1 JUDICIAL ARBITRATION AND MEDIATION SERV	TICES 1 INDEX
2	PAGE
3	2 EXAMINATION OF TOM MAHATHIRATH
4 TriPacific Capital Advisors,)	3 DIRECT EXAMINATION BY MR. ENGLAND (RESUMED) 497
LLC, a Delaware limited)JAMS Reference No.	4 CROSS-EXAMINATION BY MR. LIVINGSTON 609
5 liability company,)1200057704	5 REDIRECT EXAMINATION BY MR. ENGLAND 710
	6 RECROSS-EXAMINATION BY MR. LIVINGSTON 721
6 Claimant,)	7
v.)	EXHIBITS
	8
TFM Advisors, Inc., a) Volume III	ADMITTED INTO EVIDENCE
8 California corporation;)	9
Tom F. Mahathirath, an)	NUMBER MARKED
9 individual,)	10
)	Exhibit 122 702
10 Respondents.)	11
)	Exhibit 124 704
11	12
12	Exhibit 402 581
13 WEDNESDAY, JUNE 29, 2022	13
14	14
15	15
16	16
17 Transcript of Proceedings before	17
18 Hon. Rosalyn M. Chapman (Ret.) and	18
19 Nancy J. Martin, a Registered Merit Reporter,	19
20 Certified Shorthand Reporter. Beginning at 9:06 a.m.	20
21 and adjourning at 4:29 p.m.	21
22	22
23	23
24	24
25	25
Pa	Page 494 Page 494
1 APPEARANCES:	
2	1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 29, 2022
DANIEL M. LIVINGSTON, ESQ.	2 9:01 A.M.
3 JEFFREY K. BROWN, ESQ.	3 -оОо-
PAYNE & FEARS LLP	4 HON. CHAPMAN: All right. Let's go on the
4 4 Park Plaza, Suite 1100 Irvine, California 92614	
5 Telephone: (949) 851-1100	5 record in the matter of TriPacific Capital Advisors,
dml@paynefears.com	6 LLC vs. TFM Advisors, Inc. and Tom F. Mahathirath and
6 jkb@paynefears.com	7 cross-action JAMS Case No. 1200057704.
Attorneys for Claimant and Cross-Defendant TriPacific	
7 Capital Advisors, LLC and Cross-Defendants Geoffrey S.	8 Let the record reflect that counsel for
Fearns and TriPacific Managers, Inc.	9 TriPacific are present, Messieurs Livingston and
8 9	10 Brown. Mr. Fearns is also present, and counsel for
DAVID W. AFFELD, ESQ.	11 the respondents and cross-complainants are present,
10 BRIAN R. ENGLAND, ESQ.	
AFFELD GRIVAKES, LLP	12 Mr. England, Mr. Affeld.
11 2049 Century Park East	13 You're still under oath, Mr. Mahathirath.
Suite 2460	14 Do you remember where you were in your
12 Los Angeles, California 90067	
Tel: (310) 979-8700 13 dwa@agzlaw.com	15 examination, Mr. England?
bre@agzlaw.com	16 MR. ENGLAND: Yes, We do.
14 Attorneys for Respondents	17 HON. CHAPMAN: All right. Please pick up.
Tom Mahathirath and TFM Advisors, Inc.	10 75
Tom Mahathirath and TFM Advisors, Inc.	18 Thank you.
Tom Mahathirath and TFM Advisors, Inc. 15 16	 Thank you. MR. ENGLAND: Thank you, Your Honor.
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^{2 (}Pages 494 - 497)

1 Q. Exhibit 92 is exactly what it was. Can you 1 advisory company; is that correct? 2 show me where there's deferred fees of greater than athat number? 4 A. Exhibit 92? 3 5 MR. ENGLAND: Objection. That's the printed 5 6 out spreadsheet. 5 leaves. 7 HON. CHAPMAN: Listen, your attorney is quite 5 leaves. 8 capable of making objections. You're supposed to 9 athat number? 9 answer questions if you could. If you don't 0 corporation papers. So if he put that in there, 10 understand the question, just say you don't understand 1 the question. 1 14 MR. LIVINGSTON: I'll move on, Your Honor. I 1 that mying like that. 15 15 think we've covered the subject. 16 Q. Not the corect? 16 Q. Now, according to public records, you haw? 18 correct. 19 A. I believe so. 20 Q. And the concept was to create a separate 23 correct? 2 2 A. M secontant filed that PPP loans. 2 24 TPM Advisors, file, the thene obstiese, correct? 2<	
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16 O. Okay. And, again, this payroll request tha	
(10) Q. Omaj. Thus, us pujion request the	t
17A. I'm sorry. You said, "TRM."17 you made in May of 2020 was made when you w	ere a full
18Q. I'm sorry. TFM. My apologies.18 time employee of TriPacific making almost \$1 m	illion a
19A. As my home address, correct.19 year; correct?	
20 Q. So it didn't have any additional expenses 20 A. Correct.	
21 like rent or utilities or mortgage interest beyond 21 Q. That loan was approved four months befor	e you
22 what you're already paying for your own home; correct? 22 left TriPacific; correct?	
23A. It did not have a building, correct.23A. I don't yeah.	
24 Q. And the filing you made with the secretary of 24 Q. And you are aware, I assume, that PPP	
25 state lists the purpose of TFM as a real estate 25 provisions require that the minimum number of	
Page 675	Page 677

47 (Pages 674 - 677)

	employees that a company must have to receive a PPP	1	A. I don't even know whatever was in the I
	loan was at least four; correct?		can't say it was 22,000 or 20,000. Whatever we had,
3	MR. ENGLAND: Objection. Assumes facts.	3	we sent it over.
4	Argumentative.	4	Q. All right. So these were documents that were
5	HON. CHAPMAN: No, he can ask.	5	on the Surface Pro device that you retained when you
6	If you can answer, answer. If you can't, you	6	were terminated from TriPacific; correct?
7	can't.	7	A. Correct.
8	THE WITNESS: I was unaware.	8	Q. And these were documents that you had copied
9	BY MR. LIVINGSTON:	9	onto the Surface Pro after you purchased it; correct?
10	Q. Now, you later applied for a second PPP loan,	10	A. Yes.
11	this one larger, for \$108,275 while you were living in	11	Q. They were documents that you took off of the
12	your new home in Shady Canyon; correct?	12	TriPacific network drive; correct?
13	A. Correct.	13	A. Yes.
14	Q. And that home recently sold for	14	Q. You did not tell Mr. Fearns that you were
15	\$11-1/2 million; correct?	15	copying all those documents from the TriPacific
16	A. Correct.		network drive; correct?
17	Q. And that second loan was also for payroll for	17	A. I did not. I didn't think I needed to.
	TFM; correct?	18	Q. You copied documents that were that
19	A. That was payroll, and when my accountant		predated your employment with TriPacific; correct?
	filed, he took into consideration something about my	20	A. I copied a root folder. If it had predated
	defined benefits. So again, it's whatever my		information, then it was in there, I guess. I didn't
	accountant did. I just did whatever he said.		go through and search individual folders or anything
23	Q. And again, you signed the loan application		like that.
	for that second \$108,000 loan; correct?	24	Q. You had the TriPacific Capital Advisors
25	A. I did.		formation agreement and operating agreement from the
	Page 678		Page 680
1	Q. In fact, you later applied for and received	1	early 2000s that you copied; correct?
	Q. In fact, you later applied for and received forgiveness for both of those loans; correct?	1 2	early 2000s that you copied; correct? A. Again, if it's in there, if we produced it,
	Q. In fact, you later applied for and received forgiveness for both of those loans; correct?A. Yes.	2	A. Again, if it's in there, if we produced it,
2 3	forgiveness for both of those loans; correct? A. Yes.	2	A. Again, if it's in there, if we produced it, then it was part of the copy.
2 3 4	forgiveness for both of those loans; correct?	2 3 4	A. Again, if it's in there, if we produced it,then it was part of the copy.Q. You had a copy of TriPacific's revolving line
2 3 4	forgiveness for both of those loans; correct? A. Yes. Q. So you collected a total of about \$193,000 in PPP loans for TFM; Correct?	2 3 4	A. Again, if it's in there, if we produced it,then it was part of the copy.Q. You had a copy of TriPacific's revolving lineof credit agreement with US Bank; correct?
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