



When Every Word Counts...

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

REZA ZANDIAN,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO.: BC325137
	)	
LZAO TRUCKING EXPRESS, LTE	)	
FREIGHT SYSTEMS, AND DOES 1-100	)	
	)	
	)	
Defendants.	)	
	)	

DEPOSITION OF: DAVID ROJAS  
TAKEN BY : SUSAN SALISBURY, ESQUIRE  
Commencing : 10:30 A.M.  
Location : 700 S. Flower Street  
Suite 1100  
Los Angeles, California  
Day, Date : Wednesday, September 7, 2005  
Reported by : NATALIE RODRIGUEZ, C.S.R. NO. 12851  
Pursuant to : Notice  
Original to : WITNESS

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Job No. 95412

**ORIGINAL**

APPEARANCES OF COUNSEL

FOR THE PLAINTIFF(S): GORDON & REES, LLP  
4675 MacArthur Court  
Suite 800  
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(949) 255-6950  
BY: TARA L. MARTIN, ESQ.

FOR THE DEFENDANT(S): LAW OFFICES OF SUSAN SALISBURY  
8461 Drayer Lane  
Rosemead, California 91770  
(626) 307-1779  
BY: SUSAN D. SALISBURY, ESQ.

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I N D E X

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EXHIBITS

DEFENDANT'S EXHIBIT NO.	DESCRIPTION	MARKED FOR IDENTIFICATION
1	Cashier's check dated 1/23/04	5
2	Personal check dated 1/23/04	5
3	Deposit ticket dated 10/1/04	5
4	Cashier's check dated 1/23/04	5

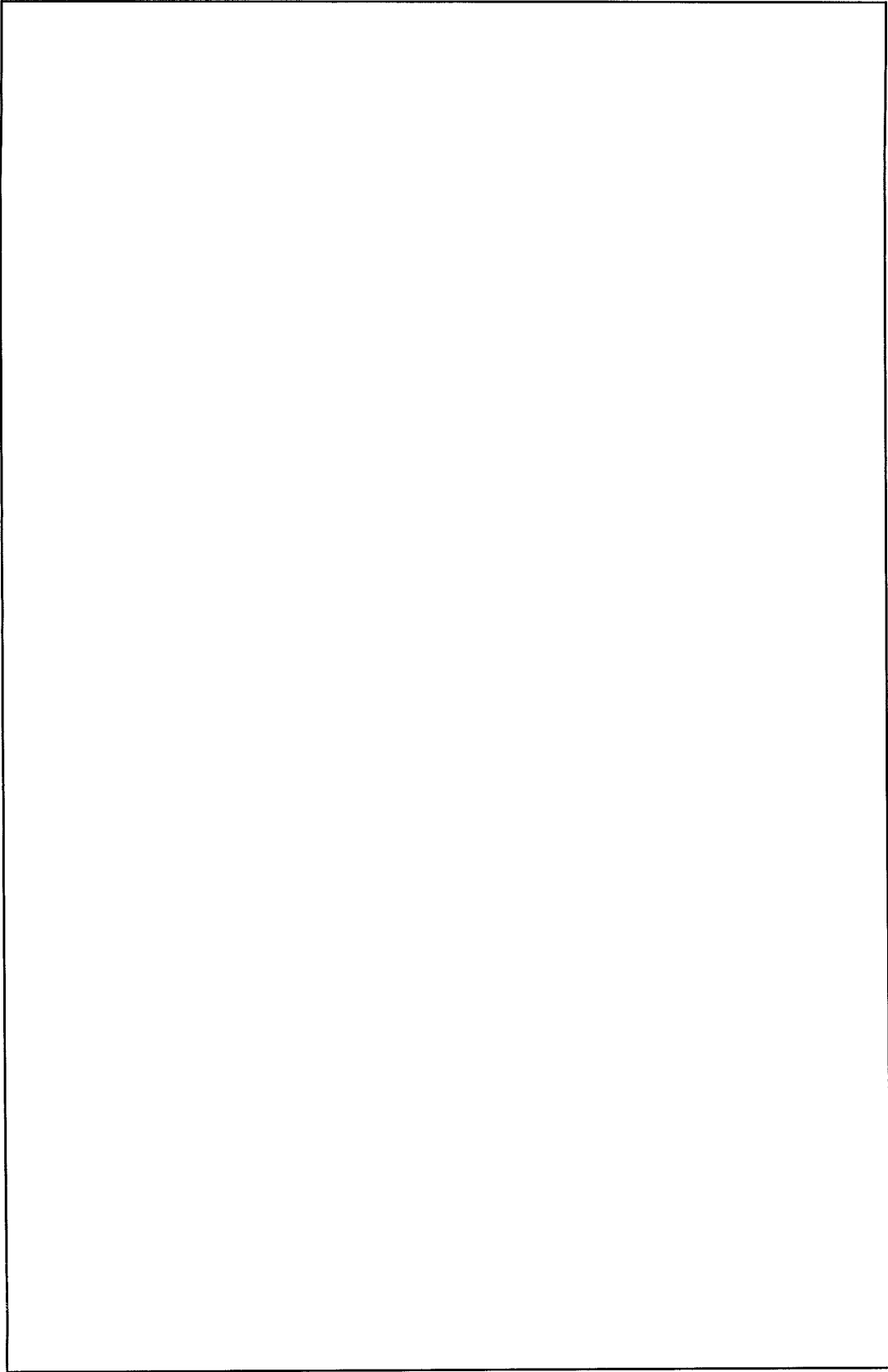
INFORMATION REQUESTED

(None)

QUESTIONS NOT ANSWERED

(None)

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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, SEPTEMBER 7, 2005

2 10:30 A.M.

3 -000-

4  
5  
6 DAVID ROJAS,

7 the witness herein, after having been duly sworn, was  
8 deposed and testified as follows:

9  
10 EXAMINATION

11 BY MS. SALISBURY:

12 Q Would you state your name and spell it for the  
13 record.

14 A Sure. David Rojas, D-a-v-i-d, last name is  
15 R-o-j-a-s.

16 Q And Mr. Rojas, my name is Susan Salisbury. I'm  
17 an attorney, and you've been called as a witness in this  
18 case called Zandian versus Lazo Trucking Express. And  
19 we've asked you to come and testify concerning the  
20 meaning of certain records that are in the possession of  
21 Bank of America. So could you tell us what your job  
22 title is?

23 A Yes. I actually -- vice president in charge of  
24 our subpoena and levy department for Bank of America and  
25 actually vice president in group operations manager as

1 well.

2 Q And you're employed by Bank of America,  
3 Mr. Rojas?

4 A Yes, I am.

5 Q And you brought with you certain documents.  
6 I'd like to -- they appear to be copies of a cashier's  
7 check. Could we mark those as one, two, three, and four,  
8 Exhibits 1, 2, 3, and 4. Now looking at page 1 and it  
9 says up at the top amount 9,000, sequence No. 2150982328.  
10 Would you tell us what this is?

11 A Yes. This is a cashier's check. Actually,  
12 it's the credit portion of the cashier's check for \$9,000  
13 made payable to the order of Lazo Trucking Services, and  
14 it was purchased by a -- looks like -- I can't make out  
15 the first letter, but a Reza, R-e-z-a, last name Jazi,  
16 J-a-z-i. It was purchased at the Fort Apache Sahara  
17 banking center in Phoenix -- correction.

18 (Defendant's Exhibit 1-4 were marked  
19 for identification by the court  
20 reporter and are attached hereto.)

21 Q Is that Las Vegas?

22 A I can't tell by the name if it's Phoenix,  
23 Arizona, but that's our standard name for cashier's  
24 checks that are processed out of the southwest. So I  
25 can't really tell if it was Las Vegas or not.

1           Q       Can you tell us what the capture date is? It  
2 says sequence number and capture date. What's the  
3 capture date?

4           A       Sure. The capture date is January 23, 2004.

5           Q       And what does that mean?

6           A       That was the date that this credit portion was  
7 processed by Bank of America.

8           Q       The credit portion is what the part where -- is  
9 that the part that you cash if you're the person who  
10 receives it?

11          A       No. Actually this is the portion -- this is  
12 the bank's copy. This is the copy that's processed by  
13 the bank, and that's denoted by -- in the lower  
14 right-corner there's a five preceding by -- actually have  
15 the zeroes and then the nine and the zeroes for \$9,000.  
16 This is the bank's copy.

17          Q       Okay. And can you tell us what the  
18 notations -- there's also a kind of gray area and it has  
19 some notations. Can you tell us what those notations  
20 are? Start with Bank of America something. There's some  
21 stamps or something on the back of the check.

22          A       This location here?

23          Q       Yes.

24          A       These would be Bank of America endorsements.  
25 These are actually put on the document when the credit

1 portion is processed by Bank of America, and these are  
2 actually obtained off of the computer sorters that  
3 actually physically process the document at the bank.

4 Q What does -- that just means that you now have  
5 a record that the check is outstanding; is that right?

6 A This is just the credit portion. It doesn't  
7 really reference the original check that was purchased.  
8 This just applies to the bank's credit portion.

9 Q So they just know they got \$9,000?

10 A Exactly.

11 Q Okay. Page 2, could you tell us what this is?  
12 It says -- looks like a personal check from G. Reza  
13 J-a-z-i?

14 A Right. This is a check that G. Reza Jazi used  
15 to basically purchase the cashier's check.

16 Q Okay. And can you tell us what the gray  
17 portion is on that page?

18 A I'm sorry?

19 Q The gray portion, can you tell us what that is?

20 A Yes. This is basically the information that  
21 the customer would have filled out when they purchased  
22 the check or deposit the check, excuse me. Bank of  
23 America is the one that deposited the check.

24 Q And where it says, for example, account 00497  
25 -- something, something, is that his account or what is



1 that? Do you see on page 2 on the back? Is that the  
2 back of the check?

3 A That's the back of the check, correct.

4 Q Okay. Do you see where a machine stamped  
5 something, official check sale? Do you know what that  
6 is?

7 MS. MARTIN: What are you referring to?

8 MS. SALISBURY: It's upside down. On the back  
9 of the check. It's upside down. And it says Tran 00109.  
10 What is that?

11 THE WITNESS: That's just the audit information  
12 that the bank prints on the check to denote what account  
13 number this was processed against.

14 Q BY MS. SALISBURY: Okay. Thank you. Now going  
15 to page 3, could you tell us what page 3 is?

16 A Page 3 is a deposit in the amount of \$9,000  
17 that was made by a G. Reza Jazi.

18 Q Yes.

19 A Located Las Vegas, Nevada. And the deposit was  
20 made on October 1 of 2004, like I mentioned in the amount  
21 of \$9,000.

22 Q And what is the gray piece on the bottom?

23 A There's several endorsements on the back of the  
24 deposit slip and those would denote that this deposit  
25 slip was processed by Bank of America.

1 Q And could you then look at page 4 and could you  
2 tell us what that is?

3 A Yes. This is the photocopy of a cashier's  
4 check for \$9,000 that G. Reza Jazi purchased, and this is  
5 the copy of the original check that was purchased at the  
6 Fort Apache Sahara banking center, and this check is  
7 payable to Lazo Trucking Services.

8 Q Can you tell who cashed the check?

9 A It just says not used for purpose intended, and  
10 I can't really make out that signature. So I have no  
11 idea.

12 Q Was -- can you tell if it was cashed by Lazo  
13 Trucking Services?

14 A Yes, it would have been.

15 Q How can you tell? Whose account was this  
16 deposited to?

17 A You know, I can't tell really. It has not used  
18 for purpose intended, so I have no idea why.

19 Q Could that be that Mr. Jazi deposited it --  
20 cashed it himself?

21 A Possibly.

22 Q Is that possible under your rules and  
23 regulations that if you get a cashier's check and you  
24 don't use it, that you can take it back and have it --

25 A I'm not familiar with the banking center

1 procedures so -- actually, my background is with the  
2 check processing, so I'm not familiar with that. I  
3 couldn't accurately tell you.

4 Q Okay. Up here on the left-hand side where it  
5 says account 252563581, is that the account to which it  
6 was deposited?

7 A Where are you referring to?

8 Q On page 4.

9 A Okay. You know, I don't know.

10 Q Okay. Who in your organization would know?

11 A This would be somebody from our banking center.

12 Q In Las Vegas?

13 A Or any Bank of America that works at a banking  
14 center.

15 Q Okay. But the signature on the back would have  
16 to be the signature of the person who cashed it?

17 A Absolutely, yes.

18 Q And do you know -- and it was not cashed until  
19 October 4, 2004. Can you tell from this where it was  
20 cashed?

21 A No, I cannot. No. It was cashed at a Bank of  
22 America, however, based on the endorsements on the gray  
23 shallow area of page 4. It was processed on October 1 of  
24 2004 by Bank of America.

25 Q Are there any notations on the back that show

1 what account it was deposited into?

2 A I can make out some numbers, but to be honest  
3 with you they're not very clear. So I can't really  
4 accurately tell you.

5 Q Calling your attention to page 3, and that's  
6 the deposit ticket; is that correct?

7 A That's correct.

8 Q For \$9,000.

9 A Right.

10 Q And does the deposit ticket normally show which  
11 checks are being deposited?

12 A Yes, it does.

13 Q Okay. And is there anything on that deposit  
14 ticket that tells you what check was being deposited?

15 A No, it does not. Let's see. Let me just  
16 review this for a second. Yes.

17 Q What account was it deposited to?

18 A Like I said, it was account number  
19 004967297981.

20 Q And from the deposit ticket it shows you that  
21 it's --

22 A How I determined that was by looking at page 3  
23 the upper endorsements, which is -- begins with 122000661  
24 below that third line down 10/01/04 and then it has below  
25 that -- it has a series of sequence numbers, 6960097453.

1 If you look at the cashier's check, you'll also notice  
2 that the sequence number endorsement on the back of the  
3 cashier's check in the gray area has the following  
4 number. In other words, it has the 6960097454. So that  
5 check would have been deposited into the account number  
6 that I mentioned earlier.

7 Q Along with the 9,000?

8 A Along with the 9,000.

9 Q It was the 9,000?

10 A Yes, it was.

11 Q So this would show that it was deposited into  
12 an account held in the name of G. Reza Jazi?

13 A That's correct.

14 Q Okay. No further questions. Ms. Martin?

15 MS. MARTIN: Nope. Nothing.

16 MS. SALISBURY: Okay. Thank you. We're done.  
17 Let's stipulate that the -- let's go off the record for a  
18 second.

19 (A discussion was held off the record.)

20 MS. SALISBURY: Let's go back on the record.

21 It's stipulated that the court reporter will mail the  
22 original of the transcript to Mr. Rojas at his address,  
23 which is --

24 THE WITNESS: 1000 West Temple Street, Los  
25 Angeles, California 90012. And if you also include our

1 mail code which is CA9-705-05-07, and that will ensure  
2 that it gets to me.

3 MS. SALISBURY: Okay. And then if the -- the  
4 court reporter will include in that an envelope addressed  
5 to me. What you should do is read through your  
6 deposition if you see anything that was a mistake, make a  
7 note of it. She'll include a page for you to make notes  
8 by page and line number.

9 THE WITNESS: Okay.

10 MS. SALISBURY: You don't actually cross it out  
11 or anything like that. Just say if should have been when  
12 or what have you. Sign your deposition under penalty --  
13 there will be a place for you to sign under penalty of  
14 perjury, sign it, put it in the envelope, mail it to me.  
15 I will keep custody -- maintain custody of the deposition  
16 until such time as we need to use it at trial. And the  
17 court reporter is relieved of her statutory duties which  
18 conflict with the foregoing stipulation.

19 MS. MARTIN: The only thing I would add is that  
20 you advise me of any changes within 14 days.

21 MS. SALISBURY: And I will advise opposing  
22 counsel of any changes within 14 days.

23 MS. MARTIN: And in the event that the original  
24 is unavailable --

25 MS. SALISBURY: We can use a copy in place

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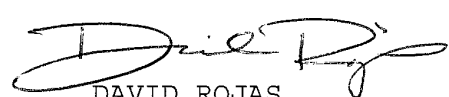
(The deposition proceedings  
were concluded at 10:49 a.m.)

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PENALTY OF PERJURY CERTIFICATE

I, the undersigned, declare under penalty of perjury that I have read the foregoing transcript, and I have made any corrections, additions or deletions that I was desirous of making; that the foregoing is a true and correct transcript of my testimony contained therein.

EXECUTED this 23<sup>rd</sup> day of September, 2005,  
at Bank of America, 1000 W. Temple St Los Angeles CA.  
90012

  
DAVID ROJAS



Deposition of:

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA            )  
  )    ss.  
COUNTY OF LOS ANGELES        )

I, NATALIE RODRIGUEZ, CSR No. 12851, a Certified Shorthand Reporter, certify;

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

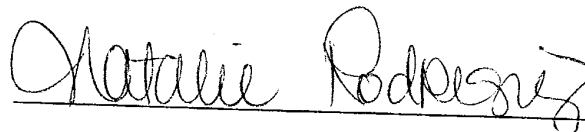
That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

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

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Dated this 21 day of September, 2005.



NATALIE RODRIGUEZ, CSR No. 12851

Witness  
name \_\_\_\_\_

Job #: \_\_\_\_\_ Job Date: \_\_\_\_\_

### TRANSCRIPT ERRATA SHEET

The reasons for making changes are as follows:

- (1) To clarify the record;
- (2) To conform to the facts;
- (3) To correct major transcription errors.

Page/Line	Change from	Change to	Reason

\_\_\_\_\_  
Signature of Deponent

\_\_\_\_\_  
Dated

**WORD  
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Amount: \$9,000.00  
Account: 252563581  
Bank Number: 54086010

Sequence Number: 2150982328  
Capture Date: 01/23/2004  
Check Number: 1237379

# CREDIT - CASHIER'S CHECK OUTSTANDING

No. **001237379**

Notice to Purchaser - In the event this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement.

Date **JANUARY 23, 2004**

91-170/1221

Banking Center **FORT APACHE SANARA**

0006471 00010 1237379

**G. REZA JAZI**  
Remitter (Purchased By)

6-1999  
28-14-3774B

Pay **NINE THOUSAND DOLLARS AND 00 CENTS\*\***

To The Order Of **COLAZO TRUCKING SERVICES\*\***  
0000

Bank of America, N.A.  
Phoenix, AZ

\$ **9000.00\*\***  
**NON-NEGOTIABLE**  
Authorized Signature  
Credit Copy

⑆001237379⑆ ⑆540860108⑆ 252563581⑆ 5⑆0000900000⑆



EXHIBIT 1  
Deponent Rowis  
Date 09/07 Rptr. NR  
WWW.DEPOBOOK.COM





Amount: \$9,000.00  
Account: 4967297981  
Bank Number: 12240072

Sequence Number: 2150982329  
Capture Date: 01/23/2004  
Check Number: 345

**G. REZA JAZI** 07-03  
949-400-5614  
9550 W. SAHARA APT. 2148  
LAS VEGAS, NV 89117

345

Date 1/23/04

94-72/1224 NV  
8471

Pay to the  
order of

Bank of America

\$ 9000<sup>00</sup>

Nine Thousand

Dollars



**Bank of America.**



ACH R/T 122400724

Other

For

⑆ 22400724⑆ 004967297981⑆ 0345 76000900000⑆

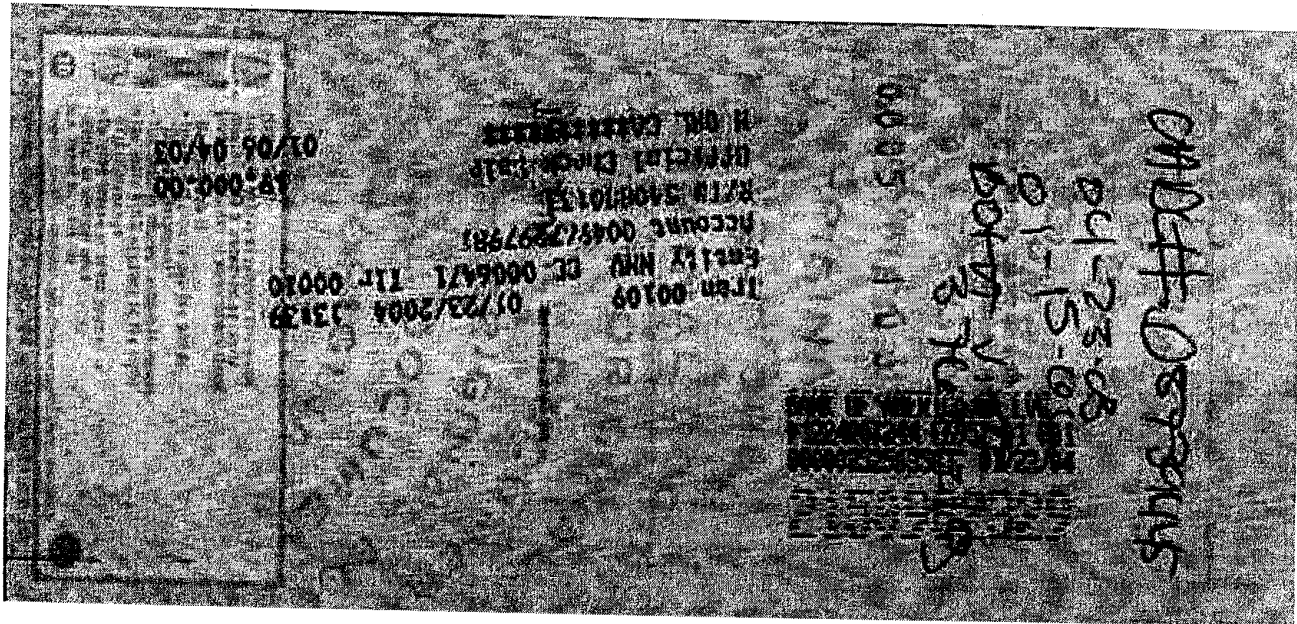


EXHIBIT 2  
Deponent ROJAS  
Date 9/7/05 Rptr. NR  
WWW.DEPOBOOK.COM

JM\_1166



Amount: \$9,000.00  
Account: 4967297981  
Bank Number: 54088010

Sequence Number: 6960097453  
Capture Date: 10/01/2004  
Check Number: 0

DEPOSIT TICKET

G. REZA JAZI 07-03  
949-400-5614  
9550 W. SAHARA APT. 2148  
LAS VEGAS, NV 89117

CASH  
94-72/1224 NV  
6471

DATE 10-1-04  
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

9000.00

OR TOTAL FROM OTHER SIDE

SIGN HERE IF CASH RECEIVED FROM DEPOSIT

TOTAL ITEMS  
SUBTOTAL  
LESS CASH

Bank of America

ACH R/T 122400724

NET DEPOSIT \$

9000.00

⑆540880104⑆ 004967297981⑆

5⑆0000900000⑆

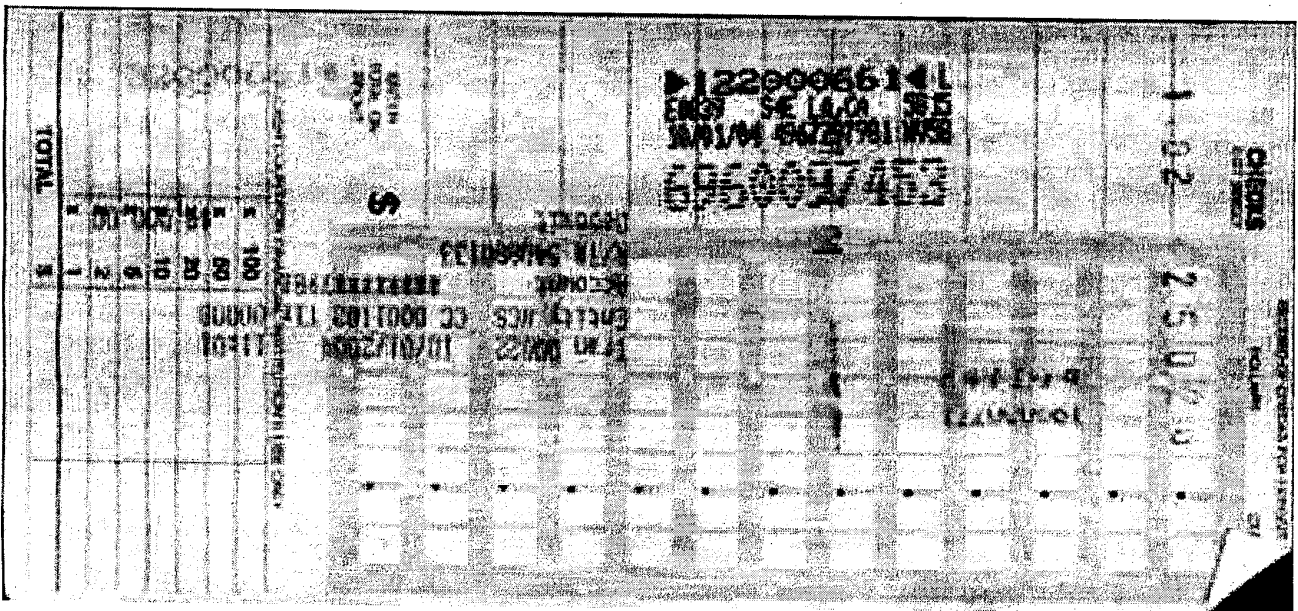


EXHIBIT 3  
Deponent: ROJAG  
Date: 9/7/05 Rptr. NR  
WWW.DEPOBOOK.COM

JM\_1168



Amount: \$9,000.00  
Account: 252563581  
Bank Number: 12210170

Sequence Number: 3250969502  
Capture Date: 10/04/2004  
Check Number: 1237379

**Bank of America** 

Cashier's Check

No. 001237379

Payable in Full - In the event this check is not cashed or stopped  
before midnight and 90-day waiting period will be required prior to  
cancellation.

Date: **JANUARY 23, 2004**

Banking Center: **FORT APACHE SAHARA**

0000471 00010 1237379

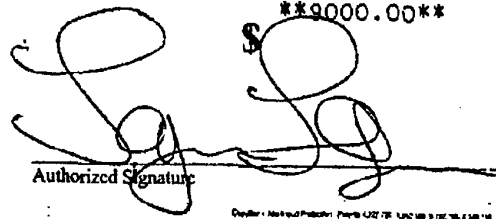
**G. REZA JAZI**  
Remitter (Purchased By)

8-1999  
28-14-3774B  
Pay **\*\*NINE THOUSAND DOLLARS AND 00 CENTS\*\***

To  
The Order Of **\*\*LAZO TRUCKING SERVICES\*\***  
\*\*\*\*

Bank of America, N.A.  
Phoenix, AZ

**\*\*9000.00\*\***



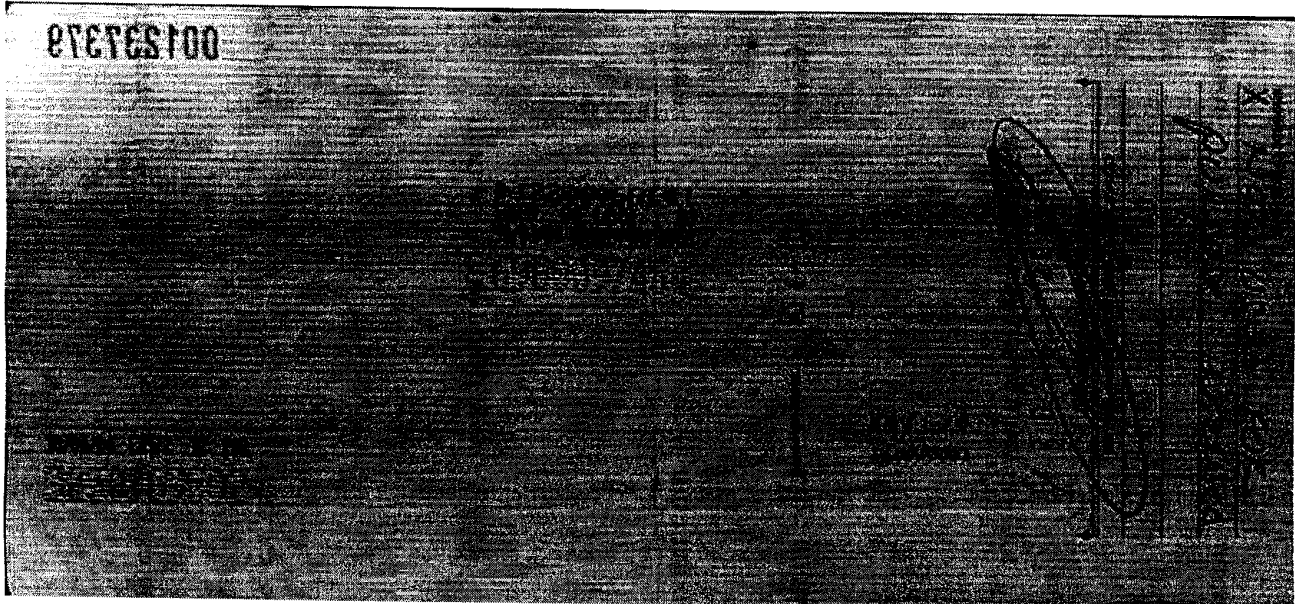
Authorized Signature

Order - Bank of America, N.A. Form 1007-78 - 10/04/04 - 10/04/04

⑆001237379⑆ ⑆122101706⑆ 252563581⑆ ⑆0000900000⑆

■ THE ORIGINAL DOCUMENT HAS REFLECTIVE WATERMARK ON THE BACK

THE ORIGINAL DOCUMENT HAS REFLECTIVE WATERMARK ON THE BACK ■



**EXHIBIT 4**  
Deponent: POAS  
Date: 9/10/05 Rptr: NR  
WWW.DEPOBOOK.COM

JM\_1170