

EXHIBIT 1

In The Matter Of:

Zero Calorie VS

Barnes

Jodie Barnes

June 20, 2014

Kanabay Court Reporters

556 First Avenue North

St. Petersburg, FL 33701

Serving West Central Florida

Offices at Tampa Airport, Feather Sound Area, Downtown St. Petersburg

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Min-U-Script® with Word Index

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1 IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
2 IN AND FOR SARASOTA COUNTY, STATE OF FLORIDA
3 CIVIL DIVISION
4 ZERO CALORIE LABS, INC., a
5 Florida corporation, and
6 ROCA LABS, INC., a Florida
7 corporation, and DON JURAVIN,
8 individually,
9 Plaintiffs, Case No. 2012-CA-9111-NC
10 vs.
11 JODIE BARNES, and
12 JOHN HAGERMAN,
13 Defendants.
14
15 JODIE BARNES,
16 Counter-Claimant,
17 vs.
18 ZERO CALORIE LABS, INC.,
19 ROCA LABS, INC., and
20 DON JURAVIN,
21 Counter-Defendants.
22
23 VOLUME II
24 Pages 187-244 /
25
26 DEPOSITION OF: JODIE BARNES.
27 DATE/TIME: June 20, 2014; 9:00 a.m.
28 PLACE: Executive Suites
29 667 North Washington Boulevard
30 Sarasota, Florida
31 REPORTED BY: Robert William Wagner
32 Notary Public,

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1 APPEARANCES:
2 WHITNEY C. COYNE, Esquire
3 2180 Main Street
4 Sarasota, Florida 34237
5 Counsel for the Plaintiffs
6
7 JESSE L. SKIPPER, Esquire
8 Jesse L. Skipper, P.A.
9 535 Central Avenue
10 St. Petersburg, Florida 33701
11 Counsel for Defendants
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1 JODIE BARNES,
2 the witness herein, being first duly sworn, was examined
3 and testified as follows:
4 DIRECT EXAMINATION
5 BY MR. COYNE:
6 Q. All right. Ms. Barnes, I want to go back to the
7 month of October and just kind of fill in a few more details
8 I didn't get to last time.
9 Can you remind me what the first day back to work
10 was after your time off at the end of September?
11 A. There was no time off at the end of September.
12 I don't understand the question.
13 Q. I believe you testified last time that there was a
14 period of time at the end of the month of September where
15 you -- I believe it was six days at the end of the month --
16 that you did not work.
17 A. That was the first week of October actually.
18 Q. Okay.
19 A. I worked up until the 27th of September.
20 Q. And then there was a period of six days that you
21 didn't work or so.
22 And what was your first day back?
23 A. Well, I met Don on Friday the 5th, October, and I
24 started working back for the family on Saturday the 6th.
25 Q. Okay. And what -- what was discussed at that

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1 meeting with Don on the 5th?
 2 A. That he wanted to -- he was sorry that he
 3 misunderstood the hours that were sent to him. He assumed I
 4 was asking for the month of September when I had already
 5 been paid for September -- a portion of September I should
 6 say. He had not paid the full month of September.
 7 He said that he -- because he had previously
 8 guaranteed me \$1,500 a month and I obviously did not make it
 9 that first week because I didn't work the first week of
 10 October. He wanted to have something written in a contract
 11 that would state that I would be guaranteed \$1,500 a month.
 12 Q. Okay. When was the first time that the \$1,500 or
 13 150 hours a month was discussed?
 14 MR. SKIPPER: Object to the form.
 15 A. It was discussed the first -- the last week of
 16 July.
 17 MR. SKIPPER: The 150 hours?
 18 A. The 125 hours at \$12 and hour.
 19 BY MR. COYNE:
 20 Q. So when you first started working in July there
 21 was a promise of 125 hours a month?
 22 A. When I first started working in July, I was
 23 working for \$12 an hour as a babysitter. We had a
 24 discussion about the girls going back to school. My
 25 daughter was going back to school, and I said that I would

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1 either be looking for a full time job because I knew the
 2 girls were going back to school. And he said, "Well, I
 3 could offer you a full-time job."
 4 And that's when he said, "I can guarantee you at
 5 least \$1,500 -- \$1,500 a month."
 6 So that's when I made the decision to move to --
 7 go back to Atlanta and pack our things and come back to
 8 Florida and live and work full time for him.
 9 Q. What exactly was said regarding the \$1,500 a
 10 month?
 11 A. He said that I would be guaranteed at least \$1,500
 12 a month. He had a business that he was bringing to his
 13 house. Until he could find a fulfillment house to take care
 14 of his products, he was going to bring it to his house and
 15 that I could help him do the order filling and organizing
 16 and managing his Roca Labs business.
 17 Q. Did he promise that no matter how many hours you
 18 worked you would be paid \$1,500 per month?
 19 A. Yes.
 20 Q. And that was the agreement starting in July?
 21 A. That was our verbal agreement the last of July. I
 22 flew to Atlanta -- because of our verbal agreement, I flew
 23 to Atlanta on the 5th. I worked the 1st, 2nd, 3rd, and 4th
 24 for him of August.
 25 So it was actually July 27th through the 31st and

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1 then August 1st through the 4th, that whole week.
 2 We discussed working full time in this period; and
 3 because of him saying that it would be a full-time position,
 4 I flew to Atlanta on the 5th, packed our things, and I was
 5 available to work for him on Saturday the 11th. I returned
 6 on the 11th and sent an e-mail saying I'm back and I'm
 7 available to work.
 8 Q. So going back to the October 5th meeting with Don,
 9 was that a new promise of \$1,500 a month? How was that
 10 stated?
 11 A. Well, because he had put me out of work for the
 12 first week of October.
 13 Q. Did he promise that he would pay you \$1,500 for
 14 the month of October and --
 15 A. Yes, he did. And that's when he said that he was
 16 going to have something written up that would make me feel
 17 secure. Because before that period of time, I didn't have
 18 anything in writing. It was a verbal agreement between the
 19 two of us, but I moved my family here based on that verbal
 20 agreement.
 21 Q. And then your last day of work was October 25th;
 22 is that what you stated?
 23 A. Last day of work was Thursday, October 25th.
 24 Yes.
 25 Q. And you did not show up for work on October 26th?

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1 A. No.
 2 Q. Or any other day at the end of October?
 3 A. No.
 4 Q. And what the point did you ask for your pay?
 5 A. Right away. I don't recall what day. I sent him
 6 an e-mail, and I believe I sent Anna, his wife, an e-mail.
 7 I would have to look at the e-mails. I don't have those
 8 with me.
 9 I think, Jesse, didn't we send all those?
 10 MR. SKIPPER: Yes, you have it.
 11 A. They -- you have all that.
 12 BY MR. COYNE:
 13 Q. And did you send text messages?
 14 A. Text messages and e-mails, yes.
 15 Q. And what were the responses that you received from
 16 Mr. Juravin?
 17 A. I don't know offhand. I would have to look at the
 18 messages. All of those have been given to you. I would not
 19 be able recite what was sent back to me.
 20 Q. Not -- I'm not asking you word for word.
 21 Were you given your pay?
 22 A. No, I was not given my pay.
 23 Q. About how many requests did you make for your pay?
 24 A. I don't recall.
 25 Q. And were you aware that Don issued checks on the

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1 8th of every month?
 2 A. Not to me, he didn't.
 3 If you go back and look at the dates of the
 4 checks, he gave me my checks before the 8th. I believe
 5 every time he paid me was before the 8th. I don't think he
 6 ever paid me on the 8th.
 7 Q. Were you aware that it was the practice of Roca --
 8 people working with Roca Labs to be paid on the 8th of every
 9 month?
 10 A. No. Because like I said -- I'll repeat that
 11 again -- he never paid me on the 8th. He always paid me
 12 before the 8th. I don't know what the practice was with his
 13 other employees, but the practice he had with myself was he
 14 paid me before the 8th because my rent was due on the 1st.
 15 Actually my rent was due on the 30th. So he
 16 always paid me before the 8th.
 17 Q. All right. Speaking of that, what other
 18 employees of Roca Labs -- what employees of Roca Labs do you
 19 know of?
 20 A. Jason Gallagher.
 21 Q. Do you know of anyone else that works for Roca
 22 Labs? Works with --
 23 A. I don't know them personally, but I -- I saw them
 24 on -- Don talking to them on the computer, conversing with
 25 them on Face Time discussing business. I don't know them

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1 personally, no, but I knew that there were several
 2 employees. I don't know how many or where they were or
 3 where they were located. I think a lot of them were in
 4 Israel or overseas.
 5 But the only one I knew personally that worked for
 6 Roca Labs would be Jason Gallagher and then the two
 7 part-timers that came in and helped unload the pallets off
 8 of the trucks when the product was delivered and that was
 9 Ashley Elman (phonetic) and Joey Miles I believe his name
 10 was.
 11 Q. You classified the people that he Face Timed with
 12 as employees.
 13 What made you think that they were --
 14 MR. SKIPPER: Object to form.
 15 Go ahead. You can keep --
 16 A. They were talking business. They were talking
 17 about Roca Labs. They were talking about business. It
 18 wasn't a personal phone call.
 19 BY MR. COYNE:
 20 Q. How do you know that they were not business
 21 partners?
 22 A. Because they were employees. I knew that. I
 23 could tell the way he was talking to them and the things
 24 that they were saying about customers. I don't -- I don't
 25 recall the exact conversation, but they were employees

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1 several of them.
 2 Garret was one of the guy's names. Garret I
 3 believe. And then there were a couple of girls he talked
 4 to. I don't -- you know, I didn't pay attention to that.
 5 It wasn't my job to do that.
 6 I was in the room. I was in his office several --
 7 on several occasions when he was on the computer with them.
 8 Q. Do you know how any of these individuals were
 9 paid?
 10 A. No, that wasn't my business.
 11 Q. Do you know whether any of these individuals
 12 received any type of benefits from Roca Labs?
 13 A. I don't know. I recall a conversation with one of
 14 them when the banks -- there was something going on
 15 overseas. I can't remember what it was. But turmoil,
 16 whatever, and the banks were closed and he was having a
 17 discussion on how he could get them paid. Because one of
 18 the employees was complaining that, you know, he needed his
 19 money by the 8th and Don was trying to work out some way of
 20 getting money to him.
 21 I don't remember exactly what it was all about,
 22 but I just remember them discussing how he could get paid
 23 when the banks were closed over there. I guess Don couldn't
 24 transfer money. I don't know.
 25 Q. Okay. Do you know what hours these people worked?

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1 A. No, of course not. That wasn't my job.
 2 Q. During your time with Roca did you ever hear
 3 Dr. Whiting's name mentioned?
 4 A. Did I ever hear?
 5 Q. Did you ever hear of Dr. Whiting?
 6 A. Dr. George Whiting, yes.
 7 Q. What did you learn about Dr. Whiting while you
 8 were working with Roca?
 9 A. I thought he was the president of the company.
 10 Q. And where did you learn that he was the president?
 11 A. When did I learn?
 12 Q. Well, when did you learn it?
 13 A. I don't recall.
 14 Q. Was it while you were working with Roca?
 15 A. I think it was when I was doing research when he
 16 sent me the web link and I saw it on the website.
 17 Q. Did -- did Don ever mention Dr. Whiting?
 18 A. On occasion.
 19 Q. Do you recall what he would say about Dr. Whiting?
 20 A. No.
 21 Q. When you said "research," is that the research
 22 that Don asked you to do when you were discussing the
 23 possibility of interacting with potential clients for Roca?
 24 A. What is the question?
 25 Q. The research that you just said that you did, was

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1 that the research that you did prior to the -- I'm sorry.
 2 MR. SKIPPER: Jodie, you said when he -- when I
 3 did the research that Don sent me, what are you
 4 referring to?
 5 A. Learning about the business so that I would be
 6 able to interact with his customers when they asked me
 7 questions.
 8 BY MR. COYNE:
 9 Q. Okay. And that's the -- that's the link that Don
 10 sent you?
 11 A. Don sent me the link, yes.
 12 Q. And that's the link that he sent you approximately
 13 on October 11th?
 14 MR. SKIPPER: Why don't you show her the e-mail
 15 if that's what it is?
 16 A. From Don to Jodie, link -- I don't see a date --
 17 October 11th. And October 11th, that's it.
 18 BY MR. COYNE:
 19 Q. When did Ashley and Joey start? I believe that's
 20 the names you said.
 21 A. When did?
 22 Q. When did Ashley and I believe it was Joey, are
 23 those the two part-timers you said?
 24 A. Uh-huh.
 25 Q. When did they start?

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1 A. They came in the day that the product was being
 2 delivered from the two big trucks, which would have been in
 3 September. I believe they worked Thursday the 6th and
 4 Friday the 7th.
 5 Q. They only worked two days?
 6 A. They did.
 7 Q. And did Don know them or did you know them
 8 prior --
 9 A. I knew them. He asked me to find help and those
 10 were the only two people I knew because I had just moved
 11 here. And they were some kids needing some extra money. So
 12 I told Don I would pass the information along, and they
 13 would like to help unload the product off the trucks.
 14 Q. And for those two days who supervised them?
 15 A. Don.
 16 Q. And I'm sorry. What was the work that they did?
 17 A. What was the work they did?
 18 Q. Yes.
 19 A. Helped unload trucks and helped organize the
 20 product when it was coming in with the pallets, helped
 21 organize the garage and get the garage cleared -- I'm sorry.
 22 Q. Okay.
 23 MR. SKIPPER: I'm sorry. Did you finish your
 24 answer?
 25 A. No, not really, but now I forgot what he asked me.

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1 BY MR. COYNE:
 2 Q. Just the work that they did.
 3 A. I -- they were helping. I don't know. Don gave
 4 them the instructions. I didn't. So that might be a
 5 better -- what I saw them doing was organizing the garage
 6 and helping with the truck unloading.
 7 Joey was helping with the pallets from -- the
 8 trucks couldn't get all the way into the driveway because he
 9 lives down a very small road. So Joey helped with the
 10 handcarts. Don went to -- not an Office Depot -- but a
 11 hardware store and bought a couple of those hand lifts with
 12 the big -- can carry pallets. And Joey was bringing those
 13 back and forth from where the trucks were parked in the
 14 neighborhood, which was, you know, five blocks away.
 15 Q. Aside from Jason, Ashley, Joey, Garrett, and the
 16 girls, any other individuals that you know worked for Roca
 17 Labs?
 18 A. No. He had housekeepers that came in, but I don't
 19 believe they were doing Roca Labs activity. I don't know
 20 that; but while I was there, I didn't see them doing Roca
 21 Labs activity. I just saw them cleaning the house.
 22 Q. During your time working with Don, did you ever
 23 come to know of Zero -- a company called Zero Calorie Labs?
 24 A. Just in conversation. I didn't know the
 25 difference between the two. They were -- I didn't really

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1 understand the two. I knew it was somehow related to Roca
 2 Labs. I didn't know how. It really didn't matter to me at
 3 the time.
 4 Q. Did you -- did you know what type of business it
 5 was? Anything of that nature?
 6 A. No.
 7 Q. Do you know if it had any employees?
 8 A. No, that wasn't something that would have
 9 interested me.
 10 Q. When did you come to meet John Hagerman?
 11 A. When did I first meet him?
 12 Q. Yes.
 13 A. I don't know the exact date. I would probably
 14 guesstimate September -- towards the end of September. I
 15 don't recall what date.
 16 Q. And how did you meet him?
 17 A. Match.com.
 18 Q. So the end of September did you -- was that just
 19 online interaction?
 20 A. Uh-huh.
 21 (Court reporter asks for verbal response.)
 22 A. Yes, I'm sorry. Yes.
 23 Q. When did you first --
 24 MR. SKIPPER: -- meet him face to face?
 25 BY MR. COYNE:

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1 Q. Meet him face to face?
 2 A. That was October the 27th.
 3 MR. SKIPPER: I'm sorry. Jodie, never mind.
 4 Pay attention to the question before you answer,
 5 please.
 6 October -- oh, I'm sorry. Never mind. Just
 7 forget I said anything. I got confused, not you.
 8 A. That's why I have a calendar.
 9 BY MR. COYNE:
 10 Q. What did you do on October 27th that you met him?
 11 A. The question --
 12 Q. Where did you meet him that day?
 13 A. Busch Gardens.
 14 Q. And how had you communicated with him prior to
 15 October 27th?
 16 A. Match.com.
 17 Q. Did you have -- did you exchange phone numbers?
 18 A. We did.
 19 Q. Did you exchange e-mails?
 20 A. We did, yes.
 21 Q. And did you communicate via text and e-mail prior
 22 to the October 27th date?
 23 A. We communicated through match.com.
 24 Q. At what time do you -- do you recall at what time
 25 you learned of his name?

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1 A. I don't recall. What do you -- I don't understand
 2 that question.
 3 Q. Typically on match.com people don't use their
 4 names.
 5 So when did you learn of his actual name?
 6 A. I don't recall. I mean, if -- I can't -- I can't
 7 recall. I knew his name was John and we communicated on
 8 match.com. I don't recall if I asked him his last name.
 9 Q. Okay. Did you know his full name by the time you
 10 met him on October 27th?
 11 A. I knew his last name was Hagerman.
 12 Q. Did you do any kind of a background check at all
 13 before meeting him?
 14 A. No.
 15 Q. Any kind of a cursory review online for --
 16 A. No, we went to Busch Gardens. So I really wasn't
 17 too concerned about...
 18 Q. Okay. You didn't Google him or anything prior to
 19 meeting him?
 20 A. We were just going to Busch Gardens to ride roller
 21 coasters. I didn't think it was necessary to have to do all
 22 that.
 23 Q. After your October 27th date, when was your next
 24 date with him?
 25 A. There wasn't another date with him.

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1 Q. At what point did you tell him about Roca Labs and
 2 Don Juravin?
 3 A. The 27th while we were at Busch Gardens.
 4 Q. Did he on that date say that he would assist you
 5 with collecting the pay that you thought you were due at
 6 that time?
 7 A. No. We didn't think we needed any assistance. I
 8 assumed that I would get my pay at that point.
 9 Q. At what point did he agree to assist you?
 10 A. He never did agree to assist me. He just thought
 11 it was a really crumby thing for Don to do to not pay me.
 12 He never said, I will assist you. I will -- he just felt
 13 bad for me.
 14 He felt that -- you know, he just felt horrible.
 15 He couldn't believe that I had worked and the guy didn't pay
 16 me. He felt the guy was a real, you know, schmuck for not
 17 paying me knowing I had my rent due, knowing I had a child
 18 to take care of. He just really felt sorry for me.
 19 Q. Did you ever ask him to contact Don on your
 20 behalf?
 21 A. No.
 22 Q. Did you ever give him Don's e-mail address?
 23 A. No.
 24 Q. Phone number?
 25 A. No.

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1 Q. Did you tell him where Don lived?
 2 A. No. He knew where Don lived though.
 3 Q. How did he know where Don lives?
 4 A. Because I -- I told him I worked there. He's
 5 familiar with the area. He knew exactly where Robert's
 6 Point Road was. He didn't know what house he lived in, but
 7 he knew approximately where he lived just because he's from
 8 the area. I think he's lived here all of his life.
 9 Q. What did you -- during the 27th, what did you
 10 discuss regarding Don and Roca Labs?
 11 A. I'm sorry. I can't answer that with him talking.
 12 It's confusing me.
 13 (A short break was taken.)
 14 BY MR. COYNE:
 15 Q. So on October 27th, you're at Busch Gardens with
 16 Mr. Hagerman, what was the discussion? What did you tell
 17 him at that time?
 18 A. I told him that I had been working for Don and
 19 that I was presented with a contract to sign and I didn't
 20 sign it. So I lost my job.
 21 Q. And did you tell him what type of business you
 22 were working with?
 23 A. I told him it was -- yes, I told him it was a
 24 fulfilment company.
 25 Q. At that time did you show him the pictures that

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1 you had on your phone of -- that you had taken inside the
 2 Juravin home?
 3 A. No.
 4 Q. And at what point did you show him those pictures?
 5 A. I don't recall. I don't know if I did -- I don't
 6 know if I did show him the pictures. It might have just
 7 been a discussion.
 8 Q. After October 27th, did you have any additional
 9 face-to-face contact with Mr. Hagerman?
 10 A. Uh-huh, he came by my house several times.
 11 Q. At some point did you give him Don's contact
 12 information?
 13 A. No.
 14 Q. At any point did you ask him to contact Don on
 15 your behalf?
 16 A. No.
 17 Q. Did he tell you that he was going to contact Don
 18 on your behalf?
 19 A. No.
 20 Q. Did he ever indicate that he would contact anyone
 21 affiliated with Roca?
 22 A. When Kara Rosa called me and told me that Don
 23 would not release my paycheck unless I signed the
 24 non-confidentiality agreement, he called Rosa I believe,
 25 Kara Rosa. I didn't ask him to. He just did.

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1 Q. How did he get Kara Rosa's contact information?
 2 A. I believe she left it with me. I probably gave it
 3 to him.
 4 Q. But you never asked him to contact her?
 5 A. No.
 6 Q. Did he indicate that he would contact her on your
 7 behalf?
 8 A. I don't believe so. I just think he was really
 9 upset and he was really -- you know, felt sorry for me and
 10 he wanted to help me as much as he could and he thought that
 11 if he, you know, made a call that he could explain the
 12 situation, that I needed my check because my rent was due.
 13 I think he was doing it just because he felt bad
 14 for me. You know, it wasn't something he was doing
 15 because...
 16 Q. What prompted him -- what prompted you to provide
 17 her contact information?
 18 A. Well, she had just called me. She had just given
 19 me her phone number and called me to talk to me about the
 20 contract. So I had all -- I had her information and Don had
 21 given me her number.
 22 Q. Did she call while he was at your house?
 23 A. No.
 24 Q. How would describe your relationship with
 25 Mr. Hagerman?

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1 A. An acquaintance.
 2 Q. When's the last time you had contact with him?
 3 A. I can't recall. Sometime -- I can't recall for
 4 certain. October, November. I'm just not sure.
 5 MR. SKIPPER: Of what year?
 6 A. 2012.
 7 BY MR. COYNE:
 8 Q. And you only had the one date?
 9 A. Yes.
 10 Q. Approximately how many times did you see him face
 11 to face?
 12 A. I can't recall. Probably three times, four times.
 13 BY MR. COYNE:
 14 Q. Do you recall if you ever sent any of the pictures
 15 that you took inside the Juravin home to Mr. Hagerman?
 16 A. No.
 17 MR. SKIPPER: No, you don't recall, or, no, you
 18 didn't send the pictures?
 19 A. No, I didn't send pictures to Hagerman.
 20 BY MR. COYNE:
 21 Q. Did you and Mr. Hagerman discuss contacting the
 22 county regarding --
 23 A. The who?
 24 Q. The county regarding --
 25 A. What's the county?

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1 Q. Sarasota County code enforcement.
 2 Did you ever have a discussion with John Hagerman
 3 regarding contacting Sarasota County code enforcement
 4 regarding Roca Labs or Don Juravin?
 5 A. John Hagerman had mentioned it in conversation. I
 6 didn't pay that much attention to it because I didn't really
 7 know what code enforcement was at the time.
 8 Q. Approximately when did that discussion occur?
 9 A. What discussion?
 10 Q. The discussion with Hagerman regarding contacting
 11 code enforcement.
 12 MR. SKIPPER: The one you just referred to.
 13 A. I didn't know if he was talking about the
 14 conversation between Hagerman and code enforcement or
 15 Hagerman and me.
 16 I don't recall that specific day. It must have
 17 been towards the end of October because that was after I
 18 didn't get paid my paycheck. So it could have been the
 19 first week in November, sometime around that time.
 20 BY MR. COYNE:
 21 Q. And do you know when he contacted code
 22 enforcement?
 23 A. No, I don't know what day he contacted them.
 24 Q. Do you know anything about the discussion that
 25 Mr. Hagerman had with code enforcement?

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1 A. No.
 2 Q. When were you contacted by code enforcement?
 3 A. They called me I believe sometime around the --
 4 maybe the 6th of October, 5th or 6th. I'd have to look at
 5 the e-mail. But...
 6 Q. And that's the 6th of November?
 7 A. I -- I would guess. I would again have to look at
 8 the e-mail.
 9 I believe he had called and left a message on my
 10 phone at some point too. I don't know what day that was,
 11 but it was...
 12 MR. SKIPPER: He who?
 13 A. John Lally. Lally, Lally. I don't know how to
 14 pronounce -- Lally.
 15 BY MR. COYNE:
 16 Q. And did you meet with Mr. Lally?
 17 A. No.
 18 Q. Were all your discussions over the telephone?
 19 A. Yes, telephone and e-mail.
 20 Q. And did you send him the pictures that you had via
 21 e-mail that you had taken of the Juravin home?
 22 A. Yes, he requested -- he requested the pictures.
 23 Q. Approximately when did that e-mail send?
 24 A. I would have to look at the e-mail. I think we
 25 sent you those -- didn't we send --

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1 MR. SKIPPER: You know, I don't think they were
 2 requested. I don't think I've sent them yet.
 3 Or I might not have had them in response to
 4 request to produce.
 5 BY MR. COYNE:
 6 Q. So between the time that you stopped working and
 7 the 5th, 6th, were you continuing to communicate with Don?
 8 A. I texted -- I believe so, yes. We had -- there
 9 were -- yes, Don e-mailed me on the 5th, 5th of November
 10 threatening felony charges. I responded. Michael Schultz
 11 threatened me with a law suit. So, yes, there were some
 12 e-mails going back and forth.
 13 MR. COYNE: I'm going to mark this as
 14 Exhibit 6.
 15 (Plaintiff's Exhibit Number 6 marked for identification.)
 16 BY MR. COYNE:
 17 Q. Is that a text that you sent to Don?
 18 A. Yes, I did send this. It was either to Don or to
 19 Annia (sic). I don't know which. It could have been to
 20 Donia -- or Anna I mean.
 21 It doesn't say -- it doesn't say who I sent it to.
 22 So I don't know if it's to Anna or to Don.
 23 Q. What was the date of that text?
 24 A. November 5th.
 25 Q. Was that the same day that you posted on

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1 pissedconsumer.com?
 2 A. I don't recall what day I did that.
 3 I would have to look at the date. Is that the --
 4 exhibit that's right in front of you.
 5 Q. Yes, it's not the -- I want to stick to the
 6 exhibits that we already have marked.
 7 MR. SKIPPER: I'll stipulate it's the same day.
 8 MR. COYNE: Thank you. All right.
 9 MR. SKIPPER: I know the dates.
 10 A. November 5th, yes.
 11 BY MR. COYNE:
 12 Q. And it's still your testimony that the posting on
 13 pissedconsumer.com was done basically for the good of other
 14 people and had nothing to do with the dispute between you
 15 and Don?
 16 MR. SKIPPER: Object to form.
 17 A. It had everything to do with that. I was jilted
 18 out of my pay, and there were a lot of things that were
 19 going on at the job and that situation that caused me to get
 20 on the internet and start looking things up. And I realized
 21 that, you know, people needed to know about what was going
 22 on. What he was doing was wrong.
 23 BY MR. COYNE:
 24 Q. So it was out of your frustration with Don that
 25 you made that posting on pissedconsumer.com?

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1 A. No. I made the posting because I had researched
 2 and done some, you know, studying up on things that had been
 3 going on. I saw a lot of postings on him suing people, and
 4 I just thought it was the right thing to do. People needed
 5 to know.
 6 Q. Aside from John Hagerman did you contact anyone
 7 else regarding your dispute with Don Juravin?
 8 A. Well, like I said on Tuesday, I made several phone
 9 calls, several inquiries to different agencies, you know,
 10 trying to get some advice. And, you know, I didn't know
 11 what to do at that time. I was -- I was kind of grasping at
 12 straws trying to figure out how I could get my pay and to
 13 let people know what was going on. I felt like what he was
 14 doing was fraudulent business. He was deceiving people. He
 15 was -- you know, so it wasn't just John Hagerman I talked
 16 to. I made several inquiries.
 17 Q. Did you talk to Detective Frank?
 18 A. I did talk to Detective Frank, yes. I called her
 19 and asked for an appointment because Don had filed a police
 20 report saying that I stole items from his home.
 21 Q. How did you know to call Detective Frank?
 22 A. Because Don text messaged me a threat saying he
 23 was going to the police and filing charges against me.
 24 MR. SKIPPER: How did you know to contact
 25 Detective Frank?

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1 A. I -- well, I called the police station and they
2 said that she was the one handling the case.
3 BY MR. COYNE:
4 Q. Did you ever contact the IRS?
5 A. No.
6 Q. Did you ever tell Don that you contacted the IRS?
7 A. I think I did. I think I had said something in a
8 text message that I was going to or did.
9 Q. So we know that you contacted -- you stated that
10 you contacted the Attorney General; correct?
11 A. I believe so, yes. I -- yes.
12 Q. And you also contacted the FDA?
13 A. I think so. I contacted several agencies. Some I
14 got answers back from. Some I didn't. I can't really
15 recall exactly who I contacted, but I made several calls. I
16 was -- I was just trying to get help as much as I could.
17 Q. How -- how did contacting the FDA help you?
18 A. I just inquired about, you know, a company
19 operating a FDA approved digestible product that had been,
20 you know, manipulated and moved around inside of a garage,
21 somebody's garage, and I didn't think that it was something
22 that should be going on.
23 Q. Were you taking the product?
24 A. Was I taking the product?
25 Q. At the time that you contacted the FDA were you

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1 taking the product?
2 A. I tried the product when he wanted me to talk to
3 his consumers. He wanted me to try it. I think I tried it
4 twice.
5 Q. That was approximately a month before you
6 contacted the FDA?
7 A. I don't know exactly the time period between the
8 phone call and when I took the product.
9 But we had not been opening the product in the
10 beginning of my employ with him. We just started opening
11 the product towards -- I guess into October he got a second
12 shipment that was not -- he thought it had too much product.
13 So he wanted to take some out and put it in smaller bags and
14 that concerned me when I saw that he was opening the powder.
15 Q. Aside from -- strike that.
16 Aside from pissedconsumer.com, did you put any
17 other postings online?
18 A. No.
19 Q. I think I asked you this yesterday -- Tuesday, but
20 did you send the pictures -- any of the pictures that you
21 took to anyone other than Mr. Lally?
22 A. Pictures of what?
23 Q. The pictures that you took inside the Juravin
24 home.
25 A. I did. I forwarded pictures of the girls to his

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1 wife and himself and my daughter, but nothing of the
2 business. The business related pictures were sent to Anna
3 and Don only. But pictures of the girls I forwarded to Anna
4 and Don.
5 MR. SKIPPER: I think Mr. Coyne was asking you
6 whether you gave them to any other third parties
7 other than Anna and Don.
8 A. No, no. John Lally was the only person that...
9 BY MR. COYNE:
10 Q. I'm sorry. I want to go back to your current job.
11 We -- as we were leaving last time, you said that
12 you do payroll for your current employer?
13 A. I do timesheets that are related to payroll.
14 Q. Describe that to me. Exactly what do you do?
15 A. I take all the timesheets of the crews and
16 calculate the hours and I have to balance out each day and
17 balance out each week. And every Monday I have to give
18 those hours to the HR department for her to run payroll.
19 Q. So basically you're just computing -- computing
20 time?
21 A. That's not all I do, no.
22 Q. Well, you're not -- you're not determining what
23 taxes should be taken out of people's paychecks, things of
24 that nature?
25 A. I'm not human resources, no.

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1 Q. So as far as your involvement in the payroll
2 aspect, you compute time essentially?
3 A. Yes.
4 Q. Did you have any kind of training regarding
5 payroll prior to payroll or issuing paychecks --
6 A. I don't issue paychecks or do payroll.
7 Q. Let me finish my question.
8 Did you have any type of training prior to this
9 job regarding payroll and payroll taxes, things of that
10 nature?
11 A. No.
12 Q. Did you ever post a comment to the posting that's
13 on pissedconsumer.com?
14 A. I posted that one -- the one that we've been
15 discussing.
16 MR. SKIPPER: Did you post a comment? Do you
17 know what a comment is?
18 A. Well, I don't --
19 MR. SKIPPER: The initial posting and then the
20 people comment on the postings.
21 A. No, not that I recall. You mean if somebody
22 responded to my posting and that I responded back?
23 MR. SKIPPER: Yes.
24 BY MR. COYNE:
25 Q. Yes.

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1 A. I don't think I did that, no.
2 Q. Have you ever looked at the comments to the
3 posting?
4 A. Not after I did it. I -- I really haven't even
5 gone to that website since then really I don't think.
6 (Plaintiff's Exhibit Number 7 marked for identification.)
7 BY MR. COYNE:
8 Q. Exhibit 7, it's the posting and the comments. The
9 prior exhibit does not include the comments.
10 MR. SKIPPER: Find out who Joyce is.
11 A. I know. I would guess she works for Roca.
12 MR. SKIPPER: Can we take a second?
13 (A break was taken.)
14 BY MR. COYNE:
15 Q. Looking at Exhibit -- what are we, on 7?
16 A. Yes.
17 Q. Do you know -- have you seen any of those comments
18 before?
19 A. No.
20 Q. Do you know any of the individuals who posted
21 comments?
22 A. No.
23 Q. Did you post any of the comments?
24 A. I posted this one.
25 MR. SKIPPER: The comments.

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1 BY MR. COYNE:
2 Q. The posting itself.
3 A. Oh, the comments, no. No.
4 I really don't understand the difference
5 between --
6 MR. SKIPPER: This is a posting. These are
7 comments.
8 A. Those are comments.
9 Okay. I don't know.
10 BY MR. COYNE:
11 Q. Have you commented on any other posting regarding
12 Roca Labs?
13 A. No.
14 Q. Going to back to Exhibit 5 which is the
15 independent contractor agreement that was given to you?
16 A. Uh-huh.
17 Q. Did you have any objections to that agreement
18 other than the reduction in pay?
19 A. Yes.
20 Q. What were those?
21 A. A nondisclosure to sign off on things that were
22 going on in the business that I knew about.
23 Q. Why would you object to that?
24 A. Because what he was doing was fraudulent and
25 deceptive.

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1 Q. Yet you continued to work after you were given
2 that agreement?
3 A. I worked one week while my attorney was reviewing
4 it.
5 Q. At what point did you believe that Roca Labs
6 was -- did you come to believe that Roca Labs was deceptive
7 or unethical?
8 A. When he asked me to dress up like a fat person so
9 I could talk to his customers online about the product that
10 I had never taken and about the weight loss that I had never
11 lost because I've never been on a diet in my life.
12 Q. Did you start looking for a new job after that
13 incident?
14 A. I started looking for a job the whole time I
15 worked for him. I was always looking for another job.
16 Q. But you continued to work for Don slash Roca
17 despite the fact you thought they were deceptive and
18 unethical?
19 A. I did. I needed a paycheck. And don't forget I
20 had just moved my family here to work for him. So I didn't
21 have a choice. Until I could find something better, I had
22 to continue working for him.
23 Q. Do you know of any scientific testing that would
24 indicate the Roca Labs product doesn't work?
25 A. No. Other than what they state on the website.

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1 MR. SKIPPER: It doesn't work? Jodie, did you
2 listen to his question at all?
3 A. The scientific evidence?
4 MR. SKIPPER: Do you know of any scientific
5 study that says the Roca Labs stuff doesn't work?
6 A. Oh, yes. I'm not sure what you're asking me. I'm
7 sorry.
8 MR. SKIPPER: You said, no, other than what's
9 on their website.
10 Is there any evidence -- is there any study on
11 their website that says it doesn't work?
12 A. No, there's no studies on their website that says
13 it doesn't work.
14 BY MR. COYNE:
15 Q. Okay. Do you know -- I'm just going to kind of
16 start from scratch.
17 Do you know of any test that's been done that says
18 the Roca Labs product does not work?
19 A. No.
20 MR. COYNE: I think I'm done, but just give me
21 a minute.
22 BY MR. COYNE:
23 Q. Did you have set hours when you worked for Roca?
24 A. Yes and no. I -- some days I would come there
25 later because of -- you know, if they needed me to stay

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1 later and watch the girls, I might show up to work later in
2 the morning. It really just depended on what was going on
3 that day.
4 Typically I would start at 10:00. Not all the
5 time, but most of the time.
6 Q. And what time would you be done for the day?
7 A. Anywhere between 5:00 and 7:00.
8 Q. Depending on what?
9 A. Depending on how much work we had to do and if
10 they wanted me to stay and watch the girls.
11 Q. If you didn't watch the girls, what would result
12 in your day being done?
13 A. I had different hours. I mean, I can look at my
14 receipts. But every day could be different. I would leave
15 at 5:00 some days, 6:30 another day. It just depended on
16 the workload that we had.
17 Q. Would you work until you fulfilled all of the
18 orders?
19 A. Yes, for the most part. We may not have the
20 labels to complete the orders or for whatever reason. You
21 know, maybe we didn't have enough to ship out that day, so
22 we would wait and finish the rest of it the next day.
23 But that's a hard question to ask. You know, we
24 did whatever we needed to do to -- if I didn't -- if we did
25 finish one task, I would go to something else and work on

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1 something else.
2 Q. Did you -- were you able to leave whenever you
3 wanted to?
4 A. I left when Don told me that I could leave. I
5 might have left early on my birthday -- no, I worked until
6 5:00 on my birthday. It was just a communication between
7 the two of us. He told me when to come and if we got
8 everything done. It was not a 9:00 to 5:00 or a 10:00 to
9 6:00. It varied depending on the workload.
10 Q. For any of your employment in the past did you
11 ever receive checks where taxes were not taken out?
12 A. The past being before I worked for Juravin?
13 Q. Yes.
14 A. Yes.
15 Q. Where did you work?
16 A. Dog sitting.
17 (Court reporter asks for clarification.)
18 MR. SKIPPER: You didn't work at Dog City?
19 A. No, dog sitting. Like babysitting. Dog sitting,
20 animal sitting.
21 MR. COYNE: I knew what you meant.
22 BY MR. COYNE:
23 Q. Any other jobs where taxes were not taken out of
24 your paycheck?
25 A. No.

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1 MR. COYNE: I think I'm done.
2 MR. SKIPPER: Okay. I think I have a few.
3 CROSS EXAMINATION
4 BY MR. SKIPPER:
5 Q. First question, you -- Mr. Coyne asked you whether
6 you sent the pictures that you took inside the Juravin home
7 to John Lally. And you said, yes.
8 Do you remember that?
9 A. Yes.
10 Q. Did you take -- did you send all the pictures you
11 took inside of the Mr. Juravin's house to John Lally or less
12 than that?
13 A. Less than that.
14 Q. Okay. Do you remember how many? Or do you have a
15 range?
16 A. Seven, eight.
17 Q. Okay.
18 A. Ten maybe.
19 Q. Did you send Mr. Lally any pictures of
20 Mr. Juravin's children?
21 A. No.
22 Q. I didn't understand your testimony about how
23 Mr. Hagerman knew where Mr. Juravin lived.
24 Did Mr. Hagerman get Mr. Juravin's address or the
25 general location of his house from you or from somebody

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1 else?
2 A. From -- he got the address -- if he got the
3 address, he got it from John Lally because John Lally had
4 mentioned in conversation that he had been going over to the
5 Juravin home for over a year.
6 So John Lally knew exactly where Don lived and --
7 because he had been trying to investigate his business for
8 over a year because there had been complaints from the
9 neighbors.
10 So he got it from John Lally.
11 Q. How did Hagerman report Mr. Juravin doing business
12 at his house if he didn't know the address? Do you know?
13 A. How did Hagerman get his address? He -- no, he
14 knew -- he knew the Juravin home; and as soon as he told
15 Lally the Juravin name, John Lally knew exactly who he was
16 referring to because he had been trying to get information
17 about what was going on over there for over a year.
18 Q. So Mr. Hagerman to your knowledge didn't know
19 Mr. Juravin's address before he called code enforcement?
20 A. Yes, he did not know his address before calling
21 code enforcement.
22 Q. Can you recall as you're sitting here without
23 looking at the e-mails that -- that you sent to Mr. Lally at
24 code enforcement whether Hagerman was copied on any of those
25 e-mails?

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1 A. Copied to --
2 Q. Can you remember as we're sitting here now whether
3 the e-mails that you sent to Mr. Lally with the pictures,
4 whether Mr. Hagerman was copied on those e-mails?
5 A. I cannot recall.
6 Q. I want to go back to -- I want to see if I can
7 make sure we're clear on the time line here.
8 You started -- you first had contact with the
9 Juravins at the end of July, I believe around the 24th;
10 right?
11 A. Yes.
12 Q. Okay. And then you babysat for them two, three,
13 four days from like July 27th to August 2nd, somewhere in
14 that ballpark; right?
15 A. Yes, to the 4th.
16 Q. To the 4th. Okay.
17 And then you went up to Atlanta to -- to move your
18 stuff back down to Sarasota; right?
19 A. Yes.
20 Q. Okay. And before you went up to Atlanta had you
21 had a discussion with Mr. Juravin about working more -- more
22 full time or more regular job?
23 A. Yes.
24 Q. Okay. Now, again, your arrangement with
25 Mr. Juravin was \$12 a hour?

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1 A. Yes.
2 Q. And then the \$1,500, what was that? Was that --
3 if you're working at \$12 an hour, was the \$1,500 a salary so
4 you could only work a certain amount? Or was that a minimum
5 or something else?
6 A. That was a guaranteed minimum \$1,500. I would not
7 make less than \$1,500 a month.
8 Q. Okay. And in fact you got paid at \$12 an hour for
9 the -- to the extent you got paid, you got paid \$12 an hour;
10 right?
11 A. Every paycheck, yes.
12 Q. Well, it was just two months; right?
13 A. September -- September, October, yes.
14 Q. Did you get paid for October?
15 A. Not all of it, no.
16 Q. Okay. You got --
17 A. A portion of it.
18 Q. Okay. Now, before Mr. Juravin -- well, when
19 Mr. Juravin started talking about giving you a contract, did
20 he say anything about changing any of the terms of your
21 employment regarding pay?
22 A. No.
23 Q. So when he first gave you that contract, it was
24 your understanding that that contract basically put down in
25 writing what your arrangement was at the time?

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1 A. Yes.
2 Q. What's \$1,500 divided by 12? Can you do that
3 arithmetic for me?
4 A. That would be --
5 Q. If you're not sure --
6 A. -- 125 hours.
7 Q. Okay. Did Mr. Juravin ever mention 150 hours at
8 any time before he gave you the contract in October?
9 A. No, he just mentioned \$1,500 minimum pay.
10 Q. Okay. On Tuesday, Mr. Coyne mentioned the number
11 150. Did you -- and you didn't correct him.
12 Can you explain why that is?
13 A. Because it was the end of the day, I was tired,
14 and I could not -- I wasn't thinking doing math. I didn't
15 have a -- you know, I was just tired and confused. I
16 didn't -- I said the wrong hours. It should have been 125
17 hours calculated at \$12 an hour, which was what I had always
18 been paid from day one.
19 Q. Okay.
20 A. I had never been paid any other amount other than
21 \$12 an hour. So that was a mistake on my part.
22 Q. Well, it's fair to say you didn't check
23 Mr. Coyne's arithmetic?
24 A. I didn't check his arithmetic, no.
25 MR. SKIPPER: Can I have the exhibit of her

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1 interrogatory answers? Or did we not make that an
2 exhibit?
3 MR. COYNE: I don't believe so.
4 MR. SKIPPER: She referred to it.
5 MR. COYNE: I don't have a printed out copy.
6 MR. SKIPPER: Yes, thankfully I brought it.
7 But we've referred to it a couple of times during
8 the deposition.
9 They're already filed of record. Do you have
10 an objection --
11 MR. COYNE: No, I don't.
12 MR. SKIPPER: -- to just referring to them --
13 MR. COYNE: No.
14 MR. SKIPPER: -- and not making it an exhibit?
15 MR. COYNE: No objection.
16 MR. SKIPPER: They are what they are.
17 BY MR. SKIPPER:
18 Q. Ms. Barnes, regarding being paid by cash or check,
19 over the course of the roughly three months that you worked
20 for the Juravins, sometimes you got paid by cash and
21 sometimes you got paid by check; right?
22 A. Yes.
23 Q. Okay. And at some point you prepared an
24 interrogatory answer detailing, you know, what you worked
25 and what you were paid and how much you felt you were owed.

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1 Do you remember that?
2 A. Yes.
3 Q. Okay. Now, I want you to read through this and
4 this is, you know, your last chance. If there's anything
5 incorrect in this answer, you tell us now.
6 And the question being -- and the question I want
7 you to answer was to review the answer to interrogatory
8 number nine is whether there are any payments, especially
9 cash payments in September or October, that were left out of
10 our answer?
11 A. Okay. I'll have to -- give me a minute to read
12 this.
13 Q. Any payments that were left out, but in particular
14 cash payments in September and October.
15 A. Can I make a note of this? Because August 5th --
16 can I just make a note on my notes so I don't write on this?
17 Q. Well, instead of doing all this, Ms. Barnes, since
18 you did this answer, have you remembered anything that was
19 different from what's in here?
20 A. No, uh-huh.
21 Q. Any reason to think this is incorrect?
22 A. The only thing is the check was given to me on
23 Friday the 4th and not August the 5th. I don't know if that
24 matters, but...
25 Q. Oh, okay.

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1 A. Because I was an airplane on August 5th.
2 Q. All right.
3 A. That's -- that's correct.
4 Q. Now, when -- when you were terminated on October
5 25th, that followed a conversation with Mr. Juravin;
6 correct?
7 A. Uh-huh.
8 Q. And the gist of that conversation was that you
9 refused to sign the contract because of the nondisclosure
10 agreement and the reduction in pay; right?
11 A. Yes.
12 Q. And in the course of that conversation you talked
13 about the fat suit incident in connection with the
14 nondisclosure agreement?
15 A. I did.
16 Q. You indicated to Mr. Juravin that the reason you
17 didn't want to sign the nondisclosure agreement was
18 connected to the fat suit incident?
19 A. Yes, I thought that it was -- it was -- I thought
20 it was deceptive, and I didn't want to have any part of it.
21 Q. Oh. Ms. Barnes, you're not a lawyer; right?
22 A. I'm sorry. I --
23 Q. You are not a lawyer, are you?
24 A. No.
25 Q. Okay. Do you know what the legal rules are for

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1 distinguishing between someone who should be classified as
2 an employee and someone who is -- can legitimately be
3 classified as an independent contractor under the Fair Labor
4 Standards Act?
5 A. No.
6 Q. Okay. Do you have your own basic sense of what an
7 employee is and what an employee looks like and what an
8 independent contractor is?
9 A. No.
10 Q. Do you have any internal sense of it?
11 A. No.
12 Q. Do you have a legal opinion on whether Ashley
13 Elman and Joey whatever Joey's last name was were employees
14 or independent contractors?
15 A. No.
16 Q. Now, did you -- did you make some inquiry with the
17 IRS, a phone call or something like that at some point?
18 A. No.
19 Q. Had you perhaps intended to or thought about it?
20 A. I had thought about a lot of things. I was
21 thinking of any kind of agency I could reach out to get some
22 inquiries, but I never actually talked to anybody there. I
23 might have made a phone call. I don't recall. I made a lot
24 of phone calls.
25 Q. Was there a regular time of day when you took

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1 packages to the post office to be shipped out? Did you do
2 that?
3 A. I did that on several occasions.
4 Q. Okay. Was that a regular part of your duties or
5 just something you did? Sometimes you did it, sometimes
6 somebody else did it?
7 A. Well, we did it -- you know, the first month we
8 were driving the packages because we didn't finish
9 fulfilling the packages and getting the labels on the boxes;
10 and then at the very end of the day just before the post
11 office would close, I would be asked to drive the boxes to
12 the post office over off of -- in Sarasota on my way home.
13 So, yes, sometimes I did it. Sometimes I didn't.
14 The mail -- later we started having the mail delivery pick
15 up the boxes for us instead of taking them over.
16 Q. Did that happen at a regular time of day every
17 day?
18 A. Did that happen when?
19 Q. At a regular time of day every day? Was there a
20 regular time for that?
21 A. Approximately 2:00 to 3:00 the mailman would come
22 to pick up the boxes.
23 MR. SKIPPER: All right. I have no further
24 questions.
25 REDIRECT EXAMINATION

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1 BY MR. COYNE:
2 Q. How did you know that John Lally had been trying
3 to investigate the Juravin home?
4 A. He told John Hagerman.
5 Q. Do you know what the basis was for that
6 investigation? Why?
7 A. He had had several complaints from the neighbors
8 in the neighborhood for -- going on over a year.
9 Q. Do you know what type of complaints?
10 A. Business, running a business out of his garage,
11 trucks coming and going.
12 Q. But you moved the business into the garage;
13 correct?
14 A. Yes, I helped. I helped with the...
15 Q. So there was no business out of the garage prior
16 to you assisting with that move?
17 A. He had a business. Some of it was up in his
18 office with a lot of boxes. The bulk of the business that I
19 saw that I was involved with was in the garage.
20 Q. When this promise of a minimum of \$1,500 a month
21 was made --
22 A. Uh-huh.
23 Q. -- was there also a minimum amount of hours that
24 you needed to work to qualify for that \$1,500?
25 A. It would have been a minimum of 125 hours. But

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1 I -- I exceeded that.
2 Q. Did you ever discuss what would happen if you
3 didn't work the minimum amount of hours?
4 A. It never happened, so I don't think it ever came
5 up in conversation. I always worked over.
6 Q. Was the promise that you would be given enough
7 work to earn --
8 A. Yes.
9 Q. So you never discussed what would happen if you
10 didn't work enough -- if you didn't work enough hours to
11 meet that threshold?
12 A. No, because it never happened. I worked more than
13 125 hours. One month I worked 163 hours, and, you know,
14 August I didn't work up to the 125 hours because of his
15 daughter coming in from Israel. And so...
16 Q. Was it your interpretation of that agreement that
17 if you worked 10 hours a month that you would receive
18 \$1,500?
19 A. That was never discussed because I never worked
20 that little amount. So, no.
21 Q. While you were reviewing your interrogatory
22 answer, you made a reference to writing down something that
23 occurred on the 5th of a month?
24 A. What month?
25 Q. You started to write on your legal pad there.

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1 A. August 5th.
2 Q. What happened on that date?
3 A. I flew to Atlanta to move my family here.
4 Q. Okay. So the only -- the only reason that's of
5 note is that the interrogatory answer said the 5th and it
6 should have been the 6th? That's it?
7 MR. SKIPPER: It should have been the 4th.
8 A. It should have been the 4th. Because I worked for
9 him on the 4th and he gave me the check before I left that
10 night.
11 BY MR. COYNE:
12 Q. Did you ever receive any type of written notice
13 from Mr. Juravin, Roca Labs, or Zero Calorie Labs of a
14 termination of employment?
15 A. No.
16 Q. Have you ever been involved in any other civil
17 litigation besides this case?
18 A. No.
19 Q. Do you know of any business conducted by Roca Labs
20 that was illegal?
21 A. Repeat that?
22 Q. Was there anything that Roca Labs was doing that
23 was illegal?
24 MR. SKIPPER: Object to form.
25 You can answer.

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1 A. Yes, I believe so.
2 BY MR. COYNE:
3 Q. What was illegal?
4 A. How many things were illegal? They were taking
5 packaging of consumable products and repackaging them in a
6 garage that was not sanitary. And...
7 Q. Do you know what federal regulation or state
8 statute that violated?
9 A. Not exactly because I don't know the law. But
10 it's obvious that --
11 Q. Well, you just said it was --
12 A. -- packing -- unpacking consumable products that
13 people are going to digest and take them out of one thing
14 with no gloves and no -- nothing in the garage was sanitary.
15 And I didn't -- I don't know the law. I just know
16 that what was going on was not something that should have
17 been going on.
18 Q. So it didn't seem right, but you don't know for
19 certain that it was illegal?
20 A. I heard it was illegal.
21 Q. Where did you hear that?
22 A. From code enforcement. From some of the inquiries
23 I made, they said it sounds like what's going is illegal.
24 And that's why they -- I started getting e-mails with some
25 agency information to contact.

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1 Q. What -- who told you that it was illegal?
 2 A. I don't recall. I know I made a lot of inquiries
 3 and people referred -- when I told them the situation, you
 4 know, I got confirmation that what was going on shouldn't be
 5 going on. But they would e-mail me agencies that I could
 6 contact.
 7 Because I don't know the law, I don't know what
 8 was legal or what was illegal. I just thought that it
 9 really shouldn't be -- you know, a product that people
 10 consume shouldn't be taken out of their packaging and
 11 repackaged without any type of sanitary handling of it.
 12 The handling of the product was not sanitary at
 13 all and there was roaches on the floor and dust everywhere,
 14 cars were being parked in the garage. You know, there was
 15 nothing sanitary about any of it.
 16 Q. Do you know of any investigation that occurred as
 17 a result of you contacting these agencies?
 18 A. Well, the investigation through code enforcement
 19 when John called them. I didn't make that initial contact,
 20 but that's the only investigation that I know.
 21 Only because John Lally contacted me. So, yes, I
 22 do.
 23 Q. No other investigation?
 24 A. Not that I'm aware of.
 25 Q. When you -- I didn't anticipate going into this

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1 many questions.
 2 But when you moved from Atlanta to Sarasota, was
 3 that with the understanding that you would work for the
 4 Juravin family or for Roca Labs?
 5 A. For both.
 6 Q. Did you do any kind of research regarding Roca
 7 Labs on the internet prior to moving to Sarasota?
 8 A. No.
 9 MR. COYNE: I'm done.
 10 MR. SKIPPER: Just a couple more.
 11 RE CROSS EXAMINATION
 12 BY MR. SKIPPER:
 13 Q. Mr. Coyne asked you about other civil litigation;
 14 right?
 15 A. Yes.
 16 Q. Okay. You've recently been involved in matters
 17 related to your father's guardianship; right?
 18 A. Yes. I didn't consider that --
 19 Q. Okay. Do you know whether that's civil litigation
 20 or not?
 21 A. Do --
 22 Q. Do you know whether that's civil litigation or
 23 not?
 24 A. No.
 25 Q. Regarding Roca Labs' illegal practices, did -- you

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1 believed, you know, as of the time that your employment
 2 terminated that they were engaging in deception in order to
 3 sell their product; right?
 4 A. Yes.
 5 Q. Okay. Is it your general sense that doing
 6 deceptive things to sell products to people is illegal?
 7 A. I believe it to be. I'm not a lawyer, but I
 8 believe it to be.
 9 MR. SKIPPER: No further questions.
 10 MR. COYNE: I'm done.
 11 THE DEPOSITION WAS CONCLUDED AT 11:03 a.m.
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1
2 CERTIFICATE OF OATH
3 STATE OF FLORIDA)
4 COUNTY OF PINELLAS)
5 I, the undersigned authority, certify that JODIE BARNES
6 personally appeared before me and was duly sworn.
7 WITNESS my hand and official seal this 30th day of June,
8 2014.
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12 _____
13 ROBERT WILLIAM WAGNER
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1
2 REPORTER'S DEPOSITION CERTIFICATE
3
4 STATE OF FLORIDA)
5 COUNTY OF PINELLAS)
6 I, ROBERT WILLIAM WAGNER, certify that I was authorized to
7 and did stenographically report the deposition of JODIE
8 BARNES; that a review of the transcript was requested; and
9 that the transcript is a true and complete record of my
10 stenographic notes.
11 I further certify that I am not a relative, employee,
12 attorney or counsel of any of the parties, nor am I a
13 relative or employee of any of the parties' attorney or
14 counsel connected with the action, nor am I financially
15 interested in the action.
16 DATED this 30th day of June, 2014.
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26 _____
27 ROBERT WILLIAM WAGNER
28 Notary Public
29 State of Florida at large.

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