documentation that I believe is in response to this.

A Okay.

Q Okay. I'm going to show you those documents in just a moment.

MR. CARRERO: We can go ahead and mark this as Exhibit C just for identification.

(Exhibit C was marked for identification.)

BY MR. CARRERO:

Q And I want you to tell me whether the documents that he provided to me are all the documents you have that are responsive to these four requests?

A I see.

Q Okay. I'm going to stop share for a second so I can show you both documents side by side. Sorry about that. This is obviously a cover letter on the first page, but we're talking about pages 2 through 9. I'll scroll through them in just a second. Let me know if I'm going too fast. Sorry about that. Are you able to see all the documents?

A I am.

THE REPORTER: I'm sorry. Can you speak up, Mr. Burke?

THE WITNESS: I -- I can see them. Yes.

THE REPORTER: Thank you.

BY MR. CARRERO:

Q Okay. Do you know if there are any other documents responsive to these four requests, which we

can go over line by line if you'd like, that you have in your possession or control?

A Those are the documents that I provided.

Q Do you have any others?

A Not at this moment, no.

Q Okay. Do you understand the four requests that were made?

A I haven't read them.

Q Okay. Let's go through them then. The first one says, "All documents and evidence that you believe supports your contention that you were not in Florida on April 11, 2023."

A Okay.

Q Do the documents submitted satisfy that request in terms of the documents you have in your --

MR. ROSENBLATT: Wait. First of all -- virtual connectivity interruption --

THE REPORTER: Mr. Rosenblatt, your audio is not --

MR. ROSENBLATT: -- for the -- virtual connectivity interruption --

THE REPORTER: Mr. Rosenblatt?

MR. ROSENBLATT: Okay. Can you --

THE REPORTER: Your audio is not good, sir.

MR. ROSENBLATT: Yes. I'm here. I'm here.

THE REPORTER: Okay.

MR. ROSENBLATT: Okay. I'm here.

THE REPORTER: Can you repeat?

MR. ROSENBLATT: All right. I'm saying -- yeah. I'm saying this is the --

THE REPORTER: I'm sorry. It's happening again, sir.

MR. ROSENBLATT: -- the day you have, 2023.

THE REPORTER: Mr. -- I apologize, Mr. Rosenblatt; but your audio wasn't good again. Can you repeat again?

MR. CARRERO: Got it. I understand. I understand what you're saying. I understand what you're saying.

THE REPORTER: You don't want the record to be clear?

MR. ROSENBLATT: Yeah. That was --

MR. CARRERO: No. No. I understand.

Yeah. That's fine. Go ahead, Mr. Rosenblatt.

MR. ROSENBLATT: I was saying the Notice of Deposition is incorrect because you have the

wrong year, number one.

MR. CARRERO: That's fine. That's fine. Number 1 and Number 2 are incorrect.

MR. ROSENBLATT: So obviously, we're not in April of 2023 yet.

MR. CARRERO: I understand. I understand. Okay.

MR. ROSENBLATT: But out of good will and a gesture, we'll supply you the documents with 2022, which I think was your intent.

MR. CARRERO: Okay. So are the documents supplied for April 11, 2022?

MR. ROSENBLATT: That's the date of the service; right?

MR. CARRERO: Yes.

MR. ROSENBLATT: Reported service, yeah.

MR. CARRERO: Okay. So you treated this as if it said "2022" instead of "2023"; correct?

MR. ROSENBLATT: Well, to be honest with you, I've never seen this before.

MR. CARRERO: Okay. It was served on February 14th, but that's okay.

BY MR. CARRERO:

Q Okay. So let's go with Number 3, Mr. Burke.

Did you provide the documents responsive to Number 3, which are all documents and evidence that you believe support your contention that you were not served with service of process in this matter?

A That's correct.

Q And the documents you provided are responsive to this Request Number 3?

A Yes.

Q Okay. And then the last one is, "All documents and evidence that you believe contradict the return of service filed by Shirley Lowe"; and a copy is attached. Have you seen this document before?

A I don't recall.

Q You don't recall. Okay. Do you have any other documents that would show what your whereabouts were between April 1, 2022, and April 14, 2022, other than what your attorney provided to my office?

A Not at this moment, no.

Q Okay. Do you know if any other documents exist?

A Possibly.

Q Do you know where those --

MR. ROSENBLATT: Ray, you froze as well just then too, I think.

MR. CARRERO: The witness answered. So

I assume he heard. I don't know if it's slow getting on your side.

THE REPORTER: He said --

MR. CARRERO: Sorry.

THE REPORTER: He said "possibly."

BY MR. CARRERO:

Q Okay. Okay. Do you know where those documents might be located?

A I -- it's -- I -- I don't have the documents. I would have to -- if -- you know, if we -- if -- if other documents or other things were needed, I'd have to search. I don't have them on hand. I provided what I believed was enough to show that I was not here.

Q Okay. So the request is that you provide all documents, not what you think is enough.

A Right. Okay.

Q Did you provide all the documents you have in your possession, custody, or control?

A That's correct.

Q Okay. Where were you on April 11, 2022?

A Las Vegas.

Q What was the purpose of your trip?

A Grammys ceremony.

Q Was that the only purpose?

A That was the -- that was the reason for -- for my trip.

Q Okay. Was that a business trip or a vacation?

A Business.

Q And how long were you in Las Vegas?

A From the 1st to the 14th.

Q So what line of work are you in that dragged you to Las Vegas?

A I'm in the entertainment space, industry.

Q What exactly do you do in the entertainment space?

A I manage talent. I'm a booking agent. I'm a promoter. I am a marketing consultant. I'm a producer.

Q Wait. Sorry.

A Okay.

Q And which of those, if any of those functions, were you serving in Las Vegas?

A All of them.

Q Okay. Were you promoting an event?

A Yes. I was.

Q Okay. I noticed that in the documents provided there seems to be a photograph of a flyer.

A Uh-huh.

Q Let me show that to you so you can confirm.

THE REPORTER: I'm sorry. We lost Mr. Rosenblatt.

MR. CARRERO: Okay. We'll stop. We'll stop. We'll stop.

THE REPORTER: We're going off -- we're going off the record at 1:23 p.m. Oh, well, he's coming back.

MR. CARRERO: Let's wait until he gets back in his chair.

We stopped, Robert, when the thing went off. Okay?

MR. ROSENBLATT: Yeah. I just turned off some other things here. Maybe that was causing a problem here.

MR. CARRERO: Great. Okay.

So we were talking -- can we go back on the record?

THE REPORTER: I never went off because he popped back on.

MR. CARRERO: Got it. Thank you.

BY MR. CARRERO:

Q I'm going to show you again the documents you provided and ask you about this. It's marked here as Exhibit 1, but it's a black flyer.

(Exhibit 1 was previously marked for identification.)

Is this the event that you were promoting?

A It was one of the events. That's correct.

Q Okay. What other events did you --

A Well, that was the event. I'm sorry. I'm sorry. That was the event.

Q That was the event. Okay. So and it took place, it says here, on April 1, 2022; is that right?

A That's correct.

Q Okay. So this event was the first day you were in Las Vegas; correct?

A That's correct.

Q All right. Did you have any other events in Las Vegas after this one on April 1st?

A Not that I was promoting, other events that I got invited to.

Q Okay. Calling your attention to this page here, which was marked as Exhibit 2A when it was submitted to us, can you tell me what this is?

(Exhibit 2A was previously marked for identification.)

A It's a trip confirmation.

Q Okay. And it's a trip confirmation. It has American Airlines. Do you mean it's an airplane trip

confirmation?

A That is correct.

Q Okay. And this appears to be for a flight from April 1, 2022, from MIA to LAS and then a return flight from LAS to MIA on April 14, 2022; is that right?

A That's correct.

Q Okay. And does this $817.20 accurately reflect the amount that you paid for these tickets?

A I believe so.

Q Okay. And was this ticket for you?

A Yes. It was.

Q Okay. And did you board the flight that left April 1st from MIA to Las Vegas that's represented on this receipt?

A I did.

Q Okay. How did you get to the airport?

A I don't recall.

Q Pardon?

A I don't recall.

Q Were you given a boarding pass to board this flight?

A It may have been digital. I don't recall, but I did have a boarding pass.

Q Okay. Did you get a -- strike that. Would

you be able to obtain a copy of that boarding pass?

A I'm not sure.

Q Okay. Do you know if you have a copy -- you said it was digital. Do you know if you have a copy in a digital form?

MR. ROSENBLATT: No. No. He didn't say it was digital. He said it may have been.

BY MR. CARRERO:

Q If it was digital, do you have a copy of that in some kind of digital format?

A I wouldn't have a copy because the pass expired. It goes to your -- when -- in the past when it's been a digital boarding pass, it goes to your Apple Wallet; and once you've used it, it -- it expires, and it goes away.

Q Okay. But you're not sure if it was digital or paper?

A I do not recall.

Q When you arrived in Las Vegas, how did you get to your hotel room?

A I believe it was an Uber.

Q Okay. And how did you pay for that Uber?

A I don't recall.

Q Okay. Have you ever paid for Uber with your checking account?

A I have.

Q Okay. Let me show you the Checking Account Statement. What bank is this account in?

A I believe that's TD Bank.

Q Okay. This was marked as Exhibit 5; and I'm seeing here a charge for something that says, "Uber trip," on April 4th for $39.59.

(Exhibit 5 was previously marked for identification.)

A I'm sorry?

Q If you look towards the bottom here --

A Okay.

Q -- the transaction that appears to say, "Uber trip" --

A Okay.

Q -- do you see that?

A Yes.

Q On April 4, 2022, for $39.59, do you see what I'm talking about?

A Yes. I do.

Q Okay. So is it safe to say you have used this account to pay for your Uber?

A I have.

Q Okay. And would you have used this same account to pay for your Uber trips while you were in

Las Vegas?

A I -- I have -- I -- I'm not -- it doesn't have to necessarily be this particular account. I have multiple accounts.

Q Okay. Do you have any evidence of other Uber trips you took and [redacted] for those trips during this time period?

A Not at the moment, no. And I believe that this would be the Uber that I took from -- if I remember correctly, from the airport because the date that it posted was April 4th; but if you see in the line the detail, it says, "April 1st" when I arrived. It's a little blotted out with your exhibit thing with --

Q About this here?

A Correct.

Q Is that what you mean?

A That is correct.

Q Let me turn your attention to the Hotel Email. It looks like it's dated September 13, 2022; and it's HotelTonight. Do you see this? Do you recognize this document?

A I do.

Q Okay. It was marked as Exhibit 3A when it was given to us.

(Exhibit 3A was previously marked for identification.)

This appears to show on April 1st a stay that runs through Sunday, April 3rd; is that correct?

A That's correct.

Q Okay. That's followed by a second similar report of the same date that shows a stay from April 9th through April 13th; is that correct?

A That's correct

Q Okay. So let me ask you. These notes on the side here, were those something you wrote?

A No. It's not.

Q Who wrote this on the side?

A That's -- that -- that came as is.

Q So when you got the email, this is what it had, these bullet points on the right?

A That's a printout of the -- of the page.

Q Okay. And is the same true for the second one, Exhibit 4A?

(Exhibit 4A was previously marked for identification.)

A That's correct

Q Okay. What is the reason that there's a gap in time between April 9th -- I'm sorry -- April 3rd and April 9th in your stay at this hotel?

A Because I was staying with -- with one of the -- the talent, one of the artists.

Q Okay. And is that artist related to you in any way?

A That artist is related to me. Yes.

Q What's their relationship to you?

A It's my cousin.

Q While you were in Las Vegas -- strike that. Did your hotel room have a kitchen in it?

A I don't recall.

Q Do you know if you cooked your meals while you were in Las Vegas?

A I didn't cook my meals.

Q Okay. So you ate out?

A I ate with many people.

Q Okay. Did you ever pick up the tab?

A I don't recall.

Q Okay. Do you know if you have any records or evidence of you having paid for meals while you were in Las Vegas?

A I -- probably.

Q I saw some transactions on your bank -- a portion of the bank statement you provided; and it shows a couple of transactions I want to ask you about, the first of which occurred on April 1st; and

it's Donna's Caribbean. Do you recognize that transaction for $9.62?

A I see it.

Q And do you see where it says, "Lauderhill, Florida"?

A Yes.

Q Okay. And then there's another one the same day for Fruits of Your Root in Pompano Beach, Florida, for nineteen twenty-six. Do you recognize that?

A Okay. I do. I mean, I -- I see it. I see what you're referencing.

Q Okay. Do you ever recall dining at either of these two establishments, Donna's Caribbean or Fruits of Your Root?

A I don't recall.

Q I see another transaction here for ExxonMobil on April 4th in Fort Lauderdale, Florida, for $96.02. Do you recognize that transaction?

A I -- I -- again, I see the transactions; but I -- I'd like you to also realize that this says, "Posting date"; and you can see the dates of the actual transaction, that they're all March 31, 2022.

Q I understand. I'm just asking whether you recognize these transactions.

A I don't remember. This was a year ago. I

don't remember where I ate or where I got gas.

Q All right. But, I mean, you know where you eat; right? If you've never been to Donna's Caribbean, would you know it?

A Okay. You -- you asked me if I recognize the transaction. I said I see the transaction. I didn't say that the restaurant is not familiar with me.

Q I understand, but I asked you specifically --

A Okay.

Q -- whether you've ever eaten at Donna's --

A That's not what you asked.

Q -- Caribbean or Fruits for Your --

A That's not what you asked.

Q Pardon?

A That's not what you asked, but yes. I have eaten at Donna's.

Q Please do not speak over me. Let me complete the question.

A Okay.

Q You can hear it completely, and then I'll let you speak, and you can give a complete answer. Okay? Donna's Caribbean, have you ever eaten at that establishment?

A Yes. I have.

Q Okay. Fruits of Your Root, have you ever eaten at that establishment?

A I am not familiar with that restaurant.

Q Okay. Have you ever -- okay. Is there any reason that you would not get -- strike that. Okay. At the conclusion of your reserved stay, the initial stint from April 1st to April 3rd, did you receive a folio or a receipt from your hotel?

A I received what I've provided to you in Exhibit 3B.

Q So you didn't get a closeout ledger that says your incidentals or any other charges that might have been charged to you in resort fees or anything along those lines?

A I don't recall. I checked out.

Q And did you receive a folio or final receipt for your stay between April 9th and April 13th?

A I don't -- I don't recall. No.

Q When you promote your events -- strike that. This event that occurred on April 1st, were you paid for that event?

A I was not. No.

Q Okay. Did you have a contract for the event with the client?

A I did not. No.
Q Did you have a reservation with the venue?
A No. I didn't.
Q Were you given a boarding pass on your return flight from Las Vegas to Miami on April 14, 2022?
A I don't recall. It may have been a digital as well.
Q Do you have a copy of the boarding pass?
A I would not have it if it was digital, and I don't -- I -- I don't have it if it's -- well, if -- if it was given to me physically either.
Q Okay. When you arrived in Miami after your return flight, how did you get home?
A I don't recall.
Q Do you remember if you drove and left your car at the airport during your stay in Las Vegas?
A If I drove and left my car at the airport? Can you repeat the question?
Q Do you remember whether you drove and left your car at the airport when you went to Las Vegas?
A I don't believe so.
Q You previously said you had an Apple Wallet. Does that mean you have an iPhone?
A I do.

Q Okay. Do you know whether your iPhone has location services turned on, location tracking turned on?

A No. I don't -- I don't recall. I -- I'm not sure.

Q Do you recall ever turning off location tracking on your cell phone?

A No. I don't recall.

Q Do you recall having received a proposed -- now, hold on. Before we go further, let me just explain one thing. I am not asking you to give me details of any settlement discussion that occurred because that is privileged. Okay? I cannot ask you about that.

What I'm trying to ask you is: Do you ever recall having received a proposal in writing from my office to settle the case we're here about today?

MR. ROSENBLATT: Don't answer the question. That's outside the scope of this deposition.

MR. CARRERO: Are you going to answer?

MR. ROSENBLATT: No. I instructed him not to answer the question.

MR. CARRERO: No. No. No. I know what you instructed. I'm asking him -- I want to know

whether he's going to answer or not.

MR. ROSENBLATT: He's going to follow my instruction. That's outside the scope of the deposition.

MR. CARRERO: Okay. Then we're going to need to mark this, if we can, Madam Court Reporter.

THE REPORTER: Certified?

MR. CARRERO: Take it to the judge, please. Thank you.

THE REPORTER: You're certifying this question?

MR. CARRERO: Yes. I am.

THE REPORTER: Okay.

MR. ROSENBLATT: I mean, it's improper why you think it's relevant to this service process --

MR. CARRERO: Sure. It's part of the allegations. It's absolutely part of the allegations. We allege that he had actual knowledge of the lawsuit because he received a copy of the settlement agreement.

We believe that's the case.

MR. ROSENBLATT: You still need to process that. You need to process --

MR. CARRERO: I understand, but that's an argument. I understand.

MR. ROSENBLATT: Okay. Well, we'll instruct him -- with all due respect, that's outside the scope of --

MR. CARRERO: I understand. I know what you think.

MR. ROSENBLATT: -- the deposition and --

THE REPORTER: I'm sorry. There's a cross. There's a cross. There's a cross.

MR. ROSENBLATT: Okay. It's outside the scope of this deposition concerning process of services. He's instructed not to answer.

MR. CARRERO: It's not.

MR. ROSENBLATT: Counsel has --

MR. CARRERO: That's fine.

MR. ROSENBLATT: Counsel has certified it, and we'll let the Court decide on it.

MR. CARRERO: That's fine. Okay. Let me take a brief break for five minutes. Okay?

THE REPORTER: Okay.

MR. ROSENBLATT: Why?

THE REPORTER: We're going off the record at --

MR. CARRERO: Because I want to go over my notes and see what other questions I have. I want

to talk to my client about what questions he may have.

MR. ROSENBLATT: Okay.

MR. CARRERO: But you know what?

MR. ROSENBLATT: That's fine.

MR. CARRERO: I don't have to give you a reason.

MR. ROSENBLATT: I just had this as a short deposition, but that's --

MR. CARRERO: I understand. I'm asking for five minutes, Robert. Five minutes.

MR. ROSENBLATT: That's fine. You've got it. Take all the -- right. Right.

THE REPORTER: Okay. Do you guys want to go off record so --

MR. ROSENBLATT: Take all the time you need.

THE REPORTER: -- all of this is not on record?

MR. ROSENBLATT: Take all the time you need.

THE REPORTER: We're going off the record at 1:40 p.m.

(Off the record.)

THE REPORTER: We're back on the record at 1:43 p.m.

BY MR. CARRERO:

Q Mr. Burke, on April 11, 2022, did any other person have access to your home, the address you gave [redacted]

A No. They're not.

Q They're minors. Okay. Are they under 16?

A Yes.

Q Okay. Did you have anybody visiting or housesitting during the time you were gone?

A My -- I don't know who -- which guest may have been at my house. I don't know who would have been there.

Q Okay. Is there any reason that someone would answer to your name who's going into your house?

MR. ROSENBLATT: Objection. Calls for speculation and --

MR. CARRERO: No. There could be a reason. There could be a reason.

MR. ROSENBLATT: If he knows. I mean, it calls for speculation.

MR. CARRERO: Yeah.

BY MR. CARRERO:

Q Do you know? Do you know of any reason why someone would answer to the name Ryan if it was called out to them at your house?

MR. ROSENBLATT: Same objection.

Go ahead.

MR. CARRERO: Do you know the answer?

THE WITNESS: I have no idea.

MR. CARRERO: Okay. All right. I have nothing further.

MR. ROSENBLATT: Maybe his name was Ryan too. Maybe there's more than one.

MR. CARRERO: Yeah.

MR. ROSENBLATT: Ryan is a pretty common name. Okay. I don't have any questions today. Thank you very much.

MR. CARRERO: Okay.

THE REPORTER: Read or waive?

MR. ROSENBLATT: Regular with a digital copy.

THE REPORTER: Read or waive?

MR. ROSENBLATT: He'll waive.

THE REPORTER: Counsel, are you ordering regular; or are you holding?

MR. CARRERO: I'm going to hold for the

moment.

THE REPORTER: Okay. This concludes the deposition for Mr. Ryan Burke at 1:45 p.m.

(Signature waived.)

(Whereupon, at 1:45 p.m., the proceeding was concluded.)

CERTIFICATE OF DEPOSITION OFFICER

I, GWEN DUNN, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



GWEN DUNN
Notary Public in and for the
State of Florida





CERTIFICATE OF TRANSCRIBER

I, SHANE WILLIAM SPROWL, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



SHANE WILLIAM SPROWL

FLORIDA RULES OF CIVIL PROCEDURE

Rule 1.310

(e) Witness Review. If the testimony is transcribed, the transcript shall be furnished to the witness for examination and shall be read to or by the witness unless the examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness wants to make shall be listed in writing by the officer with a statement of the reasons given by the witness for making the changes. The changes shall be attached to the transcript. It shall then be signed by the witness unless the parties waived the signing or the witness is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within a reasonable time after it is furnished to the witness, the officer shall sign the transcript and state on the transcript the waiver, illness, absence of the witness, or refusal to sign with any reasons given therefor. The deposition may then be used as fully as though signed unless the court holds that the reasons given for the refusal to sign require rejection of

the deposition wholly or partly, on motion under rule 1.330(d)(4).

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EXHIBIT C

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO.: CACE22001852
DIVISION: 04

KAMEKA MANAGEMENT SOLUTIONS, INC., et al.,

Plaintiff(s)/Petitioners(s),

-vs-

16260 SADDLE CLUB ROAD, LLC, et al.,

Defendant(s)/Respondent(s).

_____/

Proceedings had and taken place before the Honorable William W. Haury, Jr., one of the Judges of said Court, at 201 Southeast 6th Street, Fort Lauderdale, Florida, 33301, on Monday, the 21st day of August 2023, commencing at the hour of 10:30 a.m., and being a Hearing.

APPEARANCES:

On Behalf of the Plaintiffs/Petitioners:

COHEN LAW

2332 Galiano Street, Floor 2

Coral Gables, Florida 33134-5402

[redacted]

BY: DANIELLE COHEN, ESQUIRE

BY: KEITH GAUDIOSO, ESQUIRE

On Behalf of the Defendants/Respondents:

THE ROSENBLATT LAW FIRM

7695 Southwest 104th Street, Floor 2

Miami, Florida 33156-3159

[redacted]

BY: ROBERT A. ROSENBLATT, ESQUIRE

Also Present:

Ryan Burke, DEFENDANT

Karim Kameka, PLAINTIFFS' REPRESENTATIVE

Shirley Lowe, WITNESS/CEO OF L&L PROCESS

Clerk of Court

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(Thereupon, the following proceedings were had:)

THE COURT: Now, folks, good morning.

MS. COHEN: Good morning.

MR. ROSENBLATT: Good morning, Your Honor.

THE COURT: Do we have everybody?

MS. COHEN: We do, Your Honor.

MR. ROSENBLATT: We do, Your Honor.

THE COURT: Okay. You're Mr. Gaudioso?

MR. GAUDIOSO: Yes.

THE COURT: All right. Good morning. And who do you have with you?

MR. GAUDIOSO: Danielle Cohen, Cohen Law, and our Plaintiffs' representative is Karim Kameka here with me today.

THE COURT: Now, folks, good morning. And, Mr. Rosenblatt, good morning again.

MR. ROSENBLATT: Good morning, Your Honor. To my left is my client, Ryan Burke.

THE COURT: Mr. Burke, good morning.

MR. BURKE: Good morning, Your Honor.

THE COURT: Mr. Rosenblatt, I believe this is your motion.

MR. ROSENBLATT: Yes, sir. I call Mr. Burke, the witness.

THE COURT: Very well.

MR. ROSENBLATT: Where would you like to do it?

THE COURT: Well, wherever you would like him assigned.

MR. ROSENBLATT: You want to go up there to the podium?

MR. BURKE: That's fine.

MR. ROSENBLATT: Is the podium okay, Your Honor?

THE COURT: Yep, podium's fine.

THE CLERK: Would you like me to swear him in?

THE COURT: I do.

THE CLERK: Mr. Burke, would you raise your right hand?

RYAN BURKE,

having been first duly sworn and responding, "I do," was examined and testified as follows:

THE CLERK: Please state your name for the record.

THE WITNESS: Ryan Burke.

THE CLERK: Spell your last name, please.

THE WITNESS: B-U-R-K-E.

THE CLERK: Thank you.

MR. ROSENBLATT: May I proceed, Your Honor?

THE COURT: You may.

MR. GAUDIOSO: Your Honor, if I may. I'd be

more comfortable if Mr. Burke sat in the witness chair, so I could --

THE COURT: So you're not looking at his back. That's fine.

MR. GAUDIOSO: Thank you, Your Honor.

THE COURT: Now, Mr. Burke, would you like to come forward?

THE WITNESS: Sure, not a problem.

THE COURT: Thank you.

DIRECT EXAMINATION

BY MR. ROSENBLATT:

Q. Mr. Burke, will you tell the Court, please, your name and your address?

A. Ryan Burke. The address is [redacted]

Q. Okay. And how long have you lived at that address, sir?

A. Approximately 13 years, since 2010.

Q. Are you married?

A. I am.

Q. What does your family consist of?

A. My wife and four children.

Q. Okay. And could you tell His Honor your occupation?

promotor, talent manager, record executive. I do a little bit of everything in the concert space, booking agent.

Q. And in those capacities, did you have an opportunity to travel to Las Vegas, Nevada, on April 1st to attend a Grammy Awards?

A. That is correct.

Q. Now, I have in front me Plaintiffs' Exhibits 1 through 8, which were previously filed with the Court. Can you take a look at Exhibit 1, please?

A. I'm looking at it.

Q. Will you tell His Honor what that represents?

A. It's a Grammy ceremony. It's an event that took place for the Grammys.

Q. And did you take that photograph?

A. That was actually an invite.

Q. Oh, that's an invite. Okay. And Exhibit 2 -- let me ask you this. When did you leave Fort Lauderdale to travel to Las Vegas?

A. It was on April 1st.

Q. Of what year?

A. 2022.

Q. Okay. And how did you travel?

A. By plane.

Q. What airline?

A. I don't know. I don't recall.

Q. Okay. We'll get to that in a minute. Look -- I'll show you what's -- as Exhibit 2. Can you tell the Court what that represents?

A. Exhibit 2?

Q. Yes, sir.

A. It's the hotel that I stayed at in Vegas.

Q. It's right after Exhibit 1.

A. Yeah, I'm looking. That's the ARIA Resort & Casino.

Q. And did you stay there?

A. I did.

Q. When did you check in?

A. April 1st.

[redacted] And does Exhibit 2 represent a hotel booking receipt for April 1st at that resort?

A. It does.

Q. And what time did you check in?

A. I don't recall the time.

Q. Okay. It has a date on there?

A. It --

Q. The top left?

A. Yes.

Q. What is that date?

A. April 1, 2022.

Q. At what time?

A. 6:00 o'clock, 6:06 p.m.

Q. Okay. Did you subsequently attend the Grammy Awards?

A. I went to all the events.

Q. Okay. Will you look at Exhibit 3, please?

A. I'm looking at it.

Q. How long did you stay at the -- the first time you stayed at the ARIA Resort? You checked in April 1st?

A. That's correct.

Q. Do you recall when you checked out?

A. I -- I -- I don't -- I don't recall. I don't recall.

Q. Did you subsequently check back into the ARIA Resort --

A. Yes.

Q. -- Resort & Casino?

A. Yes.

Q. Would you look at Exhibit 3, please?

A. I'm looking.

Q. Do you recall what day you checked back in?

A. April 9th.

Q. Okay.

A. 2022.

Q. Looking at Exhibit 4, is that a receipt from

April 1st through April 3rd for that resort?
A. Yes, it is.
Q. And the amount was $1,222.00?
A. That's correct.
Q. Okay. So you checked in April 1st, and you checked out April 4th?
A. That is correct.
Q. Okay. During -- between April 4th and April -- April 9th, did you stay with any friends or relatives?
A. I did.
Q. Okay. Did you check back in to that hotel on April the 9th?
A. I did.
Q. Okay. Would you look at Exhibit 5, please?
A. Okay.
Q. Is that an American Airlines record locator?
A. Yes, it is.
Q. Okay. And does that show that there was a departure from Miami to Las Vegas on American Airlines Flight 462?
A. Yes, it does.
Q. And does that indicate that $817.20 was charged to your account for that purchase?
A. Yes, it does.

Q. Would you look at Exhibit 6? Does Exhibit 6 show the return from Las Vegas to Miami?
A. It does.
Q. And what date did you return?
A. April 14, 2022.
Q. Okay. On April 11th, when you were purportedly served, were you in Las Vegas?
A. I was.
Q. Did you ever get served by a process server in this case?
A. I did not.
Q. And does Exhibit 6 also show the amount of money that you paid for American Airlines for that travel?
A. It does.
Q. How much?
A. $817.20.
Q. Okay. Would you look at Exhibit 7, please? Is that part of your credit card?
A. Yes.
Q. Or debit card. I'm sorry. And does that show that a debit card purchase on American Airlines flight, round trip, you made April 1st, returning April 14th of $817.20?
A. That's correct.

Q. And that has a date of April 1st on it as far as the booking date; is that correct?
A. That is correct.
Q. Will you look at Exhibit 8, please? Do you have it in front of you?
A. I do.
Q. Okay. And is Exhibit 8 the receipt?
A. It is.
Q. Okay. And does that show you stayed at the ARIA Hotel from April 9th through April 13th?
A. Yes, it does.
Q. Does it show that you stayed there on April 11th?
A. It does.
Q. And you paid $159.00 for that room on that day?
A. That's correct.
Q. And does that show that the $1,049.00 was charged to your Mastercard?
A. Yes.
Q. Okay. You're familiar with the penalty of perjury; is that correct?
A. Yes.
Q. Is everything you told His Honor the truth today?

A. Yes.
Q. You were in Las Vegas from April 1st to April 14th?
A. That's correct.
Q. And were you ever served with process in this case?
A. I'm sorry?
Q. Were you ever served the -- the process server ever give you the Complaint and Summons --
A. No.
Q. -- in this case?
MR. ROSENBLATT: No further questions, Your Honor.
THE COURT: Thank you.
MR. GAUDIOSO: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. GAUDIOSO:
Q. So, Mr. Burke, you said -- you testified that you're in the entertainment business, you're an account [redacted] you're a booking agent, marketing consultant, producer, correct?
A. That's correct.
Q. All right. So this trip wasn't a vacation for you; it was a business trip?
A. It was a business trip.

MR. GAUDIOSO: Your Honor, may I approach the witness?

THE COURT: You may.

Q. Now, Mr. Burke, I've handed you what has been marked for identification purposes as Plaintiffs' Exhibit 6.

Were you able -- have you had an opportunity to review this document prior to today's hearing?

A. I don't recall.

Q. Plaintiffs' Exhibit 6 is a Notice to Produce Evidence at this evidentiary hearing.

If you turn to Page 3, which starts out with Schedule A, have you brought any documents with you today responsive to the Notice to Produce?

A. I have -- I have documents in -- in -- that were put in a drop-box folder.

Q. So is it your testimony that you've produced documents to our firm today relative to this hearing?

A. I'm sorry? Can you repeat?

Q. I'm confused by your answer. Did you bring any documents with you today responsive to the request set forth in Schedule A of this Notice to Produce?

MR. ROSENBLATT: Your Honor, please. These are the documents that we've produced previously, but they're the only ones that we have.

THE COURT: So there are no additional documents --

MR. ROSENBLATT: That's correct.

THE COURT: -- with regard to the request for today?

MR. ROSENBLATT: That's correct, Your Honor.

BY MR. GAUDIOSO:

Q. So the Grammys were held on Sunday, April 3rd, and you checked out of the ARIA Hotel the following day, Monday, April 4th, correct?

A. That's correct.

Q. Now, according to your testimony, you checked back into the ARIA Hotel on April 9th of 2022, correct?

A. That is correct.

Q. Where did you stay the evening of April 13th?

A. I'm sorry?

Q. Where did you stay on the evening of April 13th?

A. I was at the ARIA Hotel.

Q. According to your exhibit, No. 8, which you testified to as the receipt for the ARIA Hotel, that shows the booking was from April 9th to April 13th.

Yet you testified that you flew back on April 14th. Where did you stay on the 13th?

A. At the ARIA Hotel.

Q. I'm sorry?

A. At the ARIA Hotel.

Q. You don't have any receipts to -- any receipts or booking statements or anything that reflects that you stayed an extra night at the ARIA Hotel?

A. I've -- I've produced what I have.

Q. Is there any reason why you didn't produce that Response, either to the original Request for Production that was served earlier this year or Response earlier this year, or the Notice to Produce here today that was served by me?

MR. ROSENBLATT: Your Honor, I object to the term "extra night." The document shows he checked in, checked out the 13th, which you leave -- you leave the next day, the 14th. So there's no extra night there that shows that he was there after the 13th.

Q. Do you have Exhibit 8 in front of you, that being Defendants' Exhibit 8?

A. I have Exhibit 8, yes.

Q. Exhibit 8 states or shows that your checkout was scheduled for 11:00 a.m. on April 13th, correct?

A. That's correct.

Q. So if you checked out at 11:00 a.m. on April 13th, and your flight did not leave until the

following day, where did you stay that evening?

A. I stayed at the ARIA Hotel.

Q. But you don't -- you don't have any documents that will substantiate that, correct?

A. No.

Q. You don't have any evidence of your actual checkout from the ARIA Hotel, either on the 13th of April or the 14th of April 2022, correct?

A. What type of evidence are you referring to?

Q. Do you have a final bill showing all your charges, your incidentals, everything else that a hotel will issue you when you, in fact, check out from a hotel?

A. I check out from hotels all the time, and when I leave a hotel, I -- I -- I leave. I don't go to a desk or checkout necessarily.

Q. So the answer's no, you don't have those files?

A. That's correct.

Q. Do you have -- strike that.

In the package of documents that have been produced during the course of this case so far, you've offered no evidence of your transportation, either on April 14th from the hotel to the Las Vegas Airport, correct?

A. I'm sorry?

Q. You have no receipts for your transportation from the hotel to the airport on April 14, 2022, do you?
A. I don't have -- I've -- I've provided what's here. Whatever's not here, I don't have.
Q. But you didn't walk to the airport; you took transportation --
A. That's -- that's -- okay.
Q. -- correct? Okay.
A. But I also was staying with a lot of friends and family as well. I don't necessarily have to take an Uber to the airport.
Q. Well, how did you get to the airport?
A. I just told you. It was a year ago. I don't recall.
Q. You weren't able to produce any boarding passes to reflect that you actually boarded a flight on April 14, 2022?
A. My boarding passes are electronic. They're digital. They go to my Apple Wallet. When they expire, I delete them.
Q. You haven't produced any evidence of your transportation home from Miami International Airport to Sunrise on April 14th, correct?
A. Produced evidence from Miami --
Q. Your transportation from Miami International

Airport --
A. I mean, I do have a wife who picks me up from the airport.

[redacted]

family that would pick me up if I called. I don't recall.
Q. Which one of your friends picked you up on that day?
A. I didn't say a friend picked me up. I had -- I have friends and family that I call on all the time to pick me up when I travel. I don't recall. I travel a lot.
Q. Did you park your vehicle at Miami International for two weeks?
A. I'm sorry?
Q. Did you park your vehicle at Miami International for two weeks?
A. No.
Q. So you were in Las Vegas for two weeks on a business trip. You have not produced any evidence of meals, drinks, entertainment, or local transportation while you were in Las Vegas. You're unable to do that, correct?
A. I do not have any documents except for what is

here because, again, I don't -- I have friends and family in Vegas that I was with as well. Okay? So if I was going somewhere, I would drive with them.
If we were buying food, sometimes it was on them. Sometimes it may have been on me. But at the end of the day, I don't have a document for everything that I -- I don't -- I don't have receipts with me, presently, or I don't -- whatever I've provided to you, that's what I have.
Q. One of the documents that you've produced, I think is -- has been marked today as Exhibit 7 -- is an account statement or part of an account statement, a one page -- less than one page of an account statement, that you've introduced today to reflect that you bought airline tickets.
A. That's correct.
Q. Where is the remainder of the statement where it reflects whether or not you -- you were at venues buying food and drinks and entertainment, cabs and Ubers, and everything else?
A. I have -- I have multiple accounts there, and, again, I just don't have it with me.
Q. Is there any reason why you haven't produced any of your credit card statements or debit card statements, which clearly have been available to you, to

substantiate that you were in Las Vegas? Is that because you were not in Las Vegas?
A. No, I was in Vegas. I also use cash as well, so not everything is on a bank statement.
Q. You don't have any pictures reflecting your presence in Las Vegas from April 9th to April 14th, do you?
A. I don't have any pictures. I'm not a fan of pictures.
MR. GAUDIOSO: Your Honor, if I may approach the witness?
MR. ROSENBLATT: May I ask what Counsel's providing the witness with, Your Honor?
THE COURT: Yes, please.
MR. ROSENBLATT: Thank you.
BY MR. GAUDIOSO:
Q. Mr. Burke, I've handed you what we've marked for identification purposes as Plaintiffs' Exhibit No. 2.
If you turn to the second page of that exhibit, is that your signature which appears on the return receipt card?
A. I don't see a signature.
Q. Are you on the same page, Mr. Burke?
A. I am.

Q. Do you see where your name is printed, "Ryan Burke"?
A. Yes, I see what's printed. That's not a signature, but, yes, I do see where it's printed, "Ryan Burke."
Q. So the scribble that appears above your signature is not -- I'm sorry -- appears above your name is not your signature?
A. That is not my signature.
Q. Did you, in fact, receive a letter or a package from Attorney Raymond Carrero at or around 4/21 of 2022?
A. Personally? I don't recall.
Q. Does anybody in your house sign your name in the same manner as signed on this one -- return receipt card?
A. I don't know who signed this.
MR. GAUDIOSO: May I, Your Honor?
THE COURT: You may.
Q. Mr. Burke, I'm showing you what we've marked as -- for identification purposes Plaintiffs' Exhibit 3. It's a letter addressed to you from Mr. Carrero, sent by certified mail, with a receipt number -- or tracking number matching those on Exhibit 2.
Have you ever -- do you recall receiving this

letter from Mr. Carrero?
A. I don't recall.
Q. The letter is dated April 18, 2022. It specifically references this lawsuit.
Do you recall receiving, along with this letter, the enclosure that's referenced, a settlement agreement -- do you recall receiving a settlement agreement --
MR. ROSENBLATT: Your Honor -- excuse me. I'd like to object. It's outside the scope of this hearing regarding process service.
MR. GAUDIOSO: Your Honor --
THE COURT: I was actually going to ask you if you were traveling under some other theory other than 48.031.
MR. GAUDIOSO: Your Honor, no further questions for this witness then.
THE COURT: Okay. Very well. Thank you.
MR. ROSENBLATT: No redirect, Your Honor. Thank you.
THE COURT: Okay. Thank you, Mr. Burke.
THE WITNESS: Thank you, Your Honor. Should I take these?
THE COURT: You can just leave them right there for now. Thank you.
THE WITNESS: Thank you.

(The witness was excused.)
THE COURT: Mr. Rosenblatt, any other witnesses?
MR. ROSENBLATT: No, sir.
THE COURT: Mr. Gaudioso, any witnesses?
MR. GAUDIOSO: We call -- we call Ms. Shirley Lowe.
THE CLERK: Please raise your right hand.
SHIRLEY LOWE,
having been first duly sworn and responding, "I agree," was examined and testified as follows:
THE CLERK: Please state your name for the record.
THE WITNESS: Shirley Lowe.
THE CLERK: L-O-W?
THE WITNESS: L-O-W-E.
THE CLERK: Thank you. Have a seat.

DIRECT EXAMINATION

BY MR. GAUDIOSO:
Q. Ms. Lowe, what is your trade or profession?
A. I am a process server.
Q. Do you hold any licenses to work as a process server?
A. Yes, I do.
Q. Okay. What licenses are those?

A. Broward SPS License and Miami-Dade CPS License.
Q. How long have you been a process server?
A. Since 2018.
Q. Generally, in those circumstances where your clients find it difficult to serve someone, are there any techniques that you employ to assist you in effecting service?
A. I -- techniques, as in when I approach someone?
Q. Would you approach somebody differently if you know that they're being difficult to serve?
A. I approach everyone where I try to get their identification confirmed right away.
Q. Does that mean prior to your identifying yourself as a process server?
A. Correct.
Q. Were you given the assignment to serve Ryan Burke at three entities for which he is listed as the corporate representative, 16260 Saddlebroke -- Saddle Club Road, LLC; VEW Live, LLC, at 2045 Southwest 127th Avenue, LLC?
A. Yes.
MR. GAUDIOSO: Your Honor, if I may?
THE COURT: You may.
Q. Ms. Lowe, I hand you what we've marked for

identification purposes as Plaintiffs' Composite Exhibit 1.

Do you recognize the documents making up the exhibit?

A. I do.

Q. Okay. What are they?

A. They're a return of service for the day that I served Ryan Burke with four summonses.

Q. What date and time did you receive the process for service on Mr. Burke?

A. According to this, it was the 23rd of February of 2022.

Q. And did you -- your returns of service, each of them specifically reflect the date and time that you were provided -- that you received the process for service?

A. Yes.

Q. What date and time did you serve Mr. Burke?

A. On April 11th at 8:00 a.m.

Q. And do all the returns, likewise, reflect the date and time that you served Mr. Burke --

A. Yes.

Q. -- and his entities?

A. Correct.

Q. What was the manner of service in this case?

A. Personal.

Q. Do all of the returns that you prepared and [redacted] swore under oath -- do all of them reflect that Mr. Burke was served personally, either as individual capacity or as -- as registered agent of the corporations?

A. That's correct.

Q. And, finally, do each of the returns reflect the name of the person that was served?

A. That's correct.

MR. GAUDIOSO: Your Honor, I'd like to move into evidence at this time, Plaintiffs' Composite Exhibit 1, and ask that the Court take notice that under Florida Law, service is presumed valid when it meets the statutory requirements that Ms. Lowe has testified to.

THE COURT: Well, it's certainly presumed valid on its face. And I do see four returns of service, and do you see -- one of those four is a no service for VEW Live --

MR. GAUDIOSO: Yeah.

THE COURT: -- so are we adding a --

MR. GAUDIOSO: Yes, Your Honor. We just -- we just discovered this as we were preparing for the hearing that the one that -- that the VEW Live

return that's on file with the Court is not the correct return.

Ms. Lowe had actually e-mailed it to me. That's why we don't have it ready to present, but we can --

THE COURT: So we're going to --

MR. GAUDIOSO: -- we can correct the filing later today --

THE COURT: Okay.

MR. GAUDIOSO: -- on that.

THE COURT: Very well.

MR. ROSENBLATT: No objection, Your Honor.

THE COURT: Very good.

(Thereupon, Plaintiffs' Exhibit No. 1 was admitted into evidence.)

BY MR. GAUDIOSO:

Q. Okay. So let's talk about the actual service on April 11, 2022.

Where were you, and what were you doing prior to serving Mr. Burke?

A. I was parked right in front of his home in back of another vehicle. I was observing the home, making sure that I could see visibly the door. When somebody exits the home, I was ready to get out of my car and confront that person.

Q. When you say, "the home," are you referring to the property with the address of [redacted]

A. That's it. Uh-huh (affirmative).

Q. What happened next?

A. I observed someone walking from the side of the home, entering the walkway to the front door.

Q. And what did you do?

A. I got out of my car, and I said, "Hi, Ryan."

Q. And did Mr. Burke respond to you?

A. He did. He turned around, and he said, "Yes."

Q. At that point, did you approach Mr. Burke?

A. Yes, we approached each other. He came towards me. I came towards him.

Q. Okay. Did you then identify yourself and your purpose?

A. Absolutely. I identified myself, showed him the four documents, showed them like this, and actually named all of the corporations, named him. And he was very attentive to what I was saying.

Q. What, if any, was Mr. Burke's response?

A. His response was, "Can you give this to my attorney?" Or mail -- he said, "Mail or give this to my attorney."

Q. And did you respond to that statement?

A. I said, "Unfortunately, I cannot give this to your attorney, but I" -- "I need to give these to you, but since you won't take them, I can leave them at the door." He answered, "That's fine."
Q. Okay. Did you see Mr. Burke enter his home?
A. Yes, he did.
Q. While he was entering his home, did Mr. Burke see you leaving the summonses at his doorstep?
A. He saw me endorsing them, and he went inside, and I left them at the door.
Q. After leaving the summonses at his door -- in front of his door, what did you then do?
A. I got in my car, and I took a lot of notes.
Q. Are those the notes that are reflected in the returns of service?
A. Absolutely.
Q. At any time during your interaction, did the gentleman you were speaking with ever deny that he was Ryan Burke?
A. Nope.
Q. Did he give you any sense that he was confused as to why you were --
A. Not at all.
Q. -- talking to him about these companies and these summonses?

A. No confusion at all and no denial of who he was at all.
Q. Do you see the gentleman that you served in the courtroom today?
A. I do.
Q. Can you point him out to us?
A. Excuse me?
Q. Can you point him out to us?
A. He's sitting right here, next to his attorney.
MR. GAUDIOSO: Let the record reflect that the witness has pointed to Mr. Burke, sitting at the Defendants' table with Mr. Rosenblatt.
Q. Is there any doubt in your mind that the gentleman you served on April 11, 2022, was Ryan Burke?
A. No doubt.
MR. GAUDIOSO: No further questions, Your Honor, and we have no further witnesses.

CROSS-EXAMINATION

BY MR. ROSENBLATT:
Q. Good morning, ma'am.
A. Hi.
Q. We haven't met before, have we?
A. No.
Q. Okay. I'm Bob Rosenblatt.
A. Oh, maybe on the Zoom. No?

Q. No.
A. Okay. No.
Q. I don't think so. And let me just talk about where you talked about -- the last part of your testimony.
A. Um-hum (affirmative).
Q. You said you took notes, detailed notes, and you incorporated those notes into your return of service?
A. Yes.
Q. Okay. One thing that stuck out with me was you said in your testimony that you saw the man that you served enter the house.
A. That's correct.
Q. That's not in your return of service, is it?
A. It's not.
Q. And that was an important part of your testimony today, correct?
A. I don't -- I can't tell you how important it is.
Q. Okay. But if you took detailed notes --
A. Yeah.
Q. -- certainly the man that you served entering the house would be imperative that you put that in your notes, correct?

A. It doesn't need -- need to be in my notes in order to say that I served him.
Q. Right. But you put detailed -- you took detailed notes. A lot of the items you have in here --
A. Huh?
Q. -- would have to be in your return, right?
A. I don't understand your question.
Q. Okay. In other words -- for instance, you say that "The server quickly exited your vehicle. You call out the name, Ryan."
That didn't necessarily have to be in your additional information.
A. It does.
Q. Okay. What about the fact that you took detailed notes, and you said to His Honor today that you saw the man enter the house? Correct?
A. I saw him enter the house after I had -- after I had spoken to him. I mean, I don't know how relevant to service that is though.
Q. Okay. Well, we'll let the Judge decide that. But you took detailed notes in your vehicle?
A. Correct.
Q. And you incorporated those notes into your additional information pertaining to the service?
A. What has to do with the service, correct.

Q. Right. But nowhere in your additional information did you state that you saw the man that you served enter the house; is that correct?
A. I don't know how relevant that is to service.
Q. I'm asking you the question. Did you put that in your --
A. It's not in the -- it's not --
Q. Did you put it in there?
A. It's not on the affidavit. It's clearly not on the affidavit.
Q. Right.
A. Correct.
Q. And today is the first time you've ever said that; isn't that right?
A. To a judge. To you, yes.
Q. Okay.
A. But --
Q. Did the lawyers tell you to say that?
A. It was a question he asked.
MR. GAUDIOSO: Objection, Your Honor.
MR. ROSENBLATT: Pardon me?
THE WITNESS: It was a question he asked.
MR. GAUDIOSO: Argumentative, Your Honor.
THE COURT: Sustained.
BY MR. ROSENBLATT:

Q. Okay. So you took detailed notes, and you put what was important in your detail. But in those notes that you incorporated in your return, you never said that you saw the man that you served enter the house, correct?
A. It's not --
MR. GAUDIOSO: Objection, Your Honor.
A. -- it's not on my affidavit.
MR. GAUDIOSO: Asked and answered several times, Your Honor.
THE WITNESS: I -- I --
THE COURT: Overruled.
THE WITNESS: It's not on the affidavit, but it is in my testimony.
BY MR. ROSENBLATT:
Q. Okay. But it's not in your affidavit?
A. Right. It's not in the affidavit, but it is in my testimony.
Q. And -- okay. Is there any reason why it's not in your affidavit if it's the truth?
A. It's not relevant to the service.
Q. Okay. How many of these -- how many -- how many times have you served process since 2018?
A. I can't tell you off the top of my head how many times.

Q. What did you do before you became a processor?
A. I owned my process serving company. So I am the CEO.
Q. Oh. So this is your company?
A. Correct.
Q. L&L? Okay.
A. Yes.
Q. It was formed in 2018?
A. Nope.
Q. When was that formed?
A. 2014.
Q. '14. Okay. So you arrived at the location about 7:00 o'clock in the morning; is that correct?
A. That's right.
Q. And you had your eyes on the front door?
A. I did.
Q. And did you ever see anybody exit the front door?
A. No.
Q. So the individual that you served came from the side?
A. He came from the sidewalk, correct.
Q. Not from the front?
A. (No audible response.)
Q. Do you know how many other people were in the

house that day?
A. I didn't see anybody else or hear anybody else.
Q. Did you see -- do you know how many people were inside the house?
A. I have zero knowledge of that.
Q. Okay. And when you called out the name, this was -- the only person in your area was the person that you served?
A. He was the only one on the sidewalk.
Q. So you could have called out "Joe" or "Harry" or "Richard," and this person would have turned around anyway?
A. That's right -- no, I'm sorry. He -- if it wasn't Ryan, I would have expected him to say, "Who are you looking for?"
Q. Well, what you expected him to say is different than what occurred.
You called out a name of a person?
A. Right.
Q. It was the only person in the area?
A. (No audible response.)
Q. It's early in the morning?
A. Yes.
Q. And you -- you wanted to make sure that you --

that he heard you. So you call out a name, and this person turned around?

A. That's --

Q. And from that you assume this person has the same name?

A. I guess -- the assumption came when I approached him, and I was -- was speaking to Ryan Burke about his cases, and he did not deny who he was. That's where the assumption came.

Q. When you were there, did you have your cell phone?

A. I have my cell phone out, yes.

Q. And does your cell phone have an ability to take a photograph?

A. It does, but it didn't take any photos.

Q. Did you try to take any photographs of the man that you --

A. I tried.

Q. Okay. And what happened to those photographs?

A. I don't have -- they didn't take any pictures. My -- my phone didn't take any pictures.

Usually I take pictures before I exit the vehicle, and apparently as I was fumbling, trying to get out, I didn't take any pictures. I thought I did.

Q. Okay. And that's something you do normally;

you try to take a picture of the person that's served?

A. I -- I -- I do try to take pictures in order to solidify service.

Q. Let me finish my question, okay, so the Court Reporter can get everything down.

A. I'm sorry.

Q. Okay.

A. I apologize.

Q. So you tried -- you didn't take any pictures of the man you served; is that correct?

A. I didn't get any, no.

Q. And how long were you in the presence of this man from the time you called out the name until you went in your car, and you took your detailed notes, but you didn't put it in those notes that you saw him go back into the house?

How long were you in that man's presence?

A. I believe it was approximately three minutes or so.

Q. Okay.

A. We were talking, and it was a very cordial conversation.

Q. Right. So it was about three minutes during the presence of this individual?

A. Yes, I would -- give or take.

Q. Okay. Now, did this man that you served --

A. Um-hum (affirmative).

Q. -- you recall what kind of -- what kind of shirt he was wearing?

A. I want to say it was a tee shirt.

Q. You want to say. Do you recall what it was?

We're here under oath testifying. Do you recall what kind of shirt he was wearing?

A. No.

Q. Do you recall the color?

A. No.

Q. Do you recall the color -- the kind of pants he was wearing?

A. I want to say they were dark pants but --

Q. You don't want to say. What were they?

A. They were dark pants.

Q. Long or short pants?

A. Long.

Q. Did he have any shoes on?

A. Yes, he had shoes, definitely.

Q. Have you ever had any experience where -- in your normal course of going into activities, living activities, you see somebody that you thought you knew, and you were mistaken?

MR. GAUDIOSO: Objection. Calls for

speculation, Your Honor.

THE COURT: Overruled.

A. That I was mistaken for somebody that I thought I knew?

Q. Well, you saw somebody. You thought it was somebody that you knew, and it wasn't.

I mean, it happens every day to people.

A. I can't really tell you that's happened to me before.

Q. Well, you can't rule it out, can you?

A. Usually, I am able to affirm -- you know, confirm someone's identity, yes.

Q. Has that ever happened to you in the course of your -- your life experiences where you see somebody in a crowd --

A. Well --

Q. -- you thought you knew who they were --

A. You're -- you're asking --

Q. Let me finish the question.

A. Okay.

Q. -- and you thought you knew who they were, and it turned out that they were not the person?

A. Well, I'll start by saying I don't know Ryan Burke personally, nor have I seen a photo of him previously. And so I couldn't --

Q. That's not my question. That's not my question.
A. Uh-huh (affirmative).
Q. My question is simply, have you ever been in a position where you've seen somebody in a crowd, concert, football game, baseball, whatever, concert, and you thought you saw somebody you knew, and it wasn't that person?
A. No.
Q. Never happened to you?
A. No.
Q. Now, you were in the courtroom when Mr. Burke testified; is that correct?
A. I was here, yes, when he testified.
Q. All right. Okay. So he was the only person on the stand giving his name?
A. That's right.
Q. Right.
A. But --
Q. Did you ask the man for identification?
A. I did not.
Q. Isn't that what a process server should do, ask --
A. It's not in the statute.
Q. It's not in the statute, but is that a good technique for a process server?

A. If I don't believe them, it is.
Q. Okay. And then it confirms identity, doesn't it?
A. IDs always confirm identity.
Q. Did you ask this man for identification?
A. I didn't need to. He affirmed who he was.
Q. That's not my question, ma'am. My question is, did you ask him for identification?
A. I did not.
Q. I'm not arguing with you. I'm just asking you this question. So please don't argue with me.
A. I did not.
Q. Okay. And, again, when you had -- when you approached this man, did you have your camera with you?
A. I don't -- camera?
Q. Your cell phone.
A. I had it, yes.
Q. Right.
A. I always have it in my pocket.
Q. Okay. And as you approached him, did you take a picture of him?
MR. GAUDIOSO: Objection, Your Honor. Asked and answered.
A. I -- I -- I already told you that I do that in my car, and I didn't -- wasn't -- when I got back into my car to look to see if I took pictures, there were none.

Q. Was that in your affidavit?
A. It's irrelevant.
Q. No, that's not -- you have the Judge. The Judge has a black robe, and he's sitting right here. Don't say, "It's irrelevant." It's pretty important.
A. It's irrelevant to service. I did not put it into my affidavit.
Q. That's for your lawyers to argue and the Judge to rule on.
A. I'm answering your question, sir.
Q. Okay. So as you approached him, you had your cell phone with you, but you didn't take any pictures of him as you approached him; is that correct?
A. It was in my pocket.
Q. You didn't take any pictures of him as you approached him?
A. No, because it was in my pocket.
Q. Did you try to remove your cell phone from your pocket to take pictures of a man --
A. I did not because I really wanted to speak with him.
Q. Excuse me. Again, you're cutting me off.
A. I apologize.
Q. Okay. Well, apologize to the Court Reporter, not to me.

A. I apologize to the Court.
Q. Court Reporter.
A. I'm sorry. I apologize to the Court Reporter.
Q. So as you approached him, you had the cell phone in your pocket?
A. Yes, that's correct.
Q. And yet you didn't take any pictures of the man that you served?
A. I couldn't.
Q. Did you take any pictures -- do you have a video of -- on your phone as well?
A. No, I wasn't able to take any video or anything.
Q. But you had a video --
A. I don't have a video camera on my -- in my car.
Q. I'm not asking about your car; I'm talking about your cell phone.
A. It was in my pocket.
Q. Does your cell phone have a video feature?
A. It does.
Q. Okay. Did you try to put it in the video feature so you could take a picture of this man going into the house?

A. I tried to take a photo in my vehicle. I was unable to.
Q. No, that's not -- the answer is yes or no, or you don't recall.
A. I -- I believe I answered it several times no, and so I'm just trying to explain.
Q. I didn't ask you this before. I'm asking if you put the video feature on your --
MR. GAUDIOSO: Objection. This is arguing with the witness at this point about the photographs.
A. The video feature in my phone, it was not working, so I could not take any photos.
Q. Okay. So the photograph area -- the photograph where the pictures wasn't working, and the video wasn't working?
A. Right, and I was stumbling out of my car to -- I wanted to speak to Ryan.
Q. I see. So the reason you didn't take any pictures was because you were stumbling, or because the phone wasn't working?
A. I'll demonstrate kind of like what was happening.
Q. No, I'm not asking you to do that. I'm asking you what was the reason you didn't take any pictures.

Now, you just added another element that you were stumbling while you were --
A. Oh, I mean, as I tried to get out of my car very quicky, and maybe I misused the word, "stumbling."
Q. So that was a mistake?
A. What was a mistake?
Q. Where you misused the word, "stumbling"?
A. You interpret it differently than I would interpret it. I don't call it a mistake; I was quickly getting out of my car.
Q. But you used the word, "stumbling." Now, you're taking that back; is that right?
A. My interpretation of stumbling is I was trying to get out of my car and moving -- I had papers in my arm. I was trying to get his attention. I was making sure I didn't lock my keys inside my car, you know, the type of thing that happened to me before. I really don't want to do that.
Q. You said your cell phone wasn't working; the photograph feature wasn't working; is that correct?
A. That is correct. It couldn't take any photos.
Q. Okay. And did you ever have that repaired?
A. It wasn't a matter of like whether my camera wasn't working as -- literally my thumbs not clicking.
Q. So the phone was working, but now it's your thumbs that didn't take the picture?

A. I wasn't able to execute a photo using my hands and my phone, if that answers your question.
Q. So your phone was working?
A. It was working.
Q. So your testimony that it wasn't working was not totally accurate?
A. Okay.
Q. Isn't that right?
A. Let me explain.
Q. No, no. Answer my question, please.
A. My phone was working.
Q. Excuse me.
A. I wasn't able to take the photo.
Q. There's no question. There's no question pending.
We can get through this if you let me finish my question because I'm trying --
A. I'm letting you finish your question.
Q. Okay. So your prior testimony the phone wasn't working wasn't totally accurate, was it?
A. The phone wasn't working. It is just a very broad way of describing I couldn't get a photo executed the way a photo is taken on a phone of -- you know, a cell phone, with an app.

Q. So the phone wasn't working?
A. Yes, the phone --
Q. You were the one that wasn't working?
A. I wasn't working because it was happening so quickly. I wanted to take a quick picture. It wasn't working. I couldn't -- I couldn't take a photo. I had to get out of my car quickly before he got into the house. It was one of those --
Q. No.
A. -- very quick moments.
Q. Okay. So your testimony before then, the phone wasn't working, wasn't totally accurate, was it?
A. Okay. So I --
Q. Yes, or no? The phone wasn't working?
A. The phone was working.
Q. And you testified to His Honor that it wasn't working; is that right?
A. I don't know what you're trying to get at, but --
Q. I'm just asking the question.
A. -- the app wasn't clicking with my finger.
Q. Okay.
A. That's what I meant.
Q. And you realized that when you got out of your car that the phone had -- the photographs were not

taken; isn't that right?
A. That was after -- way after the fact.
Q. Isn't it true, ma'am, that the person that you talked to never identified himself as Ryan Burke?
A. He did identify himself as Ryan Burke, yes.
Q. And where is that in your -- in your return of service?
A. When he said the word, "yes."
Q. Well, you said, "Ryan," and then he turned around -- the man that you saw turned around and said, "Yes"?
A. Correct. He -- I asked the -- I asked -- I said, "Hi, Ryan." And he turned around and said, "Yes."
Q. But --
A. And then I approached him. I was like, "Hi, Ryan. I have documents for you. Ryan, these are documents for you. Ryan, this is what I'm going to explain to you about these documents. Ryan, Ryan, Ryan." He did not deny he was Ryan.
Q. Did you ever ask him if he was Ryan Burke?
A. I did.
Q. Burke?
A. Yes.
Q. Where is that in your affidavit?
A. Where it says, "yes."

Q. That says, "to Ryan." Where --
A. Correct.
Q. Where is the name, "Ryan Burke" -- show it? When you -- when you say --
A. I called his name.
Q. You called the name, "Ryan."
A. Right.
Q. You didn't call "Ryan Burke," did you?
A. I called "Ryan."
Q. Did you call "Ryan Burke"? Yes, or no?
A. No. I called "Ryan."
Q. So you never -- you never called the name, "Ryan Burke" and asked him to identify himself as Ryan Burke; is that right?
A. He identified himself as Ryan; and, therefore, he is Ryan Burke.
Q. Okay. In your opinion. Is Ryan a common name?
A. I can't answer that question.
Q. Okay. Known other people named Ryan?
A. I don't know them personally, no.
Q. Friends named Ryan?
A. Excuse me?
Q. Do you have any friends named Ryan?
A. I don't have any name -- any friends named

Ryan, no.
Q. Ever heard of the name Ryan before this one -- before this case?
A. Maybe.
Q. Maybe? Okay. But in your return of service, you never indicated that the man identified himself as Ryan Burke; isn't that correct?
A. He also did not deny himself.
Q. Yes, or no? Yes, or no? Did he ever -- did he ever identify himself as Ryan Burke, and did you --
A. He did.
Q. Did you put that in your additional information as "Ryan Burke"?
A. He identified himself as Ryan Burke when he answered, "Yes."
Q. No. That's not my question. My question is, did you ever call the name, "Ryan Burke" to him?
A. I called "Ryan."
Q. Right. And in your affidavit or your return of service --
A. Uh-huh (affirmative).
Q. -- you never utilized the name, "Ryan Burke;" you called "Ryan" to this person who's alone in an area, no one else around --
A. Right --

Q. -- and --
A. -- no one else -- no one else answered "Ryan" -- yes to "Ryan."
Q. You could have called --
A. But he did.
Q. You could have called -- you could have called "Joe."
A. He probably would not have answered me or turned around.
Q. If the person would have had a name yelled at him individually early in the morning, would turn around and see who -- who are you, what's going on.
A. He would -- he did -- he would have, but he didn't. He said, "Yes."
Q. But did you ever confront the man and ask him --
A. I did. I confronted -- we walked towards each other.
Q. You keep cutting me off.
A. I'm -- I apologize for cutting you off.
Q. Okay. My question is, did you ever ask this man if his name was "Ryan Burke"? Yes, or no? Yes, or no?
A. When I showed him --
Q. Yes or no, ma'am.

A. When I showed him the documents, I explained that these documents were for "Ryan Burke."

MR. ROSENBLATT: Your Honor, ask her to be responsive.

THE COURT: Ms. Lowe -- Ms. Lowe, if you can answer the question yes or no.

THE WITNESS: I did.

BY MR. ROSENBLATT:

Q. Did you ask him if his name was Ryan Burke?

A. I did. When I showed him the documents, I showed him personally, "Ryan Burke, this document is for you." "Ryan Burke."

He said, "Yes." So he -- it -- it -- I did ask him that question.

Q. Is that in your affidavit that you asked him if his name was Ryan Burke?

A. It is in my affidavit. "Server identifies herself. Explained the documents to him." So, yes, it is in my affidavit.

Q. To him. Where is the name, "Burke"?

A. It's not -- it's not explicit in my affidavit --

Q. Oh, okay.

A. -- but I explained the documents. And when I explain -- I can tell you the process of what I do when

I explain documents.

Q. My question is, is the name, "Burke" here, anywhere in your affidavit that the man said his name was "Ryan Burke"? Yes, or no?

A. I'll tell -- I'll say, "Yes." I'll say, "Yes."

Q. All right.

A. Because when I explain the documents to the people that I serve --

Q. My question --

A. -- I am saying their last name.

Q. My question, ma'am --

A. Yes.

Q. -- is in your affidavit --

A. It is in my affidavit.

Q. -- did you ever say -- when you said his name, you called out the name, "Ryan," he turned around, and you said you have documents for it.

Did you ever call out the name, "Ryan Burke"?

A. It's in my affidavit.

Q. Yes, or no? Did you call him "Ryan" or "Ryan Burke"?

A. Yes, it's in my affidavit.

Q. Did you yell out -- when you said -- when you yell out --

A. I said the word, "Ryan Burke."

Q. Excuse me. Please don't cut me off. Can I finish the question?

A. Absolutely.

Q. When you saw this individual, you call out the name, "Ryan." Not "Ryan Burke." Isn't that correct? Yes, or no? Yes or -- yes, or no?

A. When -- yes, when I -- when I called him. But when I explain the documents, I did say, "Burke."

I need that -- I need that in my testimony.

Q. Okay. And when you approached him --

A. Yes.

Q. -- did you ask him for identification?

A. I don't need to for service --

Q. I didn't ask you what you needed.

A. -- the process.

Q. I asked you, did you ask him for identification.

A. I did not.

Q. Did you take a photograph of him?

A. No.

Q. Did you ask him if he was Ryan Burke?

A. I did.

Q. And where is that in your affidavit?

A. It's there. "Explained documents."

Q. Show us -- tell the Judge, if you would --

A. Uh-huh (affirmative).

Q. -- where you use the name -- where it says in your affidavit that you asked him if his name was Ryan Burke.

A. Where it says, "Explained documents to him," that includes that.

Q. Oh, but you didn't put in --

A. It includes it.

Q. But you didn't put the name, "Ryan Burke" in there? Put him -- you put the name --

A. For purposes of the affidavit --

Q. Excuse me.

A. -- it is not part of the statute where I have to write comments in the affidavit where it says I have to write someone's last name.

Q. Okay.

A. So my explanation of the documents covers it.

Q. Okay. But my question to you, ma'am, is not what's in the statute. My question is, did you ever ask him if his name was Ryan Burke?

A. Yes.

Q. Okay. Where is that in your affidavit, that you use the name, "Burke"?

A. "Explained" in the documents. That is in my

affidavit, sir.
Q. Where's the name, "Burke" in your -- the additional information?
A. It's encompassing --
Q. No, no. I'm not asking you that. I'm asking you, show us where in your additional information gained in this service where the name, "Burke" appears. Does it appear anywhere? Yes, or no?
A. It does.
Q. Yes, or no?
A. It does appear.
Q. Where?
A. Where it says, "Endorsed" down by me to "Ryan Burke at the address of."
Q. It says, "Server endorsed each of the summons and left four summons on the door." Where does it say that?
Where is the name, "Ryan Burke"?
A. On the second -- "The individual personally served delivery and true copy of the summons and complaint with hours endorsed thereon by Ryan Burke at the address of" -- his last name's there.
Q. But that's not a part of the actual service?
A. Absolutely it is.
Q. That was -- that was there before you served

the person, wasn't it?
A. How is that before?
Q. My question is, in the additional information, did you put the name, "Ryan Burke" there at all? Yes, or no?
A. What matters is --
Q. No --
A. -- the Ryan Burke --
MR. ROSENBLATT: Your Honor, could you ask the witness to be responsive, please?
THE COURT: Madam, so if you could answer the question, please do so. If you need some time to explain, I'm sure we'll give you an opportunity afterwards. Okay?
THE WITNESS: Thank you.
THE COURT: Thank you.
BY MR. ROSENBLATT:
Q. Did you put the name, "Ryan Burke" at any point in the additional information? Does the name, "Burke" show up there? Yes, or no? Yes -- yes, or no?
A. Not in the additional information.
Q. Thank you. Thank you.
MR. ROSENBLATT: May I, Your Honor?
THE COURT: Yes, you may.
BY MR. ROSENBLATT:

Q. Now, have you seen this individual at any time between the date of service which was in April of 2022 and today?
A. No.
Q. And you said you didn't hand him the individual summons, so you left them on the front door?
A. He refused to take them --
Q. That's not my question, ma'am. My question to you is, did you hand him the individual --
A. I tried to hand it to him.
Q. Did you hand it --
A. I -- I tried to hand it to him.
Q. Okay. But he didn't take it; is that correct?
A. That's correct. The service of process doesn't need to be taken in hand.
Q. I didn't ask you that.
A. I clarified.
Q. And you left them on the front door?
A. I had to.
Q. You said earlier that you received the summons on February 23rd; is that correct? And you had --
A. According to this, yes.
Q. Right. So you had to refresh your recollection as to when you received it?
A. I don't understand your question.

Q. Well, you said, "According to the summons," and you received it on the 23rd of February. So you had to refresh your recollection; is that correct?
A. I receive papers every day from clients, so do you want me to memorize all the time that I --
Q. No, I'm just asking you the question, ma'am, because you had to refresh your memory as to that.
A. I had to refresh my memory.
Q. Okay. Fair enough. So you sat here during Mr. Burke's testimony today under oath; is that correct?
A. That is correct. I was sitting over there.
Q. And you saw -- have you seen -- has the -- the attorneys ever showed you the exhibits that Mr. Burke identified?
A. No, I have not seen them.
Q. But they haven't shown you any of those documents?
A. I -- I don't think it was relevant to --
Q. Well, and you're -- I don't see a black robe on you, so I don't know why you're making these objections.
A. I'm not making an objection. I -- I don't -- I didn't see the documents.
MR. ROSENBLATT: Okay. No further questions, Your Honor.

MR. GAUDIOSO: Your Honor, may I have a brief redirect?

THE COURT: Yes, you may.

REDIRECT EXAMINATION

BY MR. GAUDIOSO:

Q. I promise, no questions about your phone. Does Florida Law require process servers to take a photograph of the person they serve?

A. No.

Q. But does it require --

MR. ROSENBLATT: Your Honor, objection as to asking this witness what Florida Law requires. She's not a lawyer, although she seems to be almost a judge.

THE WITNESS: In order to me to have a license, I have to know the statutes.

MR. GAUDIOSO: Yes, Your Honor. This has been my argument before. She's a licensed processor, where she has to take a test. She has to understand the statutes. She has to --

MR. ROSENBLATT: That doesn't make her an expert in the law, Your Honor.

THE COURT: No, Mr. Rosenblatt, I agree with you. Nonetheless, I will permit the question.

MR. ROSENBLATT: Okay.

BY MR. GAUDIOSO:

Q. Ms. Lowe, is it your understanding -- well, do you have an understanding whether or not Florida Law requires process servers to videotape the individual being served?

A. It does not require.

Q. Are you required as a licensed process server to obtain a physical identification from the individual --

A. No.

Q. -- that's being served?

A. No.

Q. In this particular case, did Mr. Burke identify himself to you?

A. Yes.

Q. Now, when you showed him the summonses -- correct, you did that? Yes?

A. I did.

Q. On the summons, center, in the middle of it, what does it say?

A. His name, "Ryan Burke."

Q. At that time, did Mr. Burke say, "Oh, that's not me. I don't know who that is"?

A. He did not.

Q. But you showed him the summons with the

companies. Did it also have his name --

A. It did.

Q. -- "Care of Ryan Burke"?

A. Correct.

Q. And did he ever -- at any time when you were talking to him, and he was looking at these summonses that you were explaining to him, did he ever at any time tell you, "That's not my company. I don't know what company that is. I'm not Ryan Burke"?

A. He did not.

Q. After you showed him the summonses, the legal documents that you were serving him with, what was Mr. Burke's response again?

A. He asked me if I can give these to his attorney or mail them to his attorney.

Q. So the gentleman you served didn't say, "I'm not Ryan Burke. Why don't you send those to Mr. Burke's attorney." He said, "Send them to my attorney"?

MR. ROSENBLATT: Objection.

A. He said, "my attorney."

Q. And all that's laid out in your affidavit; is that correct?

A. I'm sorry?

Q. All that -- that interaction is laid out here in your affidavit?

A. Yes, that's in the affidavit.

MR. GAUDIOSO: I have no further questions, Your Honor.

THE COURT: Thank you, ma'am.

THE WITNESS: Thank you.

(The witness was excused.)

MR. GAUDIOSO: Your Honor, the Plaintiff has no further witnesses.

THE COURT: Any pre-closing remarks?

MR. ROSENBLATT: Yes, Your Honor. If you need argument I'm happy to provide it.

DEFENDANT'S CLOSING ARGUMENT

MR. ROSENBLATT: Your Honor, what we have here is the process server who -- that owns her own company. You saw her testimony. I don't think I need to comment that much on it, but she's vouching for her own -- her own company.

She's extremely argumentative. She has a point to make. She wants to believe she served the right person. I believe she means well, but subjectively you've got to look at that. The nature of her testimony shows she has an interest in this case.

What we have here before the Court are not subjective evidence. We have Mr. Burke's sworn

testimony under oath, under penalty of perjury, he was not served. Will that carry the day if we didn't have the documents? No, probably wouldn't. But what we have here is documents showing that he left Las Vegas on April 1st. He returned on April 14th. He was in Las Vegas during those two weeks, especially on April 11th, when the reported service occurred.

We have the American Airlines departure. We have the American Airlines return. We have it paid for on his credit card. As I told Counsel before, if he has any questions about it, he could subpoena the entire credit card. He hasn't done that.

He hasn't shown you that any of these documents are not true or accurate. So the Court has to weigh the subjective testimony of a person with eyewitness testimony, who saw an individual for three -- three minutes under stressful circumstances. You saw how she testified about her camera not being working. It didn't work.

She wasn't candid with the Court. So when you weigh her subjective testimony against the objective evidence that we have, it's clear that Mr. Burke was not presently -- was not properly served in this case. He wasn't served at all.

And I think Your Honor flagged another issue here on the January 30th hearing, as part of our exhibits -- I think it's Exhibit 8, I believe. And Counsel showed you the return of service, and Your Honor said that it came back. Arguably that will flaw the last sentence of 1.500(b), which require a hearing -- notice of the hearing, which would undo the default.

Counsel introduced that card as evidence, and if that's accurate, then the Defendant was entitled to notice under 1.500(b), as Your Honor said, on Pages 12 to 14 of the transcript. And all these were -- all of the defaults were clerk defaults, with no notice to the Defendant at all.

So we ask the Court to weigh the subjective evidence against our objective evidence, and the fact that 1.500(b) was a clerk's default, and he was entitled to actual notice.

Thank you, Your Honor.

THE COURT: Mr. Gaudioso?

PLAINTIFF'S CLOSING ARGUMENT

MR. GAUDIOSO: Your Honor, Mr. Burke has provided no evidence to this Court that he was, in fact, in Las Vegas during the time period in question. What Mr. Burke has presented today is

that he booked a flight and paid for a flight and that he booked a hotel room and paid for the hotel room.

No evidence that he stayed in the hotel room. No evidence that he flew or, if he did fly, what dates he flew on, because these are all booking confirmations and booking receipts because they're not boarding passes, which we asked for. These are not receipts, which we asked for. Mr. Burke HAS presented none of that.

As you're well aware, I'm sure, Your Honor, anybody can go online and book a hotel room. Mr. Burke testified that he had friends and family and people staying in Vegas. For all we know, he booked a room for them. There's no evidence that Mr. Burke was there. There's no evidence that he bought a thing when he was in Vegas. He's on a business trip.

No tax receipts. No Uber receipts. No food receipts. No lodging and no -- no receipts at all. No photographs that he was in Vegas. So while he's in entertainment, there's not a single photograph of him at any of these parties that he said he went to. Nothing.

Now, under Florida Law, if a party refuses to accept the summonses or approach and retreats to

his home, the process server is allowed, and it is proper for the process server, to leave the summonses on the doorstep after identifying who she is and what her purpose is to the individual.

The case I'm going to cite for that is Haney, H-A-N-E-Y, vs. Olin, O-L-I-N, Corp., 245 So.2d 671. That's a 4th DCA case. This one was dated 1971.

More importantly, as the Court recognized earlier, the affidavit is correct and is valid on its face. At that point in time, the burden shifts to Mr. Burke to establish through clear and convincing evidence that service was not proper.

Clear and convincing evidence in this context requires that the witnesses to a fact be credible, that facts they testified to must be distinctly remembered, and the details must be narrated exactly and in order. The testimony must be clear, direct, and weighty, and the witnesses must be lacking in confusion as to the facts at issue.

That's Matthews vs. U.S. Bank, 197 So.3d 1140, also a 4th DCA case decided in 2016. Matthews cites several other 4th DCA cases. One is Slomowitz vs. Walker, 429 So.2d 797, 799, and it's a 4th DCA case, 1983.

So in this case, Your Honor, Mr. Burke vaguely

says, "Well, it could have been friends and family. Maybe I got a ride home from my wife. I don't know how I got home. Maybe I stayed here; maybe I [redacted] he was ever in Las Vegas.

Ms. Lowe, on the other hand, sat here in front of Your Honor, testified to a very detailed interaction that she had with Mr. Burke in an action that's inexplicable. If it was Joe Silowitz (phonetic) who she was talking to, he wouldn't have said, "Oh, send it to my attorney. Mail a copy to me. I don't" -- any normal interaction would have resulted in him saying, "I don't know who this person is. I'm staying at a friend's house." That didn't happen.

Okay. He identified himself as Ryan Burke. First, it's Ryan, and then when he reviewed all the paperwork, it clearly stated on the face of it that it's Ryan Burke, and he said, "Send it to my attorney." He's identified himself as Ryan Burke. So, Your Honor, I argue that service is proper in this case. The Motion to Quash should be denied.

Thank you, Your Honor.

THE COURT: Okay. Thank you. Certainly, folks, there is a conflict in the evidence.

Nonetheless, I will grant the Motion to Quash so Mr. Gaudioso can establish that the evidence proffered today is fraudulent. I will be happy to consider either direct or indirect criminal contempt in the future.

MR. GAUDIOSO: Your Honor, if I may, I'd like to ask if Counsel would accept service, so we can get this case moving along.

MR. ROSENBLATT: Judge, on March 21st, our Exhibit 9, his prior Counsel sent me an e-mail saying, "We agree to vacate service. Let's go to mediation."

The next day, this man fired his lawyer, hired these -- hired new Counsel. They took -- they didn't -- they completely rebuffed our intent to accept service at the time and go to mediation, and now they want us to go back there. The answer's no, respectfully.

MR. GAUDIOSO: Your Honor, for the record, they wanted -- part of the deal was they wanted the judge to vacate it, which we weren't going to agree to so --

MR. ROSENBLATT: Yeah, the motion gets quashed, the judgment -- the default get vacated, the judgment get vacated. We agreed to do -- they

agreed to -- prior Counsel agreed to do that, and he got fired for doing that. We tried to go to mediation. He got fired, and they hire these fine lawyers, which is his right to do. He can do that.

So that's why we're here today. We could have had this done last April.

Thank you, Your Honor.

THE COURT: Folks, have a good afternoon.

MS. COHEN: Thank you, Your Honor. Thank you for your time.

THE COURT: Thank you.

MR. ROSENBLATT: We'll set up the order, Your Honor.

THE COURT: Thank you.

MR. GAUDIOSO: Please send a copy to me personally.

(Thereupon, the hearing was concluded at 11:48 a.m.)

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF BROWARD

I, Jenilee Salyers, CER, certify that I was authorized to and did report the hearing of Kameka Management Solutions, Inc., et al., vs. 16260 Saddle [redacted] al.; and that the transcript is a [redacted] record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 24th day of August 2023.

_____

Jenilee Salyers, CER

EXHIBIT D

Your trip confirmation (MIA - LAS)

From: American Airlines [redacted]

To: [redacted]

Date: Thursday, March 31, 2022 at 06:45 PM EDT

American Airlines

Issued: March 31, 2022

Your trip confirmation and receipt

Record Locator: [redacted]

We charged $817.20 to your card ending in [redacted] for your ticket purchase.

A face covering is required while flying on American, except for children under 2 years old. You are also required to wear a face covering while in the airport before and after your flight. Read more about travel requirements.

You'll need your record locator to find your trip at the kiosk and when you call Reservations.

Manage your trip

Friday, April 1, 2022

MIA		LAS	Seat:	
10:09 AM	——	12:45 PM	Class:	Economy (L)
Miami		Las Vegas	Meals:	Refreshment

AA 462

exhibit 2a

Wednesday, April 14, 2022

LAS	MIA	Seat:	
12:28 PM	8:05 PM	Class:	Economy (H)
Las Vegas	Miami	Meals:	Refreshment

AA 1524

Earn 10,000 bonus miles

Plus $50 back and no annual fee. Terms Apply.

Learn more



Your purchase

RYAN BURKE

Join the AAdvantage® Program

New ticket Ticket #: [redacted] [$733.02 + Taxes and fees $84.18]	$817.20
Total	**$817.20**
Total cost (all passengers)	**$817.20**

Your payment

Credit Card (Visa ending [redacted])	$817.20
Total paid	**$817.20**

Bag information

exhibit 2b

EXHIBIT E

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. CACE22001852

KAMEKA MANAGEMENT SOLUTIONS, INC. and ERYCK DZOTSI,

Plaintiffs,

v.

16260 SADDLE CLUB ROAD, LLC, RYAN BURKE, VEW LIVE, LLC, and 2045 SW 127TH AVENUE, LLC,

Defendants.
_____/

SUPOENA DUCES TECUM WITHOUT DEPOSITION

THE STATE OF FLORIDA:

TO: **AMERICAN AIRLINES, INC.**
c/o its Registered Agent, Corporation Service Company
1201 Hays Street
Tallahassee, FL 32301-2525

YOU ARE COMMANDED to furnish the following to the undersigned via 2332 Galiano Street, Second Floor, Coral Gables, FL 33134 on or before September 21, 2023 at 5:00 pm and to have with you at that time and place the following:

DUCES TECUM:

1. All American Airline trip records regarding **Ryan Burke,** for **April 1, 2022, Flight AA 462, from Miami (MIA) to Las Vegas (LAS),** and **April 14, 2022, Flight AA 1524, from Las Vegas (LAS) to Miami (MIA); Record Locator:** [redacted]

2. You are to produce an exact original duplicate of the Passengers Manifest for **April 1, 2022, Flight AA 462, from Miami (MIA) to Las Vegas (LAS).** [All passenger names other than **Ryan Burke** may be redacted].

3. You are to produce an exact original duplicate of the Passengers Manifest for **April 14, 2022, Flight AA 1524, from Las Vegas (LAS) to Miami (MIA).** [All passenger names other than **Ryan Burke** may be redacted].

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the terms to be predicted to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. **THIS IS NOT A DEPOSITION. NO TESTIMONY WILL BE TAKEN.**

You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. (IF THE COST FOR PROVIDING THESE RECORDS EXCEEDS $250.00, PLEASE CONTACT THE UNDERSIGNED PRIOR TO COMPLYING WITH THIS SUBPOENA). Any and all current billing records for services rendered, account information, statements, invoices, bills, records, emails, and outstanding balances. In other words, EVERYTHING in your possession regarding this account. YOU MAY MAIL OR DELIVER THE COPIES TO THE ATTORNEY WHOSE NAME APPEARS ON THIS SUBPOENA.

You have the right to object to the production pursuant to this Subpoena at any time before production by giving written notice to the attorney whose name appears on this Subpoena:
If you fail to: (1) appear as specified; or (2) furnish the records instead of appearing as provided above; or (3) object to this Subpoena, you may be in contempt of court. You are subpoenaed by

the attorney whose name appears on this Subpoena and unless excused from this Subpoena by the attorney or the Court, you shall respond to this Subpoena as directed.

I HEREBY CERTIFY that pursuant to Rule 1.351 of the Florida Rules of Civil Procedure, I caused to be served upon all counsel of record, the attorneys in fact for all parties, a Notice of Production From Non-party that contained sufficient information to permit all parties, to raise an objection to the requested disclosures, and that the time for all parties, to raise an objection has lapsed or all objections have been resolved.

BY: /s/ Keith R. Gaudioso
Keith R. Gaudioso, Esq.

EXHIBIT F

Tracy Adair
Legal Department
[redacted] Office

American Airlines

October 5, 2023

VIA Email
Keith R. Gaudioso, Esq.
Cohen Law
2332 Galiano Street, Second Floor
Coral Gables, FL 33134
[redacted]

RE: *Kameka Management Solutions, Inc. v. 16260 Saddle Club Road, et al. (Ryan Burke); Case No.: CACE22001852*

Dear Keith R. Gaudioso, Esq.:

Pursuant to your subpoena request, enclosed please find the reasonably available travel records for Ryan Burke.

The attached travel records are being provided, responsive to your request.

After a thorough search of our records, using the information provided, we are unable to locate a passenger manifest for April 14, 2022, Flight AA 1524, from Las Vegas (LAS) to Miami (MIA) for passenger Ryan Burke responsive to your request.

Our cost to research and process your request is $150.00. Please make your check for $150.00 payable to: American Airlines, Inc., Attn: DeDe Hassell, 1 Skyview Dr, MD 8B503, Fort Worth, TX 76155// RYAN BURKE / CACE22001852.

Should you have any questions, my contact information is listed above.

Very truly yours,

Tracy Adair

Tracy Adair
Paralegal

P.O. Box 619616
MD 8B503
DFW Airport, TX 75261-9616

American Airlines

Record Locator: [redacted] Sabre Status Purged Report Date & Time: Nov 1, 2023 11:33:59 AM

Passenger Information

Pax nbr	Name	Grp Qty	Group
1.01	BURKE/RYAN		

Flight Information

Seg Nbr	Flight	Class	Date	Dep	Arv	Stat	Qty	Dep Time	Arv Time	Operat Flight	Operat Class	Operat Rec Loc	Market Flight	Market Class
1	AA462	L	Apr 1, 2022	MIA	LAS	HK	1	10:09	12:45					
2	AA2742	H	Apr 4, 2022	LAS	MIA	SB	1	23:45	07:14					

Ticket Information

Seq Nbr	Ticket or TLT Text
1	[redacted]
2	TE[redacted]BURKE/R[redacted]0514/31MAR
3	TK[redacted]BURKE/R[redacted]0435/01APR - AE

Phone Information

Seq Nbr	City	Phone Number	Type
1	WWW	[redacted]	O
2	WWW	[redacted]	O

Address Information

Address
RYAN BURKE [redacted]

Pre Requested Seats Info

Seq Nbr	Pax Nbr	Airline	Flight	Class	Seat	Depart	Arrive	Status	Type	Name
1	1	AA	462	L	13F	MIA	LAS	HK	N W G	BURKE, RYAN

Agency IATA Information

Agency IATA
0000000

OSI Info

Seq Nbr	OSI Type	OSI Text
1	AA FACTS	OSI PURCHASED ON AA.COM US 03/31/2022 IN US CURRENCY

SSR

SSR Seq	SSR Type	Airline	Status	Qty	Board	Arrive	Flight	Class	Date	SSR Text
1	CTCM	AA	HK	1						[redacted]
2	CTCE	AA	HK	1						[redacted]
3	DOCA	AA	HK	1						/R/US///FL
4	DOCS	AA	HK	1						[redacted]
5	DBSS		NN	1						/AA0462DMIALAS202204011409AUCL202204011945MIALAS202204011339 NN1
6	PRAC	AA	NN	1			462	L	Apr 1, 2022	PRAC AA 462L1APR/NN1

Remarks Information

Seq Nbr	Type	Remarks Text
1	-	[redacted]
2	-	RYAN BURKE

American Airlines

Record Locator: [redacted] Sabre Status Purged Report Date & Time: Nov 1, 2023 11:33:59 AM

Remarks Information

Seq Nbr	Type	Remarks Text
3	H-	/TDOCVCR
4	H-	[redacted]
5	H-	/T$CCBC US
6	H-	/T$WWW EAU
7	H-	WWW/AUTH/CIDAX
8	H-	[redacted]
9	H-	[redacted]
10	H-	PTI1.1-ADT-ADT
11	H-	BOOKED VIA AMERICAN AIRLINES WEB SITE US IN US CURRENCY
12	H-	[redacted]
13	H-	[redacted]
14	H-	GOOGLE/US
15	H-	TBMUSD744.22 BASE AMT PLUS SECURITY PER ADT/0514/31MAR
16		XXAUTH/GATEWF [redacted]
17	H-	01 AE -PRIORITY USD 44.10
18	H-	[redacted]
19	H-	/OSO$01APR09
20	H-	/OSODLYDOM$01APR
21	H-	/OSO$01APR09
22	H-	/OSODLYDOM$01APR
23	H-	OVERRIDE BY LASLL6 04APR22 BURKE/R GT GATE LOCATION
24	H-	TICKET - [redacted] 2742 LAS MIA
25	H-	01CHK BAG FEES

Received From Information

Trans Received From

WWW$GUEST

Signature Line Information

OA Record Locator	AAA Code	Home Station Code	TTY Office	TTY Airline or CRS Code	Duty Code	Agent Sine	Create Time	Create Date	Record Locator	Sabre Purge Date	History Indicator
	WWW	HDQ			2	RED	5:12:00 AM	Mar 31, 2022	[redacted]	Apr 4, 2022	H

Baggage Info

Bag Routing Checkin Seq Nbr	Bag Routing Airline	Bag Routing Flight	Bag Routing Flight Arrive	Bag Routing Seq Nbr	History Bag Routing Seq Nbr	History Bag Routing	Bag Routing Status	Bag Psgr Checkin Seq Nbr	Bag Psgr Name	Bag Tag Destination	Bag Tag Airline	Bag Tag Number	Bag Checkin Agent	Bag Checkin Time	Bag Checkin Date	Bag Status	Bag Tag Index Code
1	AA	2742	MIA	1			ROUTE	1	BURKE/ RYAN	MIA	AA	[redacted]	LAS 5LL6	11:04:00 PM	Apr 4, 2022		8

American Airlines

Record Locator: [redacted] Sabre Status Purged Report Date & Time: Nov 1, 2023 11:33:59 AM

BPPR Status Info	BPPR Psgr Nbr	BPPR Psgr Name	BPPR Itn Nbr	BPPR INF Ind	BPPR Seq Nbr	BPPR Status
	1	BURKE/RYAN	0	N	1	DHS CLEARED
	1	BURKE/RYAN	2	N	2	DHS CLEARED
	1	BURKE/RYAN	3	N	2	DHS CLEARED
	1	BURKE/RYAN	4	N	1	DHS CLEARED

Pricing/Reissue Info	Seq Nbr	Pricing/Reissue Details
	1	**PRICE QUOTE RECORD - HISTORY DETAILS**
	2	PQH 1 SDFW$TDFW+
	3	BASE FARE EQUIV AMT TAXES TOTAL
	4	USD733.02 84.18XT USD817.20 ADT
	5	XT 54.98US1 11.20AY 18.00XT
	6	ADT-01 L0AJZNN1 H0AJZNN1
	7	MIA AA LAS250.23L0AJZNN1 AA MIA482.79H0AJZNN1 USD733.02END ZPMIALAS XFMIA4.5LAS4.5
	8	CXL BY FLT TIME OR NOVALUE/NONREF/FAREDIF/
	9	01 O MIALAS AA 462 L 01APR 1009A L0AJZNN1 01APR01APR NIN
	10	02 O LASMIA AA 1524 H 04APR 1228P H0AJZNN1 04APR04APR NIN
	11	BAG ALLOWANCE -MIALAS-NIL/AA
	12	BAG ALLOWANCE -LASMIA-NIL/AA
	13	1STCHECKED BAG FEE-MIALAS-USD30.00/AA/UP TO 50 LB/23 KG
	14	AND UP TO 62 LINEAR IN/158 LINEAR CM
	15	1STCHECKED BAG FEE-LASMIA-USD30.00/AA/UP TO 50 LB/23 KG
	16	AND UP TO 62 LINEAR IN/158 LINEAR CM
	17	2NDCHECKED BAG FEE-MIALAS-USD40.00/AA/UP TO 50 LB/23 KG
	18	AND UP TO 62 LINEAR IN/158 LINEAR CM
	19	2NDCHECKED BAG FEE-LASMIA-USD40.00/AA/UP TO 50 LB/23 KG
	20	AND UP TO 62 LINEAR IN/158 LINEAR CM
	21	PREPAID BAGGAGE CHARGES
	22	1STCHECKED BAG FEE-MIALAS-USD30.00/AA/UP TO 50 LB/23 KG
	23	AND UP TO 62 LINEAR IN/158 LINEAR CM
	24	1STCHECKED BAG FEE-LASMIA-USD30.00/AA/UP TO 50 LB/23 KG
	25	AND UP TO 62 LINEAR IN/158 LINEAR CM
	26	2NDCHECKED BAG FEE-MIALAS-USD40.00/AA/UP TO 50 LB/23 KG
	27	AND UP TO 62 LINEAR IN/158 LINEAR CM
	28	2NDCHECKED BAG FEE-LASMIA-USD40.00/AA/UP TO 50 LB/23 KG
	29	AND UP TO 62 LINEAR IN/158 LINEAR CM
	30	CARRY ON ALLOWANCE
	31	MIALAS LASMIA-02P/AA

American Airlines

Record Locator: [redacted] Sabre Status Purged Report Date & Time: Nov 1, 2023 11:33:59 AM

Pricing/Reissue Info	Seq Nbr	Pricing/Reissue Details
	32	01/UP TO 40 LINEAR IN/101 LINEAR CM
	33	01/UP TO 45 LINEAR IN/115 LINEAR CM
	34	ADDITIONAL ALLOWANCES AND/OR DISCOUNTS MAY APPLY
	35	WWW HDQ 2RED 0512 /31MAR STATUS-HISTORY EXP- /08APR PRICE-AGT

Ancillary Info	Seq Nbr	Ancillary Services			Tax Amount	Pax Nbr	Name
	1	PRIORITY				1.01	BURKE/RYAN
		Status - HI	Group - TS	SSR -			
		Base Amount - 44.10USD	RFIC - E	RFISC - 154			
		Tax Amount -	EMD Type - 4				
		Total Amount - 44.10USD	ETKT - [redacted]	CPN -			
		Flight - AA0462L 2022-04-01MIALAS	Seat Orig -	Refund Status Cd -			
		Doc/CF - [redacted]	Seat PDC -	Equip Type -			
		EMD Cpn Nbr - 1	Purchase By -				

Hist Seq ID	Update Date/Time	Received From	AAA Code	Home Station Code	TTY Office	TTY Airline or CRS Code	Duty Code	Agent Sine	Trans Seq Nbr	Code	History Data
17	Apr 5, 2022 2:07:00 AM	PDCAALAS	LAS	LAS			5	PD	1	XS	AA 2742 H Apr04,2022 LASMIA /DS1 23:45 07:14
									2	AS	AA 2742 H Apr04,2022 LASMIA /SB1 23:45 07:14
16	Apr 5, 2022 1:04:00 AM		LAS	LAS			5	LL6	1	A5H	H-OVERRIDE BY LASLL6 04APR22 BURKE/R GT GATE LOCATION
									2	A5H	H-TICKET - [redacted] 2742 LAS MIA
									3	A5H	H-01CHK BAG FEES
15	Apr 4, 2022 4:30:00 PM	PDCAALAS	LAS	LAS			5	PD	1	XS	AA 632 H Apr04,2022 LASMIA /DS1 13:40 21:15
14	Apr 4, 2022 3:54:00 PM	LAS54PG	LAS	LAS			5	4PG	1	AS	AA 2742 H Apr04,2022 LASMIA /DS1 23:45 07:14
13	Apr 4, 2022 2:55:00 PM	PDCAALAS	LAS	LAS			5	PD	1	XS	AA 1524 H Apr04,2022 LASMIA /HK1 12:28 20:05
12	Apr 4, 2022 2:30:00 PM	LAS5SS5	LAS	LAS			5	SS5	1	AS	AA 632 H Apr04,2022 LASMIA /DS1 13:40 21:15
11	Apr 4, 2022 2:29:00 PM	CKI							1	X4G	AA1524H Apr04,2022 LASMIA HK/ 13B
10	Apr 4, 2022 2:13:00 PM	CKI							1	X4G	AA1524H Apr04,2022 LASMIA HK/ 32B
									2	A4G	AA1524H Apr04,2022 LASMIA SS/ 13B
9	Apr 4, 2022 1:14:00 PM	CKI							1	A4G	AA1524H Apr04,2022 LASMIA SS/ 32B
8	Apr 1, 2022 11:38:00 AM	REAACCOM UPDATE	CRC	CRC			8	YMG	1	A5H	H-/OSO$01APR09
									2	A5H	H-/OSODLYDOM$01APR
7	Apr 1, 2022	REAACCOM	CRC	CRC			8	YMG	1	A5H	H-/OSO$01APR09

American Airlines

Record Locator: [redacted] Sabre Status Purged Report Date & Time: Nov 1, 2023 11:33:59 AM

Hist Seq ID	Update Date/Time	Received From	AAA Code	Home Station Code	TTY Office	TTY Airline or CRS Code	Duty Code	Agent Sine	Trans Seq Nbr	Code	History Data
7	9:32:00 AM	UPDATE	CRC	CRC			8	YMG	2	A5H	H-/OSODLYDOM$01APR
6	Apr 1, 2022 4:35:00 AM	ITKTS FULFILLMENT	XTM	XTM			7	I38	1	A4S	SSR PRAC AA NN1 PRAC AA 462L1APR/NN1
5		ITKTS FULFILLMENT	XTM	XTM			7	I38	1	A5H	H-01 AE -PRIORITY USD 44.10
									2	A5H	[redacted]
									3	X7	[redacted]
									4	A7	[redacted]
4	Apr 1, 2022 4:34:00 AM	ITKTS FULFILLMENT	XTM	XTM			7	IGW	1	A4G	AA462L Apr01,2022 MIALAS SS/ 13F
3	Mar 31, 2022 6:35:00 PM	WWW $DBAPRSS	HDQ	HDQ			5	FY1	1	A4S	SSR DBSS NN1 / AA0462DMIALAS202204011409AUCL202204011945MIALAS202204011339 NN1
2	Mar 31, 2022 5:14:00 AM	AACOM	XTM	XTM			7	I72	1	X7	T-PGW INSTANT TICKET
									2	A7	[redacted]
1		WWW $GUEST	WWW	HDQ			2	777	1	A4O	OSI PURCHASED ON AA.COM US 03/31/2022 IN US CURRENCY
									6	AW	RYAN BURKE [redacted]
									7	A5F	[redacted]
									8	A5F	--RYAN BURKE
									9	A5H	H-/TDOCVCR
									10	A5H	[redacted]
									11	A5H	H-/T$CCBC US
									12	A5H	H-/T$WWW EAU
									13	A5H	H-WWW/AUTH/CIDAX
									14	A5H	[redacted]
									15	A5H	[redacted]
									16	A5H	H-TBMUSD744.22 BASE AMT PLUS SECURITY PER ADT/0514/31MAR
									17	X8	TLMIAAA627A/31MAR-THU
									18	A7	T-PGW INSTANT TICKET

Flight History

Passenger List	FLIFO(2/2H)	Passenger List Manifest(PLM)	Flight Statistics(G)	Special Services(SS)
Flight P-Text(P)	Passenger Comments(CM)	Oversale Text(OS)	Selectee(SP)	Infant(INF)
Bag Tag List(BT)	On/Not OnBoard(On/XON)	In/Out Bound Pax List (IB/OB)	Stand By Priority List(PALL)	Flight Crew(NS)

AA462 Departing MIA on 01Apr2022

Status:	Successfully flown				
Departure From:	MIA	Arrival To:	LAS		
Schedule Departure Time:	10:09	Schedule Arrival Time:	12:45		
Actual Departure Time:	10:51	Actual Arrival Time:	14:20		
Departure Gate:	D34	Arrival Gate:	D9	Bag Claim:	15
Departure Gate Change Time:		Arrival Gate Change Time:			
Taxi Out:	78	Taxi In:	8		
Aircraft Number:	3SU	Aircraft Type:	737		

Delay Information:

Passenger List

Table of Contents

Last Name	First Name	PNR	Group Code	Class	Dst.	Seat	Pax Type	Bags	Edits
[redacted]									
BURKE	RYAN	[redacted]		L	LAS	13F	F	NB E1 LF PRACRCK SC	

EXHIBIT G

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. CACE22001852

KAMEKA MANAGEMENT SOLUTIONS, INC. and ERYCK DZOTSI,

Plaintiffs,

v.

16260 SADDLE CLUB ROAD, LLC, RYAN BURKE, VEW LIVE, LLC, and 2045 SW 127TH AVENUE, LLC,

Defendants.
_____/

SUPOENA DUCES TECUM WITHOUT DEPOSITION

THE STATE OF FLORIDA:

TO: **AMERICAN AIRLINES, INC.**
c/o its Registered Agent, Corporation Service Company
1201 Hays Street
Tallahassee, FL 32301-2525

YOU ARE COMMANDED to furnish the following to the undersigned via 2332 Galiano Street, Second Floor, Coral Gables, FL 33134 on or before **November 6, 2023 at 5:00 pm** and to have with you at that time and place the following:

DUCES TECUM:

1. All American Airline trip records regarding **Ryan Burke,** for **April 1, 2022, Flight AA 462, from Miami (MIA) to Las Vegas (LAS),** and **April 4, 2022, Flight AA 2742, from Las Vegas (LAS) to Miami (MIA); Record Locator:** [redacted]

COHEN LAW
2332 Galiano Street, Second Floor, Coral Gables, FL 33134
Telephone: [redacted] Facsimile: [redacted]

2. You are to produce an exact original duplicate of the Passengers Manifest for **April 4, 2022, Flight AA 2742, from Las Vegas (LAS) to Miami (MIA).** [All passenger names other than **Ryan Burke** may be redacted].

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the terms to be predicted to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. **THIS IS NOT A DEPOSITION. NO TESTIMONY WILL BE TAKEN.**

You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. (IF THE COST FOR PROVIDING THESE RECORDS EXCEEDS $250.00, PLEASE CONTACT THE UNDERSIGNED PRIOR TO COMPLYING WITH THIS SUBPOENA). Any and all current billing records for services rendered, account information, statements, invoices, bills, records, emails, and outstanding balances. In other words, EVERYTHING in your possession regarding this account. YOU MAY MAIL OR DELIVER THE COPIES TO THE ATTORNEY WHOSE NAME APPEARS ON THIS SUBPOENA.

You have the right to object to the production pursuant to this Subpoena at any time before production by giving written notice to the attorney whose name appears on this Subpoena:
If you fail to: (1) appear as specified; or (2) furnish the records instead of appearing as provided above; or (3) object to this Subpoena, you may be in contempt of court. You are subpoenaed by the attorney whose name appears on this Subpoena and unless excused from this Subpoena by the attorney or the Court, you shall respond to this Subpoena as directed.

COHEN LAW
2332 Galiano Street, Second Floor, Coral Gables, FL 33134
Telephone: [redacted] Facsimile: [redacted]

I HEREBY CERTIFY that pursuant to Rule 1.351 of the Florida Rules of Civil Procedure, I caused to be served upon all counsel of record, the attorneys in fact for all parties, a Notice of Production From Non-party that contained sufficient information to permit all parties, to raise an objection to the requested disclosures, and that the time for all parties, to raise an objection has lapsed or all objections have been resolved.

BY: /s/ Keith R. Gaudioso
Keith R. Gaudioso, Esq.

COHEN LAW
2332 Galiano Street, Second Floor, Coral Gables, FL 33134
Telephone: [redacted] Facsimile: [redacted]

EXHIBIT H

Tracy Adair
Legal Department
[redacted] Office

American Airlines

November 2, 2023

VIA Email
Keith R. Gaudioso, Esq.
Cohen Law
ATTN: Paola Lopez, Paralegal
2332 Galiano Street, 2nd Floor
Coral Gables, FL 33134
[redacted]

RE: *Kameka Management Solutions, Inc. v. 16260 Saddle Club Road, LLC (Ryan Burke)*
Case No.: CACE22001852

Dear Keith R. Gaudioso, Esq.:

Pursuant to your subpoena request, enclosed please find the reasonably available travel records and flight manifest for Ryan Burke.

The attached travel records are being provided, responsive to your request.

Our cost to research and process your request is $150.00. Please make your check for $150.00 payable to: American Airlines, Inc., Attn: DeDe Hassell, 1 Skyview Dr, MD 8B503, Fort Worth, TX 76155// RYAN BURKE / / CACE22001852.

Should you have any questions, my contact information is listed above.

Very truly yours,

Tracy Adair

Tracy Adair
Paralegal

P.O. Box 619616
MD 8B503
DFW Airport, TX 75261-9616

Flight History

AA2742 Departing LAS on 04Apr2022

Status:	Successfully flown				
Departure From:	LAS	Arrival To:	MIA		
Schedule Departure Time:	23:45	Schedule Arrival Time:	07:14		
Actual Departure Time:	23:50	Actual Arrival Time:	07:11		
Departure Gate:	D7	Arrival Gate:	D25	Bag Claim:	24
Departure Gate Change Time:		Arrival Gate Change Time:			
Taxi Out:	17	Taxi In:	4		
Aircraft Number:	3SA	Aircraft Type:	737		

Delay Information:

FLT 2742./LAS/04Apr

Passenger List

Table of Contents

Last Name	First Name	PNR	Group Code	Class	Dst.	Seat	Pax Type	Bags	Edits
[redacted]									
BURKE	RYAN	[redacted]		H	MIA	14C	S	1	EZ LF SC

American Airlines

Record Locator: [redacted] Sabre Status Purged Report Date & Time: Oct 5, 2023 8:26:33 AM

Passenger Information

Pax nbr	Name	Grp Qty	Group
1.01	BURKE/RYAN		

Flight Information

Seg Nbr	Flight	Class	Date	Dep	Arv	Stat	Qty	Dep Time	Arv Time	Operat Flight	Operat Class	Operat Rec Loc	Market Flight	Market Class
1	AA462	L	Apr 1, 2022	MIA	LAS	HK	1	10:09	12:45					
2	AA2742	H	Apr 4, 2022	LAS	MIA	SB	1	23:45	07:14					

Ticket Information

Seq Nbr	Ticket or TLT Text
1	[redacted]
2	TE[redacted]BURKE/R[redacted]0514/31MAR
3	TK[redacted]BURKE/R[redacted]0435/01APR - AE

Phone Information

Seq Nbr	City	Phone Number	Type
1	WWW	[redacted]	O
2	WWW	[redacted]	O

Address Information

Address

RYAN BURKE
[redacted]

Pre Requested Seats Info

Seq Nbr	Pax Nbr	Airline	Flight	Class	Seat	Depart	Arrive	Status	Type	Name
1	1	AA	462	L	13F	MIA	LAS	HK	N W G	BURKE, RYAN

Agency IATA Information

Agency IATA

0000000

OSI Info

Seq Nbr	OSI Type	OSI Text
1	AA FACTS	OSI PURCHASED ON AA.COM US 03/31/2022 IN US CURRENCY

SSR

SSR Seq	SSR Type	Airline	Status	Qty	Board	Arrive	Flight	Class	Date	SSR Text
1	CTCM	AA	HK	1						[redacted]
2	CTCE	AA	HK	1						[redacted]
3	DOCA	AA	HK	1						/R/US///FL
4	DOCS	AA	HK	1						[redacted]
5	DBSS		NN	1						/AA0462DMIALAS202204011409AUCL202204011945MIALAS202204011339 NN1
6	PRAC	AA	NN	1			462	L	Apr 1, 2022	PRAC AA 462L1APR/NN1

Remarks Information

Seq Nbr	Type	Remarks Text
1	-	[redacted]
2	-	RYAN BURKE

American Airlines

Record Locator: [redacted] Sabre Status Purged Report Date & Time: Oct 5, 2023 8:26:33 AM

Remarks Information

Seq Nbr	Type	Remarks Text
3	H-	/TDOCVCR
4	H-	[redacted]
5	H-	/T$CCBC US
6	H-	/T$WWW EAU
7	H-	WWW/AUTH/CIDAX
8	H-	[redacted]
9	H-	[redacted]
10	H-	PTI1.1-ADT-ADT
11	H-	BOOKED VIA AMERICAN AIRLINES WEB SITE US IN US CURRENCY
12	H-	[redacted]
13	H-	[redacted]
14	H-	GOOGLE/US
15	H-	TBMUSD744.22 BASE AMT PLUS SECURITY PER ADT/0514/31MAR
16		XXAUTH/GATEWF [redacted]
17	H-	01 AE -PRIORITY USD 44.10
18	H-	[redacted]
19	H-	/OSO$01APR09
20	H-	/OSODLYDOM$01APR
21	H-	/OSO$01APR09
22	H-	/OSODLYDOM$01APR
23	H-	OVERRIDE BY LASLL6 04APR22 BURKE/R GT GATE LOCATION
24	H-	TICKET - [redacted] 2742 LAS MIA
25	H-	01CHK BAG FEES

Received From Information

Trans Received From

WWW$GUEST

Signature Line Information

OA Record Locator	AAA Code	Home Station Code	TTY Office	TTY Airline or CRS Code	Duty Code	Agent Sine	Create Time	Create Date	Record Locator	Sabre Purge Date	History Indicator
	WWW	HDQ			2	RED	5:12:00 AM	Mar 31, 2022	[redacted]	Apr 4, 2022	H

Baggage Info

Bag Routing Checkin Seq Nbr	Bag Routing Airline	Bag Routing Flight	Bag Routing Flight Arrive	Bag Routing Seq Nbr	History Bag Routing Seq Nbr	History Bag Routing	Bag Routing Status	Bag Psgr Checkin Seq Nbr	Bag Psgr Name	Bag Tag Destination	Bag Tag Airline	Bag Tag Number	Bag Checkin Agent	Bag Checkin Time	Bag Checkin Date	Bag Status	Bag Tag Index Code
1	AA	2742	MIA	1			ROUTE	1	BURKE/ RYAN	MIA	AA	[redacted]	LAS 5LL6	11:04:00 PM	Apr 4, 2022		8

American Airlines

Record Locator: [redacted] Sabre Status Purged Report Date & Time: Oct 5, 2023 8:26:33 AM

BPPR Status Info

BPPR Psgr Nbr	BPPR Psgr Name	BPPR Itn Nbr	BPPR INF Ind	BPPR Seq Nbr	BPPR Status
1	BURKE/RYAN	0	N	1	DHS CLEARED
1	BURKE/RYAN	2	N	2	DHS CLEARED
1	BURKE/RYAN	3	N	2	DHS CLEARED
1	BURKE/RYAN	4	N	1	DHS CLEARED

Pricing/Reissue Info

Seq Nbr	Pricing/Reissue Details
1	**PRICE QUOTE RECORD - HISTORY DETAILS**
2	PQH 1 SDFW$TDFW+
3	BASE FARE EQUIV AMT TAXES TOTAL
4	USD733.02 84.18XT USD817.20 ADT
5	XT 54.98US1 11.20AY 18.00XT
6	ADT-01 L0AJZNN1 H0AJZNN1
7	MIA AA LAS250.23L0AJZNN1 AA MIA482.79H0AJZNN1 USD733.02END ZPMIALAS XFMIA4.5LAS4.5
8	CXL BY FLT TIME OR NOVALUE/NONREF/FAREDIF/
9	01 O MIALAS AA 462 L 01APR 1009A L0AJZNN1 01APR01APR NIN
10	02 O LASMIA AA 1524 H 04APR 1228P H0AJZNN1 04APR04APR NIN
11	BAG ALLOWANCE -MIALAS-NIL/AA
12	BAG ALLOWANCE -LASMIA-NIL/AA
13	1STCHECKED BAG FEE-MIALAS-USD30.00/AA/UP TO 50 LB/23 KG
14	AND UP TO 62 LINEAR IN/158 LINEAR CM
15	1STCHECKED BAG FEE-LASMIA-USD30.00/AA/UP TO 50 LB/23 KG
16	AND UP TO 62 LINEAR IN/158 LINEAR CM
17	2NDCHECKED BAG FEE-MIALAS-USD40.00/AA/UP TO 50 LB/23 KG
18	AND UP TO 62 LINEAR IN/158 LINEAR CM
19	2NDCHECKED BAG FEE-LASMIA-USD40.00/AA/UP TO 50 LB/23 KG
20	AND UP TO 62 LINEAR IN/158 LINEAR CM
21	PREPAID BAGGAGE CHARGES
22	1STCHECKED BAG FEE-MIALAS-USD30.00/AA/UP TO 50 LB/23 KG
23	AND UP TO 62 LINEAR IN/158 LINEAR CM
24	1STCHECKED BAG FEE-LASMIA-USD30.00/AA/UP TO 50 LB/23 KG
25	AND UP TO 62 LINEAR IN/158 LINEAR CM
26	2NDCHECKED BAG FEE-MIALAS-USD40.00/AA/UP TO 50 LB/23 KG
27	AND UP TO 62 LINEAR IN/158 LINEAR CM
28	2NDCHECKED BAG FEE-LASMIA-USD40.00/AA/UP TO 50 LB/23 KG
29	AND UP TO 62 LINEAR IN/158 LINEAR CM
30	CARRY ON ALLOWANCE
31	MIALAS LASMIA-02P/AA

American Airlines

Record Locator: [redacted] | Sabre Status Purged | Report Date & Time: Oct 5, 2023 8:26:33 AM

Pricing/Reissue Info	Seq Nbr	Pricing/Reissue Details
	32	01/UP TO 40 LINEAR IN/101 LINEAR CM
	33	01/UP TO 45 LINEAR IN/115 LINEAR CM
	34	ADDITIONAL ALLOWANCES AND/OR DISCOUNTS MAY APPLY
	35	WWW HDQ 2RED 0512 /31MAR STATUS-HISTORY EXP- /08APR PRICE-AGT

Ancillary Info	Seq Nbr	Ancillary Services			Tax Amount	Pax Nbr	Name
	1	PRIORITY				1.01	BURKE/RYAN
		Status - HI	Group - TS	SSR -			
		Base Amount - 44.10USD	RFIC - E	RFISC - 154			
		Tax Amount -	EMD Type - 4				
		Total Amount - 44.10USD	ETKT - [redacted]	CPN -			
		Flight - AA0462L 2022-04-01MIALAS	Seat Orig -	Refund Status Cd -			
		Doc/CF - [redacted]	Seat PDC -	Equip Type -			
		EMD Cpn Nbr - 1	Purchase By -				

Hist Seq ID	Update Date/Time	Received From	AAA Code	Home Station Code	TTY Office	TTY Airline or CRS Code	Duty Code	Agent Sine	Trans Seq Nbr	Code	History Data
17	Apr 5, 2022 2:07:00 AM	PDCAALAS	LAS	LAS			5	PD	1	XS	AA 2742 H Apr04,2022 LASMIA /DS1 23:45 07:14
									2	AS	AA 2742 H Apr04,2022 LASMIA /SB1 23:45 07:14
16	Apr 5, 2022 1:04:00 AM		LAS	LAS			5	LL6	1	A5H	H-OVERRIDE BY LASLL6 04APR22 BURKE/R GT GATE LOCATION
									2	A5H	H-TICKET - [redacted] 2742 LAS MIA
									3	A5H	H-01CHK BAG FEES
15	Apr 4, 2022 4:30:00 PM	PDCAALAS	LAS	LAS			5	PD	1	XS	AA 632 H Apr04,2022 LASMIA /DS1 13:40 21:15
14	Apr 4, 2022 3:54:00 PM	LAS54PG	LAS	LAS			5	4PG	1	AS	AA 2742 H Apr04,2022 LASMIA /DS1 23:45 07:14
13	Apr 4, 2022 2:55:00 PM	PDCAALAS	LAS	LAS			5	PD	1	XS	AA 1524 H Apr04,2022 LASMIA /HK1 12:28 20:05
12	Apr 4, 2022 2:30:00 PM	LAS5SS5	LAS	LAS			5	SS5	1	AS	AA 632 H Apr04,2022 LASMIA /DS1 13:40 21:15
11	Apr 4, 2022 2:29:00 PM	CKI							1	X4G	AA1524H Apr04,2022 LASMIA HK/ 13B
10	Apr 4, 2022 2:13:00 PM	CKI							1	X4G	AA1524H Apr04,2022 LASMIA HK/ 32B
									2	A4G	AA1524H Apr04,2022 LASMIA SS/ 13B
9	Apr 4, 2022 1:14:00 PM	CKI							1	A4G	AA1524H Apr04,2022 LASMIA SS/ 32B
8	Apr 1, 2022 11:38:00 AM	REAACCOM UPDATE	CRC	CRC			8	YMG	1	A5H	H-/OSO$01APR09
									2	A5H	H-/OSODLYDOM$01APR
7	Apr 1, 2022	REAACCOM	CRC	CRC			8	YMG	1	A5H	H-/OSO$01APR09

American Airlines

Record Locator: [redacted] Sabre Status Purged Report Date & Time: Oct 5, 2023 8:26:33 AM

Hist Seq ID	Update Date/Time	Received From	AAA Code	Home Station Code	TTY Office	TTY Airline or CRS Code	Duty Code	Agent Sine	Trans Seq Nbr	Code	History Data
7	9:32:00 AM	UPDATE	CRC	CRC			8	YMG	2	A5H	H-/OSODLYDOM$01APR
6	Apr 1, 2022 4:35:00 AM	ITKTS FULFILLMENT	XTM	XTM			7	I38	1	A4S	SSR PRAC AA NN1 PRAC AA 462L1APR/NN1
5		ITKTS FULFILLMENT	XTM	XTM			7	I38	1	A5H	H-01 AE -PRIORITY USD 44.10
									2	A5H	[redacted]
									3	X7	[redacted]
									4	A7	[redacted]
4	Apr 1, 2022 4:34:00 AM	ITKTS FULFILLMENT	XTM	XTM			7	IGW	1	A4G	AA462L Apr01,2022 MIALAS SS/ 13F
3	Mar 31, 2022 6:35:00 PM	WWW $DBAPRSS	HDQ	HDQ			5	FY1	1	A4S	SSR DBSS NN1 / AA0462DMIALAS202204011409AUCL202204011945MIALAS202204011339 NN1
2	Mar 31, 2022 5:14:00 AM	AACOM	XTM	XTM			7	I72	1	X7	T-PGW INSTANT TICKET
									2	A7	[redacted]
1		WWW $GUEST	WWW	HDQ			2	777	1	A4O	OSI PURCHASED ON AA.COM US 03/31/2022 IN US CURRENCY
									6	AW	RYAN BURKE [redacted]
									7	A5F	[redacted]
									8	A5F	--RYAN BURKE
									9	A5H	H-/TDOCVCR
									10	A5H	[redacted]
									11	A5H	H-/T$CCBC US
									12	A5H	H-/T$WWW EAU
									13	A5H	H-WWW/AUTH/CIDAX
									14	A5H	[redacted]
									15	A5H	[redacted]
									16	A5H	H-TBMUSD744.22 BASE AMT PLUS SECURITY PER ADT/0514/31MAR
									17	X8	TLMIAAA627A/31MAR-THU
									18	A7	T-PGW INSTANT TICKET