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1 THE REPORTER: Would you raise your right  
2 hand. Do you solemnly swear or affirm that the  
3 testimony you are about to give will be the truth,  
4 the whole truth and nothing but the truth?  
5 THE WITNESS: .  
6 Thereupon:  
7 JEAN BENACCHIO,  
8 was called as a witness and, having been first duly  
9 sworn, was examined and testified as follows:  
10 DIRECT EXAMINATION  
11 BY MR. HUTCHISON:  
12 Q. Please state your full legal name for the  
13 record.  
14 A. Sure. Jean Frances Benacchio.  
15 Q. And I'm going to ask you to spell it.  
16 A. Sure. Jean, J-E-A-N, Frances,  
17 F-R-A-N-C-E-S, Benacchio, B-E-N-A-C-C-H-I-O.  
18 Q. And I don't need your date of birth, but  
19 approximately how old are you?  
20 A. I'm 66.  
21 Q. And your address?  
22 A. 284 Saxony, S-A-X-O-N-Y, and then the  
23 initial F, as in Frances, and that's in Delray Beach.  
24 There isn't any street. That's the way it reads.  
25 Delray Beach, Florida 33446.

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1 Q. Now, as you know, this is a deposition. My  
2 name is Rick Hutchison and this is Ben Taormino along  
3 with me. We both work for Holland & Knight, and we  
4 represent the Fred DeLuca side, Fred DeLuca and/or his  
5 companies.  
6 A. His entities.  
7 Q. Yes, his entities. And on the other side is  
8 Anthony Pugliese and his companies or his entities. I  
9 don't believe they are showing up this morning. They  
10 weren't at a hearing this morning. I sent them an  
11 e-mail, and they haven't responded, so we are going to  
12 get started.  
13 A. Sure.  
14 Q. It's about 10:45 now.  
15 A. I'm comfortable.  
16 Q. Okay. Are you okay?  
17 A. Yes.  
18 Q. Okay. Because they don't represent you,  
19 right? Have you spoken with anybody about your  
20 deposition?  
21 A. No.  
22 Q. Now, I have a question for you. It's going  
23 to be important for you to listen to my question and  
24 let me complete my question before you start your  
25 answer because the court reporter can only take down

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1 one at a time. So we'll go slowly, and you'll let me  
2 finish my question first, and I'll let you finish your  
3 answer, hopefully, before I start my question. Is that  
4 okay?  
5 A. Sure.  
6 Q. And then my next question for you is the  
7 court reporter can only take down verbal responses.  
8 Shakes of the head, shrugs of the shoulder she doesn't  
9 get. So you have to give me a yes, a no, an I don't  
10 know, I don't remember, whatever the appropriate answer  
11 is. Will you do that for us?  
12 A. Yes.  
13 Q. Now, you were listed as a witness in this  
14 case. How is it you became listed as a witness, do you  
15 know?  
16 A. No.  
17 Q. Did you have any conversations with Anthony  
18 Pugliese's lawyers?  
19 A. No.  
20 Q. Never?  
21 A. I don't know who his lawyers are. Pardon  
22 me. John. I don't recall his last name.  
23 Q. John Mariani?  
24 A. Yes.  
25 Q. Okay. Tell us about those conversations.

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1 How many times did you speak with him?  
2 A. Once.  
3 Q. And what did you speak about?  
4 A. It was during the four months. It was  
5 sometime after I got out of the hospital, and he asked  
6 what my association was with Fred Florio.  
7 Q. And what did you tell him?  
8 A. Fred Florio is an acquaintance. We worked  
9 together for approximately 11 years when I was with  
10 Fred DeLuca. He was Fred DeLuca's -- I don't want to  
11 say partnership. He worked for Fred DeLuca and his  
12 entities in Florida is all I know because I was on the  
13 boat first, and that's when I met Fred Florio at the  
14 house where we all lived -- I lived.  
15 Fred Florio lived in his other house that  
16 was being built. He was in charge of building his  
17 homes. There were two homes and two condos that he  
18 was responsible for that I know of. The yacht that  
19 I worked for was Subway -- Subconscious. That was  
20 the name of the yacht.  
21 Q. It wasn't owned by Subway, right? It was  
22 owned by Fred DeLuca?  
23 A. I don't know. I mean, it had its own  
24 corporation.  
25 Q. Okay.

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1 A. And I was responsible for the tallies of  
2 what the boat did. And the boat charged Subway for --  
3 Q. Did it charge Subway or Fred DeLuca or did  
4 it charge --  
5 A. I would say that it was not personal. It  
6 was a corporation of itself.  
7 Q. Okay. But Subway is a different  
8 corporation?  
9 A. Right. Doctor's Associates -- we charged  
10 Doctor's Associates for the trips that the boat took.  
11 Q. When Doctor's Associates or when someone  
12 from Doctor's Associates used the boat?  
13 A. All the time. That was always the premise.  
14 Q. How do you know that?  
15 A. Because I had to account -- I had the  
16 accountings of Subway's corporation, and I had to --  
17 Q. What do you mean you -- you didn't --  
18 A. In other words, I did the accounting for the  
19 -- not Subway. For the Subconscious. Sorry.  
20 Q. You keep saying Subway.  
21 A. I'm sorry. Subconscious yacht.  
22 Q. Let's just call the boat the Subconscious.  
23 You can just say the boat or the yacht. So we'll talk  
24 about the boat.  
25 A. So I was in charge of the boat and all of

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1 its charges.  
2 Q. So when you said Subway, you meant the boat?  
3 A. Yes, the boat. The boat was called  
4 Subconscious.  
5 Q. So we'll call it the boat.  
6 A. The boat. And so I got a credit card that  
7 was for the boat and for -- see, I can't distinguish  
8 whether it was for the boat or for Fred personally  
9 because I cooked for Fred personally.  
10 Q. But that was later on, right?  
11 A. No. That was from the start, from the start  
12 in the boat. And when the boat returned from  
13 Connecticut, then I cooked and I took care of his  
14 personal accountings, you know, the household.  
15 Q. Let me ask you this. You said you met Fred  
16 Florio when you were with Fred.  
17 A. Correct.  
18 Q. You meant working for Fred DeLuca?  
19 A. Right.  
20 Q. The second thing I asked you about was your  
21 conversation with John Mariani. What did you tell John  
22 Mariani?  
23 A. What my association with Fred Florio was,  
24 and Fred Florio came to the boat, and he came to the  
25 house with meetings with Fred DeLuca.

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1 Q. Did you have any other discussions with  
2 Mr. Mariani other than that?  
3 A. No. That was it.  
4 Q. Now, you mentioned you were in the hospital.  
5 Tell us about that.  
6 A. On December 31st, 2015, I was T-boned by a  
7 truck in my Smart Car on the passenger side. He ran  
8 the light, and I was making a left turn. And that was  
9 at the intersection of I-95 and Oakland Park Boulevard.  
10 Q. And what happened?  
11 A. I broke my -- I broke many bones including  
12 my femur and my jaw. They replaced my jaw with metal,  
13 and that was it. I mean, other than getting out of the  
14 hospital after three weeks.  
15 Q. And how did that effect you? Any effects  
16 today? I understand --  
17 A. It's hard for me to speak right now because  
18 my jaw isn't settled in yet, the new jaw with the  
19 metal.  
20 Q. And I understand you were in another  
21 accident about 15 years ago?  
22 A. Right. I fell in Italy skiing, and I had a  
23 subdural hematoma. I was out of work for a month.  
24 Q. And that effected your memory?  
25 A. Yeah, for the time. I would say so, yes.

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1 Yes. It effects your short-term memory. Long-term I'm  
2 in the process of writing a memoir of an Italian family  
3 of mine, so I could tell you what happened in 1997, but  
4 when it comes to last week, not so much.  
5 Q. What about 10 years ago or 12 years ago?  
6 A. I'm okay with that. There are certain  
7 things when I left Fred DeLuca on January 20th --  
8 MR. HUTCHISON: Stop. We'll wait for  
9 Mr. Mariani.  
10 MR. MARIANI: Good morning.  
11 MR. HUTCHISON: Let the record reflect  
12 Mr. Mariani just walked in.  
13 MR. MARIANI: The deposition started?  
14 MR. HUTCHISON: Yeah.  
15 MR. MARIANI: When did it start?  
16 MR. HUTCHISON: When I sent you an e-mail.  
17 I waited until 10:45. All I did was ask her  
18 background.  
19 MR. MARIANI: Can I ask the court reporter  
20 to read the last few questions, please. Last four  
21 questions.  
22 MR. HUTCHISON: She was telling us about her  
23 accidents.  
24 (Thereupon, the requested portion of the record  
25 was read back as recorded above.)

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1 BY MR. HUTCHISON:  
2 Q. Mr. Mariani walked in. Do you know if  
3 that's the gentleman you spoke to?  
4 A. Yes.  
5 Q. How do you know that?  
6 A. I recognized him.  
7 Q. Oh, you met with him in person?  
8 A. Yes.  
9 Q. Where did you meet with him?  
10 A. At a restaurant in Delray.  
11 Q. Did you meet with him for lunch?  
12 A. Yes.  
13 Q. Who was present?  
14 A. The gentleman and myself.  
15 Q. And tell us what you discussed. You  
16 mentioned that you discussed Fred Florio. What else  
17 did you discuss?  
18 A. That was it.  
19 Q. How long was your meeting?  
20 A. 45 minutes, lunch. Not more than an hour.  
21 Q. Did you discuss Fred DeLuca at all during  
22 your meeting?  
23 A. Not that I recall.  
24 Q. Did you discuss Anthony Pugliese at all  
25 during your meeting?

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1 A. Not that I recall.  
2 Q. Are you currently employed?  
3 A. No.  
4 Q. When was last time you were employed?  
5 A. I think it was 2014. I was a stewardess on  
6 a ship, Joli 4.  
7 Q. Spell that for us.  
8 A. J-O-L-I 4, the number four.  
9 Q. How long did you do that?  
10 A. One summer, the summer.  
11 Q. And were you an employee or were you paid as  
12 an independent contractor?  
13 A. As an independent contractor.  
14 Q. And prior to 2014, the Summer of 2014, when  
15 were you employed?  
16 A. It was the year 2013, and that was for Larry  
17 Berman. I was an employee.  
18 Q. And what did you do for Larry Berman?  
19 A. I took care of his household.  
20 Q. And is that -- so you took care of the  
21 house?  
22 A. Yes. He had five dogs. Excuse me. He had  
23 five dogs.  
24 Q. So how many hours a week did you work?  
25 A. 24.

Page 13

1 Q. And that was as an employee or an  
2 independent contractor?  
3 A. An employee.  
4 Q. And how long did you work for Mr. Berman?  
5 A. I estimate two years.  
6 Q. And where was that? Delray?  
7 A. No. Fort Lauderdale. Seven Isles. And his  
8 home in Michigan.  
9 Q. And prior to working for Mr. Berman, what  
10 did you do?  
11 A. I was retired. I didn't work.  
12 Q. When is the last time you worked for Fred  
13 DeLuca or one of his companies?  
14 A. January 20th, 2008.  
15 Q. When did you first meet Fred DeLuca?  
16 A. November of 1997.  
17 Q. And how did you meet him?  
18 A. I was asked to help the captain of his yacht  
19 for a party.  
20 Q. Who asked? The captain asked you?  
21 A. Asked me.  
22 Q. So Fred DeLuca had a boat, and that boat had  
23 a captain, and the captain knew you and asked you to  
24 work for him?  
25 A. Yes, yes.

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1 Q. Let me finish the question like I told you  
 2 in the beginning.  
 3 A. Sorry.  
 4 Q. Because otherwise she can't take down it  
 5 down.  
 6 And then after that when did you start  
 7 working -- did you start working for the captain on  
 8 the boat then?  
 9 A. Yes.  
 10 Q. And what was the Captain's name?  
 11 A. Richard Rhees, R-H-E-E-S.  
 12 Q. And how long did you work for --  
 13 A. I have to -- I made a mistake on the date.  
 14 The date actually was November of 1996, and I worked  
 15 full time for Fred DeLuca in April of 1997.  
 16 Q. Okay.  
 17 A. That's when it started.  
 18 Q. Now, how do you know these dates so well?  
 19 Did you prepare for your deposition?  
 20 A. No. I actually know because I'm writing my  
 21 story, and I'm right there at that time, and I kept my  
 22 journals of the boat.  
 23 Q. What does a journal of the boat consist of,  
 24 just like your times?  
 25 A. Times and where we went because we traveled

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1 a lot especially in the summer. I was fortunate enough  
 2 to travel with Fred's partner's family, the Bucks. And  
 3 there was an international club that Fred -- that Peter  
 4 Buck's wife was involved with, and she used the yacht  
 5 often in the summertime. We went many places like  
 6 Martha's Vineyard and such in the northeast. I was  
 7 very pleased to do that.  
 8 Q. Did you travel more with the Buck family  
 9 than the DeLuca family?  
 10 A. The DeLuca family other than his wife would  
 11 take it occasionally. She had friends. We took it  
 12 out. But he used the boat for the Subway firm. Every  
 13 day he wanted that boat to go out with the employees of  
 14 Subway. Doctor's Associates, Millford, Connecticut,  
 15 the corporate. We went out every day with 40 people.  
 16 Q. That was in the summertime?  
 17 A. He wanted it from May 31st until it was  
 18 approximately Labor Day.  
 19 Q. Now, let's go back to you start working for  
 20 the Captain Richard Rhees who is the captain of Fred's  
 21 boat. How long did you work for Richard Rhees?  
 22 A. We worked together. The first time was  
 23 November of 1996, and then he wanted me to be  
 24 introduced to Fred so that I would be a part of the  
 25 Subway entity, Doctor's Associates, so that I would be

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1 paid through them. He didn't want me to be a part of  
 2 petty cash.  
 3 Q. Were you paid through the boat Subconscious  
 4 or were you paid through Subway?  
 5 A. That's what I'm not clear on because my  
 6 checks, when they started in April, were automatic  
 7 deposit because the boat was travelling, so I didn't  
 8 have the privilege of going to a bank.  
 9 Q. So you didn't know -- you don't know who  
 10 actually wrote out the checks?  
 11 A. No.  
 12 Q. What company -- strike that.  
 13 You don't know what company actually paid  
 14 you, correct?  
 15 A. Correct.  
 16 Q. So in April 1997 you start working on the  
 17 boat. Is that full time or part time?  
 18 A. Full time.  
 19 Q. And what were your responsibilities on the  
 20 boat?  
 21 A. To cook for the guests and keep the boat  
 22 clean and also to take care of Fred in his personal --  
 23 in the house, which didn't -- because the boat didn't  
 24 actually move until May 23rd, I believe, because it was  
 25 too -- you know, the water aren't -- the seas aren't

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1 calm enough to head north until May, but I was hired in  
 2 April.  
 3 Q. Then you would stay up in Connecticut from  
 4 May until September?  
 5 A. Correct.  
 6 Q. Now, describe your relationship with Fred  
 7 DeLuca.  
 8 A. It was strictly professional. He had needs  
 9 which he would call me and say I want breakfast or  
 10 lunch or dinner, and I took care of his personal  
 11 clothes and the interior of his house. And he had  
 12 meetings with people, and I would then serve lunch. He  
 13 very, very rarely went out to eat. Very rare.  
 14 Q. And your relationship with him was strictly  
 15 a professional relationship?  
 16 A. Professional.  
 17 Q. So then you worked for one of Fred DeLuca's  
 18 companies from May 1997 until approximately when?  
 19 A. Until January 20th, 2008.  
 20 Q. And why did you leave the employment?  
 21 A. The day before I left, there was a major  
 22 meeting with Anthony Pugliese and his entourage. I was  
 23 to make lunch, and that day I walked into their  
 24 meeting, I was serving them lunch, and there was an  
 25 altercation of some sort that was going on.

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1 Altercation meaning there was kerfuffle.  
2 Q. A physical altercation?  
3 A. No. It was all words. Apparently Anthony  
4 had said something about Fred was charging him 2 and a  
5 half, 3 percent for his own money. That's when Fred --  
6 when I came in with the dessert, Fred jammed his phone,  
7 and he was explicit with me to put down the food and  
8 fix his damn phone. That's what I did also. I took  
9 care of his electronics.  
10 So I took his phone to AT&T across the  
11 way, which was around the corner from Sunrise Key.  
12 And the gentleman at AT&T wouldn't touch the phone  
13 because there were 12 phones connected to that --  
14 connected to that -- what am I trying to say? The  
15 phone had 12 phones on it. So there was a \$2,800  
16 bill on it, and he wouldn't touch it unless I paid  
17 the bill.  
18 So I gave him the corporate credit card,  
19 and I said here, pay the phone -- pay for the bill  
20 and fix the phone. And he gives it back to me and  
21 says he can't fix it. Well, now I had to deal with  
22 a \$2,800 bill to tell Fred that I paid but it didn't  
23 matter because it was all under the Doctor's  
24 Associates corporation. It was all under the same  
25 thing, my phone and his phone.

Page 19

1 Q. Somebody had to pay for it.  
2 A. Right. It was a corporate phone, a  
3 corporate bill. So anyway, when I got back, he was  
4 infuriated because the phone wasn't fixed and I paid  
5 the \$2,800. And so I thought this -- he normally  
6 wouldn't hold on to being angry. But whatever  
7 happened, the men filtered out, and he didn't have a  
8 phone. And whatever that argument was about, that was  
9 the end. But then the next morning, he charged at me  
10 saying go to your room and think about what you did.  
11 And at that point I said, "I did the best  
12 of my abilities, and if that wasn't enough, I'm  
13 done." And I left. And I never saw him again until  
14 the year before he died.  
15 Q. So from the day you left the house in 2008  
16 until a year before Fred passed away --  
17 A. Right.  
18 Q. -- you never spoke with Fred?  
19 A. Never again. We tried to -- we tried to  
20 make amends the following day on e-mail, and then he  
21 says you can live wherever you want to live. I know  
22 there's a lot of stress here. And I said it could  
23 work, but in the interim of us going back and forth and  
24 e-mail, he -- his e-mail response was through his  
25 corporate e-mail, not his personal. So his response

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1 went to his secretary, and he never got the response  
2 for three hours.  
3 So he thought I was dissing him, and so  
4 he blasted to the corporate that Gina doesn't work  
5 for us anymore. That's what everyone knows me as,  
6 Gina as opposed to Jean.  
7 Q. Any other e-mails with Mr. DeLuca other than  
8 that e-mail after the day you quit?  
9 A. No. That was it. I have the e-mails. I do  
10 have the e-mails.  
11 Q. But other than talking about trying to get  
12 back together to work, does it contain anything else in  
13 those e-mails?  
14 A. No.  
15 Q. Now, what about you mentioned the name  
16 Anthony Pugliese? How did you meet Anthony Pugliese?  
17 A. Through Fran. Fran told Fred that he -- she  
18 -- I remember that she was there. She came for a  
19 dinner, and she had -- I don't know how it came about.  
20 It was through Fran that Anthony Pugliese came about,  
21 and they were invited for dinner or lunch, and I'm sure  
22 -- I know there were many meetings because that's what  
23 Fred would do. He would bring them to the house.  
24 Q. So you met Anthony Pugliese at the house?  
25 A. At the house.

Page 21

1 Q. And do you know how Fred and Anthony met?  
2 A. Through Fran the banker.  
3 Q. Do you know anything other than that they  
4 met through Fran, any details?  
5 A. No.  
6 Q. And how many times have you met with Anthony  
7 Pugliese?  
8 A. With Fred?  
9 Q. Yes.  
10 A. I can't recall. More than seven at the  
11 house.  
12 Q. Did you ever meet Anthony Pugliese anywhere  
13 other than at Fred's house?  
14 A. We were invited to Anthony's house.  
15 Q. How many times were you at Anthony  
16 Pugliese's house?  
17 A. Twice, I believe. Not more than twice.  
18 Q. And that's the big house on the ocean?  
19 A. Correct.  
20 Q. And when was the first time you were there?  
21 A. When they first started to do their  
22 meetings, I guess.  
23 Q. Why did you go to Anthony Pugliese's house?  
24 A. We were invited to dinner.  
25 Q. Who is we?

Page 22

1 A. Fred, myself and Fred's wife.  
2 Q. Fred's wife Elizabeth?  
3 A. Yes.  
4 Q. And you went for dinner and who all was  
5 present at that dinner?  
6 A. Just Anthony and his wife.  
7 Q. And when did you go the next time?  
8 A. I don't recall.  
9 Q. And who was there the second time you went?  
10 A. I don't recall. It was a celebration of  
11 some sort because we were in -- outside in his gazebo.  
12 Q. How many people were in the gazebo?  
13 A. I don't recall.  
14 Q. Like more than 20?  
15 A. No. Not that many, no. It was part of his  
16 family as well. I believe it was Anthony's birthday.  
17 I believe. I really believe.  
18 Q. If you don't know, just say you don't know.  
19 A. I don't know.  
20 Q. And who went to that celebration the second  
21 time you went to Anthony Pugliese's house?  
22 A. I don't recall. I really do not recall.  
23 Q. Have you ever met with Anthony Pugliese or  
24 talked with Anthony Pugliese other than at Fred's house  
25 or the two times at Anthony Pugliese's house?

Page 23

1 A. No.  
2 Q. What was your relationship like with Anthony  
3 Pugliese?  
4 A. Professional, cordial.  
5 Q. Have you ever talked to Anthony Pugliese on  
6 the phone or via e-mail?  
7 A. No.  
8 Q. Now, you mentioned that in January of 2008  
9 when you quit, there was a lunch at Fred's house.  
10 A. Right.  
11 Q. And Anthony Pugliese was there.  
12 A. Correct.  
13 Q. Who else was there?  
14 A. I believe there were three men of Anthony  
15 and Fred Florio.  
16 Q. So hang on. Anthony Pugliese was present?  
17 A. Correct.  
18 Q. Was Fred Florio present?  
19 A. Yes.  
20 Q. Fred DeLuca was present?  
21 A. Yes.  
22 Q. Who else?  
23 A. Two gentlemen of Anthony Pugliese. I don't  
24 recall their names.  
25 Q. Two people who worked for Anthony Pugliese?

Page 24

1 A. I would imagine.  
2 Q. Was Bobby Ray or David Friedman there?  
3 A. I don't recall.  
4 Q. Do you know who David Friedman is?  
5 A. I know Friedman, yes. He's a small man. He  
6 worked for Fred. Accounting.  
7 Q. Do you know who Bobby Ray is?  
8 A. No.  
9 Q. Do you know if Bobby Ray or David Friedman  
10 were at that January 2008 meeting?  
11 A. I don't know.  
12 Q. But there were five men altogether?  
13 A. I believe so. I think that the other two --  
14 I believe that the two men were with Anthony Pugliese.  
15 I don't recall David Friedman being there. I don't  
16 recall. I really don't remember. I know that Fred  
17 Florio was there.  
18 Q. How is it that you remember that Fred Florio  
19 was there?  
20 A. Because Fred was always there when Anthony  
21 -- when there was a big meeting, Fred was there.  
22 Q. Now, you mentioned a journal earlier. Would  
23 notes of who was at this lunch, would something like  
24 that be in this journal?  
25 A. No. It was just personal stuff.

Page 25

1 Q. So nothing that you heard or saw at this  
2 lunch would be in this journal, correct?  
3 A. No. My journal was strictly for the boat.  
4 When the boat went away in 2001, that was the end of  
5 the journal.  
6 Q. Then you said you were serving lunch and  
7 then served them dessert. Tell us what you recall  
8 being said during the course of the meeting that you  
9 were actually present for and heard.  
10 A. It was about percentages -- 2 and a half --  
11 it was something said about charging him 2 and a half  
12 percent for his own money, and this was Anthony, but  
13 Anthony said it not -- he wasn't talking angrily. He  
14 was talking as a matter of fact, and it was Fred that  
15 was flustered.  
16 Q. Do you know why Fred was flustered?  
17 A. Because he got caught.  
18 Q. How do you know that?  
19 A. Because of his actions. Fred never gets  
20 flustered.  
21 Q. So did Fred DeLuca tell you that he was  
22 flustered?  
23 A. No. It was just the way he was acting. He  
24 never yells at me. And he actually embarrassed himself  
25 by what he said toward me when his phone jammed.

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1 That's why I knew that he -- there was something really  
2 going on that was not in his liking because he was  
3 always in control.  
4 Q. Well, when you said he got caught, do you  
5 know what he got caught doing?  
6 A. It was something about money that Anthony  
7 had said you are charging me 2 and a half percent for  
8 my own money.  
9 Q. But do you know if Fred was doing anything  
10 wrong by charging 2 and a half --  
11 A. I just know what was said.  
12 Q. When you said Fred got caught, my question  
13 is --  
14 A. Because of the way he was acting.  
15 Q. Let me finish my question, Jean. You have  
16 to let me finish my question, and then you can answer.  
17 A. Yes. Go ahead.  
18 Q. You said that you thought Fred got angry  
19 because he got caught. And my question to you is do  
20 you know if Fred was doing anything wrong by charging  
21 Anthony Pugliese or his company an extra 2 or 3 percent  
22 in interest?  
23 A. It was only the way Fred acted that made me  
24 think because Fred is always in control. He puts you  
25 in a non-air-conditioned arena. And it's about

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1 control. And he went out of control.  
2 Q. But my question is Fred lost his temper  
3 about something.  
4 A. Uh-huh.  
5 Q. What makes you -- strike that.  
6 Do you know if Fred DeLuca was doing  
7 anything wrong by charging an extra 2 or 3 percent  
8 interest?  
9 MR. MARIANI: Objection. Asked and  
10 answered.  
11 THE WITNESS: No.  
12 BY MR. HUTCHISON:  
13 Q. Do you know if Fred was angry only because  
14 of the 2 or 3 percent interest conversation?  
15 Let me ask it this way: Did you hear the  
16 conversation prior to the 2 or 3 percent interest?  
17 A. I was there prior to that situation.  
18 Everything was calm.  
19 Q. What discussions did you hear prior to the  
20 line about 2 or 3 percent interest?  
21 A. Oh, no. I mean. Okay.  
22 Q. Let's back-up. Let's go slowly.  
23 A. Okay.  
24 Q. During the lunch --  
25 A. During the lunch --

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1 Q. -- what discussions did you hear between  
2 those five men prior to the 2 or 3 percent?  
3 A. That was the only verb of discussion. When  
4 I walked in, they wouldn't talk except for that. When  
5 I came in that was said Anthony to Fred, and Fred was  
6 insane. He got very angry, and that's when he jammed  
7 his phone. And I was there with the dessert, and  
8 that's when he got explicit with me, which he never  
9 does, and I could see that this was going on the wrong  
10 way.  
11 Q. And Fred was angry because his phone jammed  
12 too?  
13 A. Right. He stood up. This was said, I was  
14 there, and Anthony said the percentage. And he stood  
15 up and got his phone like he wanted to talk to somebody  
16 and it jammed. Then he looked at me, and he explicitly  
17 said, "Put the F'ing thing down and fix my phone." And  
18 he never, ever gets that way.  
19 Q. Before you said he said, "Put the damn thing  
20 down." And now you said "the F'ing thing". Which was  
21 it?  
22 A. It was the F'ing thing.  
23 Q. Earlier you said "the damn thing".  
24 A. Well, trying to --  
25 Q. Fred was angry because his phone jammed?

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1 A. Correct.  
2 Q. Now, prior to walking in with the dessert  
3 and hearing about that part of the conversations, did  
4 you hear any other conversation amongst those five men  
5 that day?  
6 A. No.  
7 Q. So the only part of the conversation you  
8 heard was when Anthony said something about 2 or  
9 3 percent interest rate?  
10 A. Correct.  
11 Q. And after Fred jammed his phone and you took  
12 the phone, did you hear any more discussion about those  
13 five men that day?  
14 A. No.  
15 Q. I'm going to come back to that in a minute,  
16 but prior to that lunch date, had you ever heard any  
17 business discussions between Anthony and Fred Florio  
18 and Fred DeLuca?  
19 A. Yes. About -- they were happy about -- they  
20 would bring in pictures about the ecological city, and  
21 it was basically bringing up the city, whatever they do  
22 on drawings of what is to happen with the ecological  
23 city.  
24 Q. Do you remember any of those conversations?  
25 A. No.



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1 Q. Now, the city was called Destiny. Did you  
2 know that?  
3 A. Yes.  
4 Q. What was your understanding of what Destiny  
5 was supposed to be?  
6 A. Are you talking about the name?  
7 Q. The whole project.  
8 A. The project was supposed to be an ecological  
9 city.  
10 Q. Did you ever see any documents related to  
11 the project other than some drawings?  
12 A. No.  
13 Q. Were you involved in working for the Destiny  
14 project at all?  
15 A. No.  
16 Q. Do you understand the business relationship  
17 between Anthony Pugliese and his companies and Fred  
18 DeLuca and his companies with respect to the Destiny  
19 project?  
20 A. Could you be a little bit more specific?  
21 Q. Do you understand the business arrangement,  
22 the terms of the business deal between Anthony Pugliese  
23 and his companies and Fred DeLuca and his companies  
24 with respect to the Destiny project?  
25 A. No.

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1 Q. Did you ever hear the name Land Company of  
2 Osceola County?  
3 A. No.  
4 Q. Did you ever hear the name LCOC?  
5 A. No.  
6 Q. Did you ever hear anything about the Destiny  
7 project other than it was supposed to be an ecological  
8 city?  
9 A. And it was huge. A 148,000 acres, something  
10 like that.  
11 Q. Who told you that?  
12 A. It was a discussion that -- I guess it would  
13 be Fred Florio, Fred DeLuca. His -- I don't recall  
14 Anthony Pugliese's wife. She came to the house for  
15 celebrations. I remember when they named the project  
16 they were so pleased to have it called Destiny, but it  
17 was -- Laura is her name. Laura was happy to name the  
18 project, I believe.  
19 Q. Did you ever have any discussions with Laura  
20 Pugliese about the Destiny project?  
21 A. No.  
22 Q. Did you ever have any discussions with  
23 Elizabeth DeLuca about the Destiny project?  
24 A. No.  
25 Q. Did you have any discussions with Fred

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1 Florio about your deposition?  
2 A. No.  
3 Q. When was the last time you spoke with Fred  
4 Florio?  
5 A. A couple of days ago when I told him I got a  
6 new car, and his car was hit by lightening.  
7 Q. Did you talk about Fred DeLuca at all during  
8 that call?  
9 A. No.  
10 Q. How often do you talk to Fred Florio?  
11 A. Probably once a month.  
12 Q. Have you spoken about that conversation at  
13 lunch that you walked in on in 2008 with Fred Florio at  
14 all?  
15 A. No.  
16 Q. Have you talked about the lawsuit between  
17 Anthony Pugliese and Fred DeLuca with Fred Florio?  
18 A. No.  
19 Q. Now I want to go back. Did you ever talk  
20 with Fred Florio about the Destiny project?  
21 A. No.  
22 Q. Did you ever talk with Anthony Pugliese  
23 directly about the Destiny project?  
24 A. No.  
25 Q. Did you ever speak with Fred DeLuca about

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1 the Destiny project?  
2 A. No.  
3 Q. So basically other than knowing it was an  
4 ecological city and seeing some drawings that were  
5 brought to the house, that's all you know about the  
6 Destiny project?  
7 A. Correct.  
8 Q. And with respect to this lunch conversation,  
9 the only thing that you can recall is that Anthony said  
10 that you are charging 2 or 3 percent interest --  
11 A. Yes.  
12 Q. -- for my own money. What did you  
13 understand that to mean?  
14 A. I don't know.  
15 Q. What did you understand that Anthony  
16 Pugliese meant by his own money?  
17 A. I didn't understand it. The only thing I  
18 understood is that it riled Fred beyond any normal  
19 actions.  
20 Q. Well, that riled Fred and the fact that his  
21 phone jammed up? That riled him as well, correct?  
22 MR. MARIANI: Objection.  
23 THE WITNESS: No, no.  
24 BY MR. HUTCHISON:  
25 Q. He wasn't mad because his phone jammed up?

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1 A. He was mad first. Then he went to take the  
2 phone and then -- the circumstances were he said it, I  
3 had a tray of Key lime pie, and he stood up, and he  
4 went like this. And he couldn't get the phone, and  
5 then he said, "Put down the -- and fix my phone. Put  
6 down the dessert and fix my phone."  
7 Q. Did you hear Mr. DeLuca say anything in  
8 response to Anthony Pugliese while you were in the  
9 room --  
10 A. No.  
11 Q. You have to let me finish my question, Jean,  
12 or this is going to take a long time. When you heard  
13 Anthony Pugliese say you are charging me 2 or 3 percent  
14 more for the money, did you hear Fred DeLuca respond to  
15 that statement?  
16 A. No.  
17 Q. Other than telling you to put the dessert  
18 down and to fix his phone, did you hear Fred say  
19 anything else?  
20 A. No.  
21 Q. Can you recall any other discussions by Fred  
22 DeLuca, Anthony Pugliese or any of the other three men  
23 that occurred at lunch during that day?  
24 A. No.  
25 Q. Have you ever worked for Anthony Pugliese or

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1 any of his companies?  
2 A. No.  
3 Q. Have you ever worked for Fred Florio or any  
4 of his companies?  
5 A. No.  
6 Q. Other than knowing that Fred DeLuca met  
7 Anthony Pugliese through Fran the banker, do you know  
8 anything else about how they met?  
9 A. Who?  
10 Q. Other than knowing that Fran the banker  
11 introduced Anthony and Fred DeLuca, do you know any  
12 other circumstances regarding how Fred DeLuca and  
13 Anthony Pugliese met?  
14 A. No.  
15 Q. Do you know why Fran the banker introduced  
16 Anthony Pugliese and Fred DeLuca?  
17 A. No.  
18 Q. Now, with respect to your employment there  
19 from 2004 through 2008, do you recall any other  
20 discussions regarding the Destiny project or the  
21 ecological city?  
22 A. No.  
23 Q. I'm going to show you -- this was a  
24 description of Pugliese parties nonexpert witness list,  
25 and that's your name.

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1 A. Nonexpert?  
2 Q. Witness list.  
3 A. Yes.  
4 Q. And it has Jean Frances Benacchio, 284  
5 Saxony F, Delray Beach, and it says and you can read  
6 along with me --  
7 A. I'm sorry. I don't have my glasses. You  
8 can read it.  
9 Q. "Miss Benacchio is Mr. DeLuca's former  
10 employee in Fort Lauderdale who has personal knowledge  
11 of Mr. DeLuca's introduction to Anthony Pugliese."  
12 So did you tell us everything you know  
13 about Fred DeLuca's introduction to Anthony  
14 Pugliese?  
15 A. It was through Fran the banker. That is the  
16 only personal. I mean, he came to the house. Fran met  
17 them. They could have met outside of the house.  
18 Highly unlikely because Fred didn't go out and eat. He  
19 only ate at home. So I would imagine that all three  
20 came here.  
21 Q. So did you tell us everything that you know  
22 about Mr. DeLuca's introduction to Anthony Pugliese?  
23 A. Yes.  
24 Q. It also says you know something about their  
25 interactions during the course of Destiny project. You

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1 told us about the lunch and the interest rate.  
2 A. Yes.  
3 Q. Is that the only thing you know about  
4 Mr. Pugliese's and Mr. DeLuca's interactions during the  
5 course of the Destiny project?  
6 A. They came to the house, and they had many  
7 meetings, but as far as -- other than serving them  
8 lunch and dinner or on the boat, that would be the only  
9 information I know.  
10 Q. Well, other than serving lunch and dinner,  
11 do you remember any discussions that happened during  
12 the course of any of those meetings other than the one  
13 you told us about, the interest rate?  
14 A. No. And the name, and the name Destiny, and  
15 that was because Laura was there.  
16 Q. Do you remember any other discussions that  
17 occurred during those meetings?  
18 A. No, I don't.  
19 Q. And you said that you recall Anthony  
20 Pugliese at the house approximately seven times. Could  
21 be a couple more, could be a couple less?  
22 A. Correct.  
23 Q. But in that ball park?  
24 A. Yes.  
25 Q. Is that accurate?

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1 MR. MARIANI: Objection. Form.  
 2 THE WITNESS: Yes.  
 3 BY MR. HUTCHISON:  
 4 Q. So if you said Anthony Pugliese would have  
 5 come to the house or the boat somewhere between five  
 6 and ten times, would that be accurate?  
 7 MR. MARIANI: Objection to the form.  
 8 THE WITNESS: Yes.  
 9 BY MR. HUTCHISON:  
 10 Q. Now, is Fred Florio a friend of yours?  
 11 A. He's an acquaintance.  
 12 Q. And what do you mean by acquaintance?  
 13 A. Well, a friend -- I don't consider him a  
 14 "friend" friend. He's an acquaintance. I would speak  
 15 to him once a month. He has a wife. He used to live  
 16 on the compound where we lived. We all lived together  
 17 in the big house. He lived in the guest house, and I  
 18 lived in the big house on Riviera Isle.  
 19 Q. When you were taking care of the house?  
 20 A. Correct.  
 21 Q. Now, that house on Riviera Isle, you just  
 22 mentioned, was that the one where the person that Fred  
 23 went in business with that bought the house stole money  
 24 from Fred?  
 25 A. I believe there were two houses. The first

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1 house was on Seven Isles Drive. And that house sold  
 2 after five years. And I believe we moved into the big  
 3 house on Riviera Isles -- I want to say it was December  
 4 of 2000. And that was the property that Fred Florio  
 5 and his family lived in the guest house.  
 6 Q. In the back?  
 7 A. Correct.  
 8 Q. And you remember that Fred had bought that  
 9 house with another individual named Oldani, Mr. Oldani,  
 10 O-L-D-A-N-I?  
 11 A. Yes.  
 12 Q. And Mr. Oldani was stealing from Mr. DeLuca?  
 13 A. So I heard.  
 14 Q. And Mr. Oldani went to jail?  
 15 A. Yes.  
 16 Q. And who told you that?  
 17 A. Fred DeLuca and Fred Florio. It was  
 18 conversation.  
 19 Q. And Mr. Oldani went to jail for seven years  
 20 I think it was?  
 21 A. I believe.  
 22 Q. Do you know anything else about that?  
 23 A. No.  
 24 Q. Did you ever talk with Fran Saavedra about  
 25 the Destiny project?

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1 A. No.  
 2 Q. Did you ever talk to Fran Saavedra about a  
 3 loan that was given for the Destiny project?  
 4 A. No.  
 5 Q. Did you ever talk to Fred DeLuca about a  
 6 loan that was given to the Destiny project?  
 7 A. No.  
 8 Q. Did you ever talk with Anthony Pugliese  
 9 about a loan that was given to the Destiny project?  
 10 A. No.  
 11 Q. Did you ever talk with Fred Florio about a  
 12 loan that was given to the Destiny project?  
 13 A. No.  
 14 Q. Did you talk with anybody about a loan that  
 15 was given to the Destiny project?  
 16 A. No.  
 17 Q. Just to be clear, the only discussions that  
 18 you can recall between Anthony Pugliese and Fred DeLuca  
 19 from that lunch that you described for us was Anthony  
 20 Pugliese said something about a 2 to 3 percent interest  
 21 rate on the loan, correct?  
 22 A. Correct.  
 23 Q. Do you remember Anthony Pugliese saying  
 24 anything else about that loan?  
 25 A. No.

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1 Q. Do you remember Anthony Pugliese saying  
 2 anything else during that meeting?  
 3 A. No.  
 4 Q. Do you remember any of the individuals  
 5 saying anything during that meeting?  
 6 A. No.  
 7 Q. Is it accurate that you never heard Fred  
 8 DeLuca respond to Anthony Pugliese about the 2 or  
 9 3 percent interest rate?  
 10 A. No.  
 11 Q. Is that accurate?  
 12 A. Right. After that, after that conversation  
 13 what happened with the gentlemen, nothing else was  
 14 said, and I left. I wasn't concerned with any of it.  
 15 Q. So after Anthony Pugliese said something  
 16 about 2 or 3 percent interest rate, is it accurate to  
 17 say that you did not hear Fred respond to that,  
 18 correct?  
 19 A. Yes.  
 20 MR. HUTCHISON: We are going to take  
 21 five-minute break, and I may have a question or  
 22 two after my break, and Mr. Mariani may have a  
 23 question or two. I don't know. He has the right  
 24 to ask you some questions if he wants to, and then  
 25 I think we are going to be done.

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1 (Thereupon, a recess was taken in the proceedings  
2 from 11:32 a.m. to 11:34 a.m.)  
3 BY MR. HUTCHISON:  
4 Q. Now, when you met with Mr. Mariani for  
5 lunch, did you talk about the 2 to 3 percent interest  
6 rate discussion?  
7 A. I don't recall.  
8 Q. You may have spoken with him, but you just  
9 can't remember today?  
10 A. No. I spoke to him about Fred Florio.  
11 Q. But did you talk to Mr. Mariani about the  
12 conversation that you told us that happened in January  
13 of 2008 during lunch regarding the interest rate?  
14 A. I think I told him the reason why I left.  
15 Why did I leave Fred DeLuca, it was because of that  
16 situation, how he turned. He just was not the same man  
17 that I started with.  
18 Q. But you told Mr. Mariani about that  
19 conversation?  
20 A. Probably because that was the start, the  
21 beginning.  
22 Q. And then after you left, you were thinking  
23 about going back to work for Mr. DeLuca, correct?  
24 A. Correct.  
25 Q. And then it didn't work out because there

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1 was a delay in the e-mails?  
2 A. Yes.  
3 Q. But Mr. DeLuca wanted you to go back to work  
4 for him, correct?  
5 MR. MARIANI: Objection. Form.  
6 THE WITNESS: Yes. He said -- he gave me  
7 the parameters of you can live anywhere, and he  
8 understood the stress level of not having my own  
9 life because my -- I have no family. So my family  
10 was his family. And so I think he really wanted  
11 me back, but because he couldn't wait or he  
12 thought that I dissed him, then he said I don't  
13 work for him anymore.  
14 BY MR. HUTCHISON:  
15 Q. Did you want to go back and work for him?  
16 A. No.  
17 Q. Okay. So --  
18 A. Well, I did because I was fearful. I mean,  
19 I was only 57 years old. I was fearful about where am  
20 I going to work again at this type of job. He had  
21 isolated me in his domain basically, and I had no  
22 outside life. So when I made the step out, I was  
23 fearful. So I did try to work that in my head, but at  
24 the end, I realized it was best.  
25 Q. Well, when Fred was in Connecticut you

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1 stayed in Florida, didn't you?  
2 A. No. He had me going -- no. One week a  
3 month he would go to Connecticut to take care of  
4 business. Now, in the summertime when he traveled, he  
5 asked me to go to his wife's house in Connecticut and  
6 take care of her. They had a guest house. It was very  
7 nice, and she was very congenial, and she was an artsy  
8 person, and we liked art.  
9 Q. Did you go up and work in Connecticut every  
10 summer for Elizabeth?  
11 A. When the boat went away in 2001, then that's  
12 when he had me working for Elizabeth.  
13 Q. Every summer for how long?  
14 A. As long as the -- the only summer I didn't  
15 work was in 2007 was the summer I did not go to  
16 Elizabeth because he went with Elizabeth to China.  
17 Q. So then you just stayed in Florida that  
18 summer.  
19 A. Just stayed in Florida.  
20 Q. So you stayed in the house by yourself?  
21 A. Correct.  
22 Q. And when Fred traveled during the month, you  
23 stayed in Florida?  
24 A. Correct. He had a time his mother and  
25 family would come and visit, and then his son was

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1 getting married. I was in the family situation. You  
2 know, when people had a celebration, tell Gina to go,  
3 what she's going to make and buy the presents, and so I  
4 knew the family well.  
5 Q. Now, you said that after you left in January  
6 of 2008 that you were thinking about coming back to  
7 work for Fred and you would have come back to work for  
8 Fred, but there was a delay in the e-mails, and it  
9 didn't work out, correct?  
10 MR. MARIANI: Objection. Form.  
11 THE WITNESS: Yes, but it didn't happen.  
12 BY MR. HUTCHISON:  
13 Q. Then after that, did you ever have any other  
14 discussions or e-mail communications with Fred DeLuca?  
15 A. No.  
16 Q. I thought you said you reached out to him a  
17 year or so before he died?  
18 A. One year. In 2007, yes. We have a mutual  
19 friend from England, and she insisted that I go and  
20 make peace, and that was it.  
21 Q. Not 2007.  
22 A. When did he die? 2006? It was the year  
23 before he died. He died last year which was -- pardon  
24 me. I'm sorry. I apologize. I'm thinking back. So  
25 he died in '15, and I saw him in '14.

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1 Q. Where did you see him?  
2 A. I went to his apartment on Galt Ocean Mile.  
3 Q. Who was present?  
4 A. Her name was Grace Kirby and myself.  
5 Q. And tell us about -- was that the only time  
6 you had any communication with Fred since early 2008?  
7 A. That was the only time I ever saw him, and  
8 we made peace.  
9 Q. Tell us about -- the discussion was just  
10 about your relationship?  
11 A. It was just about our relationship and how  
12 it ended up, you know, the e-mails. And he didn't  
13 believe me. He thought that -- he still thought that I  
14 dissed him and I didn't. I just hugged him and said  
15 I'm sorry.  
16 Q. And did anything else about that lunch come  
17 up at that time?  
18 A. No.  
19 Q. Fred didn't mention the Destiny project to  
20 you, did he?  
21 A. No.  
22 Q. Did Fred mention his lawsuit with Pugliese  
23 with you?  
24 A. No.  
25 Q. Did you ever speak about the lawsuit between

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1 Fred DeLuca and Anthony Pugliese with anybody?  
2 A. No. I have nobody that would care about it.  
3 Q. Other than John Mariani?  
4 A. Yeah. There would be nobody. The only  
5 thing we talked about with Fred was his illness. That  
6 was it.  
7 Q. And did you discuss anything that happened  
8 during that lunch in January 2008 with Fred when you  
9 saw him in 2014?  
10 A. No.  
11 Q. And what do you understand the lawsuit  
12 between Fred DeLuca and Anthony Pugliese is about?  
13 A. I don't know.  
14 Q. You have no understanding at all?  
15 A. I have no -- I mean, other than the fact  
16 that Destiny isn't -- is poof. I don't know anything  
17 about what -- whom or what or how much or anything  
18 about that, no.  
19 Q. Did Mr. Mariani tell you about the lawsuit  
20 at all?  
21 A. No.  
22 Q. So then other than talking with Mr. Mariani  
23 about the lunch discussion in January 2008 and Fred  
24 Florio, did you have any other discussions with  
25 Mr. Mariani?

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1 A. No.  
2 Q. And you understood that Fred Florio's job  
3 was to take care of the houses and the condominiums  
4 that Fred DeLuca owned in Florida?  
5 MR. MARIANI: Objection. Form.  
6 THE WITNESS: Yes.  
7 BY MR. HUTCHISON:  
8 Q. Do you know if Fred Florio did anything  
9 other than take care of the houses?  
10 A. There were projects that were always going  
11 on.  
12 Q. Do you know what specific projects?  
13 A. There were -- no, I don't.  
14 Q. So other than take care of the real estate,  
15 can you tell us anything about what Fred Florio did for  
16 Fred DeLuca other than take care of the real estate?  
17 A. No. There were other projects, but I  
18 couldn't tell you at this time. I don't recall the  
19 names of the projects. I remember people would come in  
20 and out of the house on meetings in the first five  
21 years.  
22 Q. What are the first five years? Give me that  
23 time.  
24 A. Well, first five years would be 1997 to 2001  
25 because we were at that house at Seven Isles, and the

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1 boat was docked on the outside of the house. So I  
2 would have to intentionally make the -- whatever I was  
3 making on the boat and bring it into the house serving.  
4 I didn't do any cooking in that particular house. That  
5 house sold -- I believe it was Christmas of 2000, I  
6 believe, because that's when we went into the big  
7 house. We had to move.  
8 Q. So my question is, do you recall any other  
9 projects that Fred DeLuca -- strike that.  
10 Do you recall any other projects that  
11 Fred Florio worked on for Fred DeLuca other than the  
12 houses and condominiums in Fort Lauderdale?  
13 A. There was some medical entities, but I do  
14 not recall the names. There were medical entities.  
15 Q. Do you know anything about those other  
16 businesses or the business terms or the business  
17 relationships with any of those companies?  
18 A. It was two medical firms, but I'm sorry. I  
19 don't know.  
20 Q. You didn't work on any projects for Fred  
21 DeLuca, did you?  
22 A. No.  
23 Q. Your job was strictly to take care of the  
24 house?  
25 A. And him, yes.

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1 Q. Have you ever been to Anthony Pugliese's  
 2 office?  
 3 A. No.  
 4 Q. How is it that you know Fran Saavedra?  
 5 A. She became friends with Fred. She had many  
 6 dinners with Fred.  
 7 Q. Do you still keep in contact with Fran  
 8 Saavedra?  
 9 A. No.  
 10 Q. When is the last time you spoke with Fran  
 11 Saavedra?  
 12 A. I guess it was at Fred's house in 2007. I  
 13 haven't seen her since or spoke to her.  
 14 Q. Do you know anyone who worked for Anthony  
 15 Pugliese?  
 16 A. No.  
 17 MR. HUTCHISON: I have no more questions.  
 18 Thank you.  
 19 MR. MARIANI: No questions.  
 20 MR. HUTCHISON: You have the opportunity to  
 21 read or waive. And what that means is when Janet  
 22 finishes typing up the transcript, you have a  
 23 chance to read it to see if you think it's  
 24 accurate or you can waive that right, and that's  
 25 totally your right. You can do whichever you

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1 RE : FD DESTINY v AVP DESTINY  
 DEPO OF: JEAN BENACCHIO  
 2 TAKEN : 9-7-16  
 3  
 4 EXCEPT FOR ANY CORRECTIONS  
 MADE ON THE ERRATA SHEET BY  
 5 ME, I CERTIFY THIS IS A TRUE  
 AND ACCURATE TRANSCRIPT.  
 6 FURTHER DEPONENT SAYETH NOT.  
 7  
 \_\_\_\_\_  
 8 JEAN BENACCHIO  
 9  
 10 STATE OF FLORIDA )  
 ) SS:  
 11 COUNTY OF )  
 12  
 13 Sworn and subscribed to before me this  
 14 \_\_\_\_\_ day of \_\_\_\_\_ 2016.  
 15 PERSONALLY KNOWN \_\_\_\_\_ OR I.D. \_\_\_\_\_  
 16  
 17  
 \_\_\_\_\_  
 18 Notary Public in and for  
 the State of Florida at Large.  
 19  
 20  
 21 My commission expires:  
 22  
 23  
 24  
 25


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1 want.  
 2 (Discussion off the record.)  
 3 THE WITNESS: Okay.  
 4 MR. HUTCHISON: Janet will send you a letter  
 5 saying it's available to sign.  
 6 (Thereupon, the taking of the deposition was  
 7 concluded at 11:44 a.m. Signature and formalities  
 8 were not waived.)  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25


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1 ERRATA SHEET  
 2 RE : FD DESTINY v AVP DESTINY  
 DEPO OF: JEAN BENACCHIO  
 3 TAKEN : 9-7-16  
 4 DO NOT WRITE ON TRANSCRIPT, ENTER ANY CHANGES HERE  
 5 Page #| Line #| Change | Reason  
 6 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 7 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 8 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 9 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 10 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 11 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 12 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 13 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 14 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 15 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 16 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 17 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 18 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 19 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 20 \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_| \_\_\_\_\_  
 21 State of Florida)  
 County of )  
 22  
 Under penalties of perjury, I declare that I have  
 23 read by deposition transcript, and it is true and  
 correct subject to any changes in form or  
 24 substance entered here.  
 \_\_\_\_\_  
 25 Date JEAN BENACCHIO

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1 CERTIFICATE OF OATH OF WITNESS  
2  
3 STATE OF FLORIDA  
SS:  
4 COUNTY OF PALM BEACH  
5  
6  
7 I, JANET BALDAUF, Registered Professional  
8 Reporter, Florida Professional Reporter and Notary  
9 Public in and for the State of Florida at Large,  
10 certify that the witness, JEAN BENACCHIO, personally  
11 appeared before me on 9-7-16 and was duly sworn by  
12 me.  
13 WITNESS my hand and official seal this 7th  
14 day of September 2016.  
15  
16  
  
17  
18 JANET BALDAUF, RPR, FPR  
Notary Public  
State of Florida at Large  
19  
20 Notary # FF208072  
21 My Commission Expires: 3-31-2019  
22  
23  
24  
25

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1 REPORTER'S DEPOSITION CERTIFICATE  
2  
3 I, JANET BALDAUF, Registered Professional  
4 Reporter and Florida Professional Reporter, certify  
5 that I was authorized to and did stenographically  
6 report the deposition of JEAN BENACCHIO, the witness  
7 herein on 9-7-16; that a review of the transcript  
8 was requested; that the foregoing pages numbered  
9 from 1 to 55 inclusive is a true and complete record  
10 of my stenographic notes of the deposition by said  
11 witness; and that this computer-assisted transcript  
12 was prepared under my supervision.  
13 I further certify that I am not a  
14 relative, employee, attorney or counsel of any of  
15 the parties, nor am I a relative or employee of any  
16 of the parties' attorney or counsel connected with  
17 the action.  
18 DATED this 16th day of September 2016.  
19  
20  
  
21  
22 JANET BALDAUF  
Florida Professional Reporter  
Registered Professional Reporter  
23  
24  
25

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1 VERITEXT LEGAL SOLUTIONS  
One Biscayne Tower, Suite 2250  
2 Two South Biscayne Boulevard  
Miami, Florida 33131  
3 (305) 376-8800  
4  
5 \_\_\_\_\_, 2016  
6 JEAN BENACCHIO  
284 Saxony F  
Delray Beach, Florida 33446  
7  
8 RE : FD DESTINY v AVP DESTINY  
DEPO OF: JEAN BENACCHIO  
9 TAKEN : 9-7-16  
READ & SIGN BY: 30 Days  
10 Attn: JEAN BENACCHIO:  
11 This letter is to advise you that the transcript  
of the deposition listed above is completed and  
12 is available for reading and signing.  
13 PLEASE CALL THE ABOVE NUMBER TO MAKE AN APPOINTMENT to  
come to the Veritext office closest to you to read and  
14 sign the transcript. Our office hours are from 8:30  
15 a.m. to 4:30 p.m., Monday through Friday.  
16 IN THE EVENT OTHER ARRANGEMENTS ARE MADE, please send  
us a list of any and all corrections, signed and  
17 notarized, noting page and line numbers and the reason  
for such changes, so we can furnish all counsel with a  
18 copy of same. If the reading and signing has not been  
completed prior to the referenced date, we shall  
19 conclude that you have waived the reading and signing  
of the deposition  
20 transcript. Your prompt attention to this matter is  
appreciated.  
21  
Sincerely,  
22  
23 JANET BALDAUF, RPR, FPR  
24 cc: Counsel of Record  
25

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1 VERITEXT LEGAL SOLUTIONS  
One Biscayne Tower, Suite 2250  
2 Two South Biscayne Boulevard  
Miami, Florida 33131  
3 (305) 376-8800  
4  
5 \_\_\_\_\_, 2016  
6 RICHARD HUTCHISON, ESQUIRE  
HOLLAND & KNIGHT, LLP  
7 222 Lakeview Avenue  
Suite 1000  
8 West Palm Beach, Florida 33401  
9  
RE : FD DESTINY v AVP DESTINY  
10 DEPO OF: JEAN BENACCHIO  
TAKEN : 9-7-16  
11 READ & SIGN BY: 30 Days  
12  
Dear Counsel:  
13  
14 The original transcript of the deposition listed  
above is enclosed for your file. The witness  
15 did not waive reading and signing and has been  
sent a letter notifying them to come in and read  
16 and sign their deposition transcript.  
17 The witness will be provided a copy of their  
deposition transcript for reading in our office  
18 should they come in to review the transcript, and  
we will forward to you any corrections made by  
19 the witness at that time, along with an original  
signature page which should be attached to the  
20 original transcript which is in your possession.  
21  
Sincerely,  
22  
23 JANET BALDAUF, RPR, FPR  
24  
25

<b>&amp;</b>	<b>2008</b> 13:14 17:19 19:15 23:8 24:10 32:13 35:19 42:13 45:6 46:6 47:8,23	<b>5</b>	<b>acting</b> 25:23 26:14 <b>action</b> 55:17 <b>actions</b> 25:19 33:19 <b>address</b> 3:21 <b>advise</b> 56:11 <b>affirm</b> 3:2 <b>ag</b> 1:3,4 <b>ago</b> 9:21 10:5,5 32:5 <b>ahead</b> 26:17 <b>air</b> 26:25 <b>al</b> 1:6,9 <b>altercation</b> 17:25 18:1,2 <b>altogether</b> 24:12 <b>amends</b> 19:20 <b>angrily</b> 25:13 <b>angry</b> 19:6 26:18 27:13 28:6,11,25 <b>answer</b> 4:25 5:3,10 26:16 <b>answered</b> 27:10 <b>anthony</b> 4:8 5:17 11:24 17:22 18:3 20:16,16,20,24 21:1,6,12,15,23 22:6,21,23,24,25 23:2,5,11,14,16,23 23:25 24:14,20 25:12,13 26:6,21 28:5,14 29:8,17 30:17,22 31:14 32:17,22 33:9,15 34:8,13,22,25 35:7 35:11,13,16 36:11 36:13,22 37:19 38:4 40:8,18,19,23 41:1,8,15 47:1,12 50:1,14 <b>anthony's</b> 21:14 22:16
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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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