

1 IN THE CIRCUIT COURT OF THE
2 11TH JUDICIAL CIRCUIT, IN AND
 FOR DADE COUNTY, FLORIDA

3 CASE NO.: 02-29149 CA 11

4 GAUMUR, e.h.f., an
5 Icelandic corporation,

6 Plaintiff,

7 vs.

8 JON GERALD SULLENBERGER,
9 individually, and NEW VIKING, INC.,
a Delaware corporation,

10 Defendants,

11 Dade County Courthouse
12 73 West Flagler Street
13 12th Floor
14 Miami, Florida
15 January 13, 2003
16 9:45 to 10:55 a.m.

17 The above-entitled case came on for hearing before
18 the Honorable Bernard Shapiro, Circuit Judge, in
19 chambers pursuant to notice.

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SONIA TOTH & ASSOCIATES (305)854-7710

1 APPEARANCES:
2
3 GENOVESE, JOBLOVE & BATTISTA, P.A.
4 Bank of America Tower
5 100 Southeast 2nd Street
6 36th Floor
7 Miami, Florida 33131
8 BY: MICHAEL JOBLOVE, Esq. and AMANDA JASON, Esq.
9 Appearing on behalf of the Plaintiff.
10 and
11 EMMET, MARVIN & MARTIN, LLP
12 120 Broadway
13 New York, New York 10271
14 BY: BENJAMIN H. GREEN, Esq.
15
16 AKERMAN, SENTERFITT & EIDSON, P.A.
17 One Southeast Third Avenue
18 28th Floor
19 Miami, Florida 33131-1704
20 BY: JONATHAN GOODMAN, Esq.,
21 and PAMELA LEVINSON, Esq.
22 Appearing on behalf of the Defendant.

23 ALSO PRESENT:

24 Stefan Richter, The Interpreter
25 Johannes Jonsson
26 Gudrun Thorsdottir
27 Helgi Johannesson, Esq.
28 Jon Sullenberger
29 Johanna Sullenberger

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I N D E X

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4 WITNESS

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5 JOHANNES JONSSON

6 Direct Examination By Mr. Goodman 15

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1 Thereupon:

2 (The following proceedings were had:)

3 THE COURT: Please be seated.

4 First let me have appearances for the

5 record.

6 MR. JOBLOVE: Good morning, Your Honor.

7 Mike Joblove with Amanda Jason from Genovese,

8 Joblove & Battista, together with our

9 co-Counsel, Benjamin Green of the Emmet, Marvin

10 law firm, on behalf of the Plaintiff,

11 Gaumur, h.f.

12 THE COURT: Who do you have with you here

13 today?

14 MR. JOBLOVE: We also have -- and I'm

15 sorry -- our client, who is the Chairman of the

16 Board of Gaumur, is Johannes Jonsson.

17 THE COURT: Okay.

18 MR. JOBLOVE: And that is the witness that

19 we will be calling, and he is here as the party

20 representative, as well.

21 THE COURT: Okay.

22 MR. GOODMAN: Good morning, Your Honor.

23 Jonathan Goodman with the Akerman, Senterfitt

24 firm, here with Pam Levinson, who is working

25 with me on the case.

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1 Next to me is Mr. Sullenberger, who is the
2 individual Defendant, and also the principal of
3 the corporate Defendant, New Viking, and behind
4 him is his wife, Johanna Sullenberger.

5 Your Honor, let me, if I can, flag an
6 issue for you. I am a little bit upset, and
7 I'll tell you why. As you know, Your Honor,
8 the rule requires that an injunction hearing on
9 a motion to dissolve be held within five days.

10 When we were here in front of you on the 30th,
11 the Plaintiff asked you to continue the
12 hearing, and they asked you to continue the
13 hearing, Your Honor, because they wanted their
14 clients, plural, clients, to be here.

15 Let me tender to the Court, if I can
16 approach the Bench, Your Honor, an excerpt of
17 the proceeding that we had on December 30th.

18 If you'll notice, Your Honor --

19 MR. JOBLOVE: Your Honor, excuse me, if I

20 may?

21 MR. GOODMAN: I'm not done.

22 MR. JOBLOVE: Well, I'd just like to know

23 what you're addressing. Does this relate to a

24 pending motion?

25 MR. GOODMAN: I'm not done, sir.

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1 THE COURT: Let's let him finish.

2 MR. JOBLove: Okay.

3 MR. GOODMAN: You'll notice, Your Honor,

4 that on the first page they make reference to

5 the fact that -- actually, on the second page,

6 it says, Page 4, Mr. Joblove is addressing the

7 Court, and he says: The timing has made it

8 difficult for our clients -- clients,

9 plural -- to appear from Iceland; and then on

10 the very next page, which is designated as

11 Page 5, Mr. Joblove, in explaining to the Court

12 why the hearing should be continued, said:

13 Allow my clients -- plural -- to appear in

14 person, as they -- plural -- ought to have the

15 opportunity to do, so that the fact-finder can

16 assess their credibility, et cetera, et cetera.

17 In addition, Your Honor, while you were

18 out during the final week of the year, they had

19 submitted what was tantamount to an emergency

20 request to Judge Schockett, and if I may
21 approach the Bench, Your Honor, I have a copy
22 of that letter, as well.

23 In this letter, the Plaintiff's law firm
24 asks for certain relief from the Judge, namely,
25 to postpone the hearing. And, again, you'll

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1 see, Judge, that on the front page, they say:

2 Our clients -- plural -- are residents of

3 Iceland, we want them to attend the hearing,

4 et cetera.

5 So I've now beat this point to a pulp, you

6 understand that they were going to have their

7 clients, plural, here.

8 So why do I say all of this, Your Honor?

9 It turns out that they only have one person

10 here. They have Johannes Jonsson here. And

11 the reason why that is problematic, Your Honor,

12 as between the two of them, Johannes Jonsson,

13 who is here, and his son, Jon Johannesson, who

14 is not here, the one who has the most knowledge

15 of all the facts of this case, the one who had

16 the most to do with the boat, the most to have

17 all of the arrangements with the boat, is the

18 son, Jon Johannesson, and he's not here, and

19 the hearing was postponed so that he and his

20 father could be here.

21 So I want to put on the record the fact

22 that we object to this. The Court was advised

23 that they would both be here, and now the one

24 witness with the least amount of knowledge, and

25 the one who doesn't speak English, he is the

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1 one who they bring to the hearing.

2 MR. JOBLove: If I may respond,

3 Your Honor?

4 THE COURT: That may work to your benefit

5 if they don't have the person here that they

6 need to tell me what happened.

7 MR. JOBLove: Well, quite honestly, Your

8 Honor --

9 THE COURT: Is the one who is here, did he

10 come from Iceland?

11 MR. JOBLove: Yes, sir, he did.

12 And just to remind the Court of the

13 context in which this arose, this temporary

14 injunction was entered and served on the

15 Defendant some five weeks prior to the time

16 that they filed what they called an emergency

17 motion to dissolve. They sat on our injunction

18 and awaited until the week of Christmas to file

19 an emergency motion, and to request that it be

20 dissolved.

21 When our client, Mr. Jonsson, had

22 difficulty in attempting to come to Miami

23 during that week, the Court was kind enough to

24 continue this hearing so that travel

25 arrangements could be made.

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1 Now, I called Mr. Goodman more than a week
2 ago, and I asked whether he wanted to exchange
3 the names of witnesses. He said he would speak
4 to his client and get back to me. At no time
5 did Mr. Goodman get back to me. At no time did
6 Mr. Goodman, or the Defendants, request that we
7 bring Mr. Jonsson's son.

8 We have the Chairman of the Board of
9 Gaurur here, the Plaintiff, who is fully
10 prepared to testify that our client paid for a
11 1,100,000, roughly, yacht, that
12 Mr. Sullenberger has been trying to sell from
13 out from under them and to make off with the
14 proceeds.

15 And that's why we're here, Your Honor.

16 And we, as the Plaintiff, are prepared to
17 proceed.

18 I have one preliminary matter. We have a
19 motion to admit Mr. Green Pro Hac Vice, which

20 the Defendants do not oppose. If it's
21 acceptable to Your Honor, Mr. Green, who is
22 admitted to the Bar in New Jersey and
23 Connecticut --

24 MR. GREEN: Connecticut.

25 MR. JOBLOVE: -- Connecticut, has filed a
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1 motion in accordance with the rules, and
2 there's no objection indicated, if it's
3 acceptable to Your Honor.

4 THE COURT: Are we ready to go? We're
5 wasting a lot of time on side issues.

6 MR. GOODMAN: I would like, Your Honor,
7 the two exhibits that I tendered to the Court,
8 to be marked as Exhibits 1 and 2. Number 1
9 will be the transcript -- excerpt of the
10 transcript, and Number 2 would be the letter
11 that was written to the Court by the
12 Plaintiff's law firm.

13 THE COURT: We'll mark them for ID, a
14 composite exhibit for ID.

15 MR. JOBLOVE: Your Honor, one other
16 preliminary matter --

17 THE CLERK: Exhibit 1-A Composite for
18 Identification.

19 THE COURT: Actually, it's Defendants',

20 it's Defendants'.

21 THE CLERK: Defendants' Exhibit A-1

22 Composite for Identification.

23 (Thereupon, the above-referred to

24 documents were marked as Defendants' Exhibit

25 A-1 Composite for Identification.)

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1 MR. JOBLove: Your Honor, one more
2 preliminary matter, if I may. We've served a
3 document request on the Defendants about three
4 weeks ago, and once the hearing was set, we
5 re-sent it and asked that the documents be
6 produced at the hearing today.

7 There are a number of documents that were
8 attached to the emergency motion, we certainly
9 have had notice of those. What we don't want
10 to find ourselves in a position of is the
11 Defendants bring to this hearing, for the first
12 time, documents we haven't seen, or if they do
13 bring documents, that they be new documents,
14 that they would be required to produce the
15 entire universe of documents relative to this
16 transaction, and not just a select few that
17 they might have held onto, to this point in
18 time.

19 And so we do have an outstanding document

20 request. I don't know how you want to handle
21 that. Perhaps if new documents are brought up,
22 we might assert an objection at that time and
23 Your Honor will consider it then.

24 THE COURT: Okay. We'll deal with it
25 then.

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1 It's actually Defendants' motion. Are you
2 ready to proceed?

3 MR. GOODMAN: Yes, we are, Your Honor.

4 MR. JOBLOVE: If I may, Your Honor, as the
5 Defendants pointed out in their -- upon filing
6 a motion to dissolve, the burden is ours to go
7 forward, and we would like to put on our case.

8 MR. GOODMAN: Well, it's our motion,
9 Judge, and therefore, I think, normally, the
10 general rule is, if it's your motion, you get
11 to go first.

12 THE COURT: It's your motion, you go
13 first.

14 MR. GOODMAN: Then, in that case, we will
15 call as our first witness Johannes Jonsson.

16 MR. JOBLOVE: Before Mr. Jonsson appears,
17 we have brought with us a translator, who is an
18 expert in the Icelandic language, and you may
19 want to administer an oath.

20 THE COURT: Yes.

21 Thereupon:

22 STEFAN RICHTER

23 (Was sworn to act as the interpreter for

24 the following proceedings:)

25 Thereupon:

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1 JOHANNES JONSSON

2 was called as a witness by the Defendants, and after
3 being first duly sworn, was examined and testified
4 under oath as follows:

5 THE CLERK: Please be seated.

6 MR. GOODMAN: Your Honor, with the Court's
7 permission, may I move the podium over here?

8 THE COURT: Sure.

9 MR. GOODMAN: Thank you.

10 If we could just have the Interpreter
11 state his name for the record, I didn't hear
12 that.

13 THE COURT: Okay.

14 THE INTERPRETER: My name is
15 Stefan Richter. And if I may note, just for
16 the record, that I believe most of the
17 Icelandics speak just as good English as I do.

18 THE COURT: Do you speak English?

19 THE WITNESS: (In English) Yes, a little

20 bit, but --

21 THE COURT: Do you understand English?

22 THE WITNESS: (In English) Most of it,

23 but --

24 THE COURT: Well, let's try it in English,

25 and if there's a word he gets hung up on --

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1 MR. GOODMAN: Sure.

2 THE COURT: -- the Interpreter will be
3 here.

4 THE INTERPRETER: I brought with me
5 several dictionaries, so if I could help out in
6 that way.

7 THE COURT: You brought dictionaries?

8 THE INTERPRETER: English-Icelandic
9 dictionaries.

10 THE COURT: To help you?

11 THE INTERPRETER: Or the Court, in
12 general.

13 THE COURT: Do you speak to your client in
14 English?

15 MR. GREEN: Your Honor, we've had some
16 difficulty in communicating. As a matter of
17 fact, we have had, while communicating with
18 Mr. Johannesson (sic), somebody with a greater
19 facility in English was necessary for us to

20 communicate with Mr. Johannesson (sic.).

21 THE COURT: The Interpreter just told me

22 that all people in Iceland speak English, so

23 let's try it in English.

24 MR. GREEN: Well, Your Honor, the problem

25 is that the English that Mr. Johannes is

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1 familiar with is not an exact -- there are
2 differences in nuances, and just, in my
3 experience, has been that there have been
4 significant situations where there has been a
5 misunderstanding of the --

6 THE COURT: Have a seat. We'll give it a
7 try in English.

8 MR. GOODMAN: Thank you, Your Honor.

9 THE COURT: Okay.

10 DIRECT EXAMINATION

11 BY MR. GOODMAN:

12 Q Mr. Jonsson, my name is Jonathan Goodman.

13 I am the lawyer for Mr. Sullenberger and New Viking.

14 If, at any time today, I'm asking you a
15 question, and you're having difficulty
16 understanding, please let me know and I'll be happy
17 to rephrase it.

18 You understand?

19 A (In English) Yes, but what about the

20 tutor?

21 MR. GOODMAN: I'm sorry, sir?

22 THE INTERPRETER: His question is, what

23 about my participation.

24 THE COURT: We're going to try it in

25 English. If you have a problem, he's there to

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1 help us.

2 BY MR. GOODMAN:

3 Q All right. So if you have a problem,
4 you'll let me know, and I'll either work it out by
5 rephrasing the question, or we'll get the help of
6 Mr. Richter. Fair enough?

7 A (In English) I want it goes through him,
8 all of it.

9 Q Well, I'm just telling you that the Judge
10 has indicated to the contrary.

11 THE COURT: Let's do it with the
12 Interpreter.

13 MR. GOODMAN: All right, Your Honor.

14 THE COURT: Let's just get going.

15 Mr. Interpreter, stand next to him. When
16 he asks the questions in English, you ask him
17 in -- is it called Icelandic?

18 THE INTERPRETER: Icelandic, yes.

19 MR. GOODMAN: Okay. One last bit of

20 background. I apologize, Your Honor.

21 Mr. Richter, are you here locally or have

22 you come in from out of town?

23 THE INTERPRETER: Delray Beach.

24 MR. GOODMAN: Delray Beach?

25 THE INTERPRETER: Yes.

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1 MR. GOODMAN: Okay. And you're fluent in
2 both Icelandic and English?

3 THE INTERPRETER: Yes, fluent in
4 Icelandic, reasonably with English.

5 MR. GOODMAN: Have you ever been certified
6 as a translator before by any court?

7 THE INTERPRETER: No, I have not.

8 MR. GOODMAN: You have not.

9 And have you had any training in being a
10 translator for court proceedings?

11 THE INTERPRETER: No, I have not.

12 MR. GOODMAN: Do you have any kind of
13 certification?

14 THE INTERPRETER: Not as an interpreter.

15 MR. GOODMAN: Not as an interpreter.

16 BY MR. GOODMAN:

17 Q Okay. Mr. Jonsson, in addition to having
18 your lawyers, Mr. Joblove and Ms. Jason and
19 Mr. Green, you also have your criminal defense

20 lawyer from Iceland here in court, as well; isn't

21 that right?

22 MR. GREEN: Objection to relevancy.

23 What's the relevance to this, Your Honor?

24 THE COURT: Sustained. The objection is

25 sustained.

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1 Let's just get to what we're here for.

2 MR. GOODMAN: All right, Your Honor.

3 THE COURT: It's not anything that
4 complicated.

5 MR. GOODMAN: Okay.

6 BY MR. GOODMAN:

7 Q You, sir, are an executive of Baugur;
8 isn't that right?

9 THE INTERPRETER: What was the name of the
10 company?

11 MR. GOODMAN: Baugur, B-A-U-G-U-R.

12 THE INTERPRETER: He says: No.

13 BY MR. GOODMAN:

14 Q You're not an executive of Baugur?

15 THE INTERPRETER: He's chairman of a board
16 of a company that owns the company, Baugur.

17 I'll spell it for you.

18 THE WITNESS: (In English) No, it's a part
19 owner.

20 THE INTERPRETER: Oh, it's a part owner of

21 the company which is B-A-U-G-U-R.

22 BY MR. GOODMAN:

23 Q Sir, are you a director, officer or

24 executive of Baugur or Baugur Group, "yes" or "no"?

25 A (In English) No.

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1 MR. GOODMAN: Let me show you what I'm
2 going to have the Court's deputy mark as, I
3 guess it will be Defendants' Exhibit 3,
4 Your Honor.

5 THE COURT: He'll give you the numbers.

6 MR. GOODMAN: Thank you.

7 May I approach?

8 THE CLERK: Defendants' Exhibit --

9 THE COURT: This is for ID.

10 THE CLERK: Defendants' Exhibit A-2 for
11 Identification.

12 (Thereupon, the above-referred to document
13 was marked as Defendants' Exhibit A-2 for
14 Identification.)

15 MR. GREEN: Your Honor, may we see a copy
16 of what is being offered?

17 MR. GOODMAN: Yes, sir. It is the annual
18 report of Baugur for the year 2000.

19 Let the record reflect I'm passing an

20 extra courtesy copy to Mr. Green now. He now

21 has it.

22 Your Honor, if I may, I also have a

23 courtesy copy for the Court, if I may approach?

24 THE COURT: Okay.

25 BY MR. GOODMAN:

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1 Q Mr. Jonsson, take a look at what we've
2 marked, or what the deputy has marked.

3 You need to look at it, sir.

4 MR. GOODMAN: Page 54, Your Honor.

5 THE INTERPRETER: What page?

6 BY MR. GOODMAN:

7 Q Sir, do you recognize this as the annual
8 report for Baugur for the year 2000?

9 THE INTERPRETER: Did you mention the
10 year?

11 Yes, he does.

12 BY MR. GOODMAN:

13 Q All right, sir. Do you see, on Page 54,
14 there is a photograph of several people, and one of
15 the people there is yourself, second from the right?

16 A (In English) Yes.

17 Q Correct?

18 A I am sitting on the Board of Baugur.

19 Q I'm sorry, sir?

20 A I am sitting on the Board of Baugur.

21 Q The Board of Directors of Baugur?

22 A Yes.

23 Q And you were on the Board of Baugur in

24 2000?

25 A Yes.

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1 Q And you're still on the Board of Baugur,
2 aren't you, sir?

3 A Yes.

4 Q Well, sir, when I asked you a minute ago
5 if you were an executive of Baugur, you said: No, a
6 related company.

7 MR. JOBLove: Objection.

8 MR. GREEN: Objection, Your Honor, if I
9 may, I have --

10 THE WITNESS: Yes, but I am not.

11 MR. GREEN: -- the prior question was
12 whether he was an executive of Baugur.

13 THE COURT: Or an officer, he said: No.

14 THE INTERPRETER: He wants to clarify one
15 last business of the whole thing. The company
16 that he is on the board of is a part owner of
17 Baugur.

18 BY MR. GOODMAN:

19 Q I appreciate the clarification, sir.

20 In addition, you are currently on the

21 Board of Baugur; isn't that right?

22 THE INTERPRETER: Yes, he is.

23 MR. GOODMAN: And, sir, Mr. Translator, if

24 you don't mind, let me, with the Court's

25 permission, give you a suggestion, since you've

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1 never done this before, and you've never been a
2 translator before.

3 Your job is to take my question, and word
4 for word, translate it into Icelandic, and take
5 the witness' answer in Icelandic, and word for
6 word, translate it into English. You are not
7 supposed to give explanations, suggestions,
8 helping the witness with the question,
9 paraphrasing, that sort of thing. Do you
10 understand?

11 MR. GREEN: Your Honor, may I object, that
12 I think the instructions to the Interpreter are
13 really the province of the Court. I don't
14 think it's appropriate for an attorney to be
15 addressing anyone in the court other than the
16 witness or the Court.

17 THE COURT: Well, it's a correct
18 instruction. I don't know if he hasn't been
19 doing that.

20 MR. GOODMAN: I don't know if he has or

21 not, I just wanted to make sure that he did it

22 the right way, Your Honor.

23 BY MR. GOODMAN:

24 Q And, sir, if you take a look, on Page 55

25 of this annual report, you will see that one of the

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1 companies under the Baugur Group is Bonus. Do you
2 see that?

3 A (In English) Yes.

4 MR. GOODMAN: Let the record reflect that
5 the witness has answered the question without
6 the benefit of the translation.

7 BY MR. GOODMAN:

8 Q In any event, "Bonus" is Bonus Grocery
9 Stores, correct?

10 MR. GREEN: Objection, Your Honor, what's
11 the relevance of this?

12 THE INTERPRETER: The response --

13 MR. GREEN: We are here today, Your
14 Honor --

15 THE COURT REPORTER: I can only do one at
16 a time.

17 MR. GREEN: We are here today, Your Honor,
18 with regard to the issue of a temporary
19 injunction relating to a boat, which our

20 client, Gaumur, asserts an ownership interest.

21 We have seen before an attempt to inject issues

22 which are far afield of anything that is a very

23 straight-forward issue before this Court, and I

24 object to the relevance.

25 THE COURT: The objection is overruled.

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1 I assume you're going to tie this in.

2 MR. GOODMAN: Yes. Mr. Green knows full
3 well, Your Honor, that Bonus made payments
4 in --

5 MR. GREEN: Objection, Your Honor, who is
6 testifying here?

7 THE COURT: Go ahead with the question.

8 BY MR. GOODMAN:

9 Q Sir, one of the companies under the
10 Baugur Group is Bonus; isn't that right?

11 THE INTERPRETER: The answer is: Yes.

12 BY MR. GOODMAN:

13 Q And that relates to the Bonus Grocery
14 Stores, which is a chain of discount or low-priced
15 grocery stores in Iceland; am I right?

16 THE INTERPRETER: I asked that question
17 before, and the answer was: Yes.

18 MR. GOODMAN: Now, I know for sure, sir,
19 that I didn't mention "low-priced discount

20 stores," so I don't think you asked that

21 question before.

22 THE INTERPRETER: Okay. "Low-priced," in

23 Icelandic --

24 The answer is: Yes.

25 BY MR. GOODMAN:

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1 Q All right. And if we look on Page 54,
2 sir, of this annual report, in the picture, there's
3 also a photograph of your son, Jon Johannesson, and
4 he is second to the left, with the long hair, right?

5 THE INTERPRETER: The answer is: Yes.

6 BY MR. GOODMAN:

7 Q All right. And your son, Mr. Johannesson,
8 is listed as the president and CEO, correct?

9 A Yes.

10 Q If you would, sir, just try to answer
11 audibly, with an actual answer, instead of saying
12 "uh-huh" or "uh-uh."

13 THE INTERPRETER: I did translate that.

14 BY MR. GOODMAN:

15 Q All right, sir. And also according to
16 this report, the executive vice president and COO,
17 as of 2000, was Tryggvi, T-R-Y-G-G-V-I, Jonsson,
18 correct?

19 A (In English) Yes.

20 THE INTERPRETER: The answer is: Yes.

21 BY MR. GOODMAN:

22 Q All right. And Mr. Jonsson later became

23 president of Baugur, didn't he?

24 A Yes, he was promoted from being assistant

25 to being the real boss.

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1 Q All right. And Tryggvi Jonsson was
2 working for Baugur up through approximately November
3 of 2002, correct?

4 MR. GREEN: Your Honor, have we had -- I
5 would object, at this point, to the leading
6 nature of the question. I don't believe we've
7 established that Mr. Johannesson (sic.) is a
8 hostile witness. He's been called by the
9 Defendant in this case. I understand that
10 there should be a certain amount of leeway,
11 but, at some point, it would probably be --

12 THE COURT: The objection is overruled.

13 THE INTERPRETER: Can I have the question
14 repeated, please?

15 MR. GOODMAN: Yes.

16 BY MR. GOODMAN:

17 Q Tryggvi Jonsson was working as an
18 executive for Baugur, up through and including
19 approximately November of 2002; isn't that right,

20 sir?

21 THE INTERPRETER: The answer is: Yes.

22 BY MR. GOODMAN:

23 Q All right. Now, your company, sir,

24 Baugur, has issued an official statement about the

25 circumstances surrounding this boat on its Internet

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1 web page; isn't that right, sir?

2 THE INTERPRETER: He's not familiar with
3 that.

4 BY MR. GOODMAN:

5 Q You don't know that, sir?

6 THE INTERPRETER: No, he says he's not
7 familiar with it.

8 BY MR. GOODMAN:

9 Q Baugur is a public company in Iceland;
10 isn't it, sir?

11 THE INTERPRETER: The answer is: Yes.

12 BY MR. GOODMAN:

13 Q What is your current position, as of
14 today, with Baugur; Chairman of the Board?

15 THE INTERPRETER: He has a seat on the
16 Board of Directors, but not the -- but he's not
17 the Chairman of the Board.

18 BY MR. GOODMAN:

19 Q All right. Your son is president of the

20 company now, right?

21 A (In English) Yes.

22 Q You are aware, aren't you, sir, as a

23 director, that Baugur has a web page accessible on

24 the Internet, sir?

25 THE INTERPRETER: Yes, the answer is:

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1 Yes.

2 BY MR. GOODMAN:

3 Q All right. And you are aware, sir, that
4 the Baugur Group's web page is both in Icelandic,
5 and you can obtain a copy of everything in English,
6 as well; isn't that right?

7 THE INTERPRETER: The answer is: Yes.

8 BY MR. GOODMAN:

9 Q All right. But would it surprise you,
10 sir, if I told you that I, myself, downloaded from
11 the Internet an English language version of a Baugur
12 official statement within the past few days
13 concerning this boat?

14 THE INTERPRETER: Yes, he would be
15 surprised.

16 BY MR. GOODMAN:

17 Q You would be surprised.

18 Have you, yourself, gone onto your own
19 company's web page, sir, to see what it has publicly

20 said, as a public company in Iceland, about the

21 circumstances surrounding this boat?

22 MR. GREEN: Objection, mischaracterizes

23 testimony. I believe the testimony is that

24 Mr. Johannes Jonsson is a director, it is not

25 his company. He also testified that Baugur was

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1 a publicly held company.

2 I'd like the record to be clear that if we
3 are talking about a company, it is Baugur, and
4 not a company which is, quote,
5 Mr. Johannesson's (sic.) company.

6 THE COURT: You mean "Baugur" when you
7 say --

8 MR. GOODMAN: Yes, Your Honor, of course.

9 THE COURT: I don't have a problem with
10 that.

11 MR. GOODMAN: All right. Sir?

12 THE INTERPRETER: Would you like to repeat
13 the question, please?

14 MR. GOODMAN: Melissa, would you just help
15 me out here and read back the last question.

16 (Thereupon, the last question was read
17 back by the court reporter as follows:

18 "Question: Have you, yourself, gone onto
19 your own company's web page, sir, to see what

20 it has publicly said, as a public company in
21 Iceland, about the circumstances surrounding
22 this boat?"

23 THE INTERPRETER: The answer is: No.

24 MR. GOODMAN: Your Honor, may I approach
25 and have the next exhibit marked?

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1 I have a courtesy copy for Your Honor, as

2 well, and of course I have a --

3 MR. GREEN: Your Honor, may I look at the

4 document before it is offered into --

5 MR. GOODMAN: Mr. Green, I haven't given

6 the witness a document, I have given it to the

7 clerk and to the Court, and I am about to hand

8 you your copy now.

9 MR. GREEN: I am sorry.

10 MR. GOODMAN: Okay. You'll have to have a

11 little faith, sir. I have a copy of every

12 exhibit for everybody.

13 THE CLERK: Defendants' Exhibit A-3 for

14 Identification.

15 (Thereupon, the above-referred to document

16 was marked as Defendants' Exhibit A-3 for

17 Identification.)

18 MR. GOODMAN: May I approach the witness,

19 Your Honor?

20 THE COURT: Yes.

21 BY MR. GOODMAN:

22 Q Sir, this is a copy of an English web page
23 document on the Baugur Group web page, which, as
24 you'll see in the bottom right-hand corner, I
25 printed out on January 7th of this year. Do you see

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1 that?

2 A (In English) I saw it, and I want it in

3 Icelandic.

4 MR. GOODMAN: I'm sorry?

5 THE INTERPRETER: He would like to have a

6 copy of this in Icelandic.

7 BY MR. GOODMAN:

8 Q Take a look, sir, at Paragraph 3.

9 MR. GREEN: Your Honor, I don't know

10 whether the practice here is that these

11 documents will be offered into Evidence. My

12 objection here is that this is a statement of a

13 non-party to this proceeding, it is neither an

14 admission, it is simply hearsay, and ought not

15 be admitted.

16 THE COURT: Well, it's not being offered

17 yet, it's only marked for Identification right

18 now.

19 BY MR. GOODMAN:

20 Q Now, sir, I want you to take a look at

21 Paragraph 2.

22 Oh, and let me ask you this, sir: You'll

23 see, at the very top, the title says: Statement By

24 Jon Asgeir Johannesson, Chairman of

25 Baugur Group, h.f.

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1 You see that at the top, don't you, sir?

2 A (In English) Yes.

3 Q All right. And that, of course, is your
4 son, Jon Johannesson, right?

5 A (In English) Yes.

6 Q You are aware that your son has made many
7 statements publicly about the circumstances
8 surrounding the purchase of the boat and payment of
9 expenses for the boat, aren't you?

10 THE INTERPRETER: He hasn't answered the
11 question yet.

12 It's a "yes" or "no" question.

13 MR. GOODMAN: Your Honor, I'm sorry, this
14 is exactly what I was trying to avoid. We're
15 having a colloquy back and forth between the
16 witness and the translator. I don't know
17 what's being said, and I would ask the Court to
18 again remind the translator of the limitations
19 of his task.

20 THE COURT: Was there a problem when you

21 asked him the question?

22 THE INTERPRETER: In this particular case,

23 he responded by asking me a question. I tried

24 to tell him that he could only answer it "yes"

25 or "no."

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1 THE COURT: If he responds to you with a
2 question, then give us the question in English.

3 Whatever he says, you say it back to us.

4 THE INTERPRETER: Fair enough.

5 THE COURT: What did he ask you?

6 THE INTERPRETER: He said: If I
7 understand correctly, this, in English,
8 indicates my son has said something.

9 BY MR. GOODMAN:

10 Q Mr. Jonsson, you are aware, aren't you,
11 sir, that your son, the Chairman of Baugur, has made
12 many public statements concerning the circumstances
13 surrounding the purchase of the boat and payment of
14 expenses for the boat, aren't you?

15 THE INTERPRETER: He has heard so.

16 BY MR. GOODMAN:

17 Q Well, your son has gone on television in
18 Iceland to make statements about the boat, hasn't
19 he, sir?

20 THE INTERPRETER: He has not seen that.

21 BY MR. GOODMAN:

22 Q I didn't ask whether you saw it, sir. I'm

23 asking whether you are aware that your son made

24 statements on television in Iceland, "yes" or "no"?

25 THE INTERPRETER: No, he says: No.

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1 BY MR. GOODMAN:

2 Q Haven't heard that at all?

3 THE INTERPRETER: That was his answer:

4 No.

5 BY MR. GOODMAN:

6 Q Take a look, sir, at Paragraph 2 of this

7 Internet statement by your son, and the first

8 sentence of Paragraph 2 says: Baugur Group is in no

9 way connected with the pleasure cruiser,

10 "The Viking". Do you see that, sir?

11 A (In English) Yes.

12 THE INTERPRETER: In translation: Baugur

13 is no in no way connected with "The Viking"

14 enterprise.

15 THE WITNESS: (In English) Baugur is not.

16 MR. GOODMAN: I'm sorry?

17 THE INTERPRETER: Baugur is not

18 responsible for "Viking".

19 BY MR. GOODMAN:

20 Q That statement, sir, I want you to pay

21 very close attention to the wording of this

22 statement.

23 MR. GOODMAN: Would you explain that to

24 him, please.

25 BY MR. GOODMAN:

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1 Q The phrase: Baugur Group is in no way
2 connected to the pleasure cruiser, "The Viking,"
3 that is a false statement, isn't it, sir?

4 MR. GREEN: Objection -- two objections,
5 Your Honor: First, Mr. Jonsson has already
6 indicated an inability to process and
7 understand, verbatim, what is written on the
8 statement in English. Mr. Goodman has now
9 asked a question asking him to pay particular
10 attention to the wording of the statement.

11 The only fair approach to that kind of
12 question with a witness whose facility in
13 English is clearly not that good would be to
14 provide him with the original document in the
15 language it was originally published and in the
16 language that he understands.

17 THE COURT: I've been generous about
18 allowing you to make long, speaking objections,
19 which I normally don't allow in court, but he

20 was asked one specific question that was

21 interpreted for him, and he's asking if he

22 agrees with it or doesn't agree with it.

23 So do you want to ask him again?

24 MR. GOODMAN: Yes. Thank you, Your Honor.

25 BY MR. GOODMAN:

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1 Q Mr. Jonsson, right now I'm asking you
2 about this one particular statement. The statement
3 is: Baugur Group is in no way connected with the
4 pleasure cruiser, "The Viking". That is a false
5 statement, isn't it, sir?

6 THE INTERPRETER: He made a statement to
7 the following: Baugur is not connected with
8 the purchase of "Viking".

9 BY MR. GOODMAN:

10 Q Sir, listen to my question, because my
11 question didn't include the word "purchase," sir.

12 MR. GOODMAN: Could you tell that to him,
13 please?

14 BY MR. GOODMAN:

15 Q My question is limited to the very words
16 on the statement, namely: Baugur Group is in no way
17 connected with the pleasure cruiser, "The Viking".

18 THE INTERPRETER: The answer is: No.

19 BY MR. GOODMAN:

20 Q So you're telling me that this is a true

21 statement, sir?

22 A Yes.

23 Q All right. Just so we're absolutely

24 clear, because this is an important point, your

25 testimony, under oath, is that the Baugur Group is

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1 in no way connected to the pleasure boat,

2 "The Viking", do I have that right?

3 THE INTERPRETER: He says: That's

4 correct.

5 BY MR. GOODMAN:

6 Q All right, sir. And is it your testimony,

7 sir, that Bonus is in no way connected to the

8 pleasure boat, or to any of the three boats involved

9 in this case?

10 THE INTERPRETER: You said "three boats"?

11 MR. GOODMAN: Yes, correct.

12 THE WITNESS: (In English) Bonus, Bonus

13 is -- no, Bonus is not.

14 BY MR. GOODMAN:

15 Q Bonus it is not connected, either --

16 A (In English) No.

17 Q -- to any of the boats?

18 A (In English) No.

19 Q That's your testimony under oath, right?

20 A (In English) It's a private company.

21 THE INTERPRETER: It's a privately held

22 company, he said.

23 BY MR. GOODMAN:

24 Q That may be, sir, but my question had

25 nothing to do with whether it's a public company or

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1 a private company.

2 Are you telling the Judge that Bonus has

3 nothing to do with any of the three boats in this

4 case?

5 A (In English) No, that's Gaumur.

6 Q Sir, does Bonus have anything to do with

7 the three boats involved in this case, "yes" or

8 "no"?

9 A No.

10 MR. GOODMAN: Your Honor, may I approach?

11 THE COURT: Yes.

12 MR. GOODMAN: And, Mr. Green, let me give

13 you your copy first.

14 MR. GREEN: Thank you, sir.

15 MR. GOODMAN: Let the record reflect I'm

16 handing Mr. Green a courtesy copy of the next

17 exhibit, which we'll mark. Your Honor, a

18 courtesy copy for you, as well.

19 THE CLERK: Defendants' Exhibit A-4 for

20 Identification.

21 (Thereupon, the above-referred to document

22 was marked as Defendants' Exhibit A-4 for

23 Identification.)

24 MR. GREEN: Your Honor, so as not to

25 suggest that anybody is attempting to discuss

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1 anything with the witness, may we have a
2 conference with the Court outside the presence
3 of the witness? An issue has come up which I
4 just want to discuss with the Court.

5 MR. GOODMAN: I haven't asked the witness
6 even a question yet, Your Honor.

7 MR. GREEN: No, but I would prefer that it
8 be done outside of the witness --

9 THE COURT: Okay.

10 MR. GREEN: We can either go side bar --

11 THE COURT: Since there's not a jury, we
12 can have the witness step out.

13 MR. GREEN: That would be fine.

14 THE COURT: Tell the witness we need to
15 discuss something outside of his presence, so
16 it's easier for him to step out than for all of
17 us to step out.

18 MR. GOODMAN: Your Honor, would you also
19 instruct the witness, since I have him on

20 examination, not to consult with his Icelandic
21 criminal defense lawyer while we're on break?

22 THE COURT: During this break -- as a
23 matter of fact, all the attorneys should stay
24 in here. Let just him step out in the hall.

25 MR. GREEN: Mr. Richter, you can step out,
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1 as well.

2 THE INTERPRETER: I was going to get some
3 water.

4 MR. GREEN: I'm sure you can.

5 MR. JOBLove: Do you want Mr. Richter in
6 here?

7 MR. GREEN: I would like to have him step
8 out.

9 (Thereupon, the witness and the
10 Interpreter exited the proceedings.)

11 MR. GREEN: Your Honor, a problem has been
12 brought to my attention. Mr. Helgi Jonsson --

13 MR. JOHANNESSEN: Johannesson.

14 MR. GREEN: -- Johannesson, is counsel for
15 Mr. Johannes Jonsson in Iceland.

16 Apparently, we had very great difficulty
17 in finding an Icelandic interpreter; in fact,
18 we understand that we could not find any court
19 certified Icelandic interpreter in the entire

20 United Stated.

21 There is some question -- and, obviously,

22 I am not a person who can opine on

23 this -- regarding the adequacy of the job of

24 interpretation that is being done by

25 Mr. Richter. I have had Mr. Johannes'

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1 local -- Icelandic attorney has requested that
2 he be permitted to do the translation, because
3 he feels that Mr. Richter is just unable to
4 translate, in an exact way, what Mr. Jonsson is
5 saying.

6 THE COURT: Is the interpreting not real
7 good?

8 MR. JOHANNESSON: I would say that he
9 seems to be unfamiliar with some words in
10 English, business words, the distinction
11 between "executive" and the "board member," and
12 all of this.

13 And I don't know how it goes, but since
14 he's not, like, an official translator, he
15 could, like, supervise it, so everybody would
16 be comfortable with it.

17 And, also, the Defendants, or is it the
18 other side, they both speak Icelandic, and they
19 could somewhat supervise. But this is only a

20 proposal from my side, because I think it's

21 going a little bit out in every way as it's

22 going now.

23 MR. GOODMAN: Your Honor, if I could

24 briefly be heard?

25 THE COURT: It seems that this is not a

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1 professional interpreter.

2 MR. GOODMAN: I did not arrange for him to
3 be here. This is the Plaintiff's translator.

4 THE COURT: I understand.

5 MR. GOODMAN: And although it is
6 apparently true that the translator is not an
7 official translator, by the same token, neither
8 is this gentleman (indicating).

9 THE COURT: I'm not going to let his
10 attorney translate for him. No, that's not
11 going to happen, either.

12 MR. GOODMAN: So here is my suggestion, so
13 we can move forward and not waste precious
14 time: If this man has a particular problem
15 with a particular translation, I think it is
16 appropriate for him to flag that issue to the
17 Court as to a particular word, but to just
18 simply say: Well, in general, he's having a
19 hard time, that doesn't really help us out.

20 The only example that he pinpointed was a
21 question that I asked about 15 minutes ago, the
22 difference between chairman, executive or board
23 member, we're long past that.

24 So, if he has a particular problem with a
25 particular word, let him advise the Court and

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1 then let us move on in the meantime.

2 MR. JOHANNESSON: That was only an
3 example.

4 MR. GREEN: That would be acceptable to
5 us. I just want to make sure that the record
6 is -- that the translation is correct.

7 As I said, your clients are perfectly
8 capable of -- if they have an objection to what
9 is being translated.

10 I apologize, we did make every effort to
11 identify an Icelandic interpreter. It is a
12 country of 275,000 people, Your Honor, and as
13 you can imagine, there are not many people who
14 are certified in that particular language.

15 THE COURT: Okay. Well, do you want to
16 forge ahead?

17 MR. GOODMAN: We want to forge ahead,
18 Your Honor, yes.

19 THE COURT: How much more do you have with

20 him? It would have helped me if you had put
21 your English speaking client on first to tell
22 me why I shouldn't have done this, rather than
23 struggling through this. Then the burden would
24 be back on them and let them try and get it out
25 of him.

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1 MR. GOODMAN: I appreciate your
2 flexibility, Your Honor.

3 As you will see in just a few minutes,
4 this is the man who signed the affidavit that
5 convinced this Court to issue the injunction,
6 and I'm going to start questioning him about
7 statements that he made, under oath, in that
8 affidavit, and I believe, Your Honor, I will be
9 quickly able to demonstrate to you, let's just
10 say numerous problems with that affidavit.

11 THE COURT: Okay. Well, let's try to
12 forge ahead.

13 MR. GOODMAN: I will.

14 THE COURT: If you hear something
15 interpreted that's completely off base, then
16 let Mr. Green know.

17 MR. JOHANNESSON: Your Honor, I'm a little
18 bit -- also, it's confusing for the witness,
19 obviously, because sometimes they are talking

20 together in English. It's because he's

21 not -- it's not, you know --

22 THE COURT: Well, sometimes the witness

23 hears the question and answers it in English.

24 He obviously understands.

25 MR. GREEN: He understands, but there are

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1 terms, Your Honor, and that was the reason we
2 thought it would be best to have an
3 interpreter.

4 THE COURT: Okay. We'll try it.

5 (Thereupon, the witness and the
6 Interpreter re-entered the proceedings.)

7 MR. GOODMAN: All right. May I approach,
8 Your Honor?

9 THE COURT: Okay.

10 BY MR. GOODMAN:

11 Q Mr. Jonsson, I'm handing you what has been
12 marked as Defendants' Exhibit A-4.

13 THE INTERPRETER: Was it A-4?

14 MR. GOODMAN: Yes, sir, A-4.

15 BY MR. GOODMAN:

16 Q You'll notice, sir, that this is -- the
17 front page is an invoice from Nordica. You know
18 that company, don't you, sir?

19 A (In English) And the date is --

20 THE INTERPRETER: Yes, he knows the

21 company.

22 BY MR. GOODMAN:

23 Q Okay. That's Mr. Sullenberger's company

24 here in Florida; isn't it, sir?

25 A Yes.

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1 Q All right. And you'll see here that this
2 is, the front page, an invoice from Nordica to Bonus
3 in Iceland.

4 THE INTERPRETER: You said first page,
5 right?

6 MR. GOODMAN: Yes, sir, on the first page.

7 Have I given you a copy, Your Honor?

8 THE COURT: Yes.

9 BY MR. GOODMAN:

10 Q Okay. Now, this invoice, sir, isn't this
11 one of the invoices that Mr. Sullenberger sent to
12 Bonus in order to get repaid or reimbursed for
13 expenses concerning the first or second boat in this
14 case?

15 THE INTERPRETER: He corrected me.

16 MR. GOODMAN: I'm sorry?

17 THE INTERPRETER: He corrected one, an
18 Icelandic word.

19 MR. GOODMAN: Which was what?

20 THE INTERPRETER: "Expenses."

21 MR. GOODMAN: All right. Fine.

22 THE INTERPRETER: His response is: These

23 are in the bookkeepings of Gaumur, and are

24 documented there.

25 BY MR. GOODMAN:

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1 Q I appreciate that extra answer, but my
2 question, sir, is: Isn't this an invoice that
3 Mr. Sullenberger sent to Bonus in order to get boat
4 expenses repaid?

5 THE INTERPRETER: The response was: I do
6 not know the reason for this invoice.

7 BY MR. GOODMAN:

8 Q You don't know what this invoice is about?

9 THE INTERPRETER: The answer is: No.

10 BY MR. GOODMAN:

11 Q Sir, would it surprise you if I told you
12 that this invoice was one of the exhibits that was
13 attached to the very affidavit that you filed in
14 this lawsuit as representing expenses which were
15 paid for the boat?

16 MR. GOODMAN: Your Honor, if the lawyer is
17 going to be clarifying, he needs to tell us in
18 English what he's doing. We can't just have a
19 colloquy between him and the translator in

20 Icelandic.

21 MR. JOHANNESSON: Excuse me. The
22 translator missed to say -- what you asked for
23 in your question was: Would it surprise him
24 that it was a part of the affidavit you,
25 yourself, gave here.

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1 MR. GOODMAN: Yes.

2 MR. JOHANNESSON: And that part of the
3 question he did not bring to Johannes, and,
4 therefore, I would like to say it in Icelandic
5 to Johannes, or ask him to do it again.

6 THE INTERPRETER: I started the question
7 with: Would it surprise you.

8 MR. GOODMAN: Sir, let me try it again,
9 and, please, you cannot communicate in
10 Icelandic in this courtroom because,
11 unfortunately --

12 THE COURT: Just show him the affidavit
13 that's attached.

14 MR. GOODMAN: Yes.

15 THE COURT: Instead of asking him if it
16 would surprise him, just show it to him.

17 MR. GOODMAN: Let me ask a couple of
18 predicate questions first.

19 THE COURT: All right.

20 BY MR. GOODMAN:

21 Q Mr. Jonsson, you signed a statement under
22 oath in this case which your lawyers filed with the
23 Court, didn't you, sir?

24 A Yes.

25 Q Yes?

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1 THE INTERPRETER: He changed his --

2 What's the answer, "yes" or "no"?

3 He needs to have the question repeated.

4 BY MR. GOODMAN:

5 Q Sir, did you sign a statement, in English,

6 under oath, in November of 2002, in support of the

7 emergency motion for injunctive relief, "yes" or

8 "no"?

9 THE INTERPRETER: The answer is: Yes.

10 BY MR. GOODMAN:

11 Q All right. And you understood, of course,

12 at the time, that that was a statement under oath,

13 under penalty of perjury? You knew that, didn't

14 you?

15 THE INTERPRETER: The answer is: Yes.

16 BY MR. GOODMAN:

17 Q All right. And since you were signing a

18 statement under oath, under penalty of perjury, you

19 reviewed that very carefully, didn't you, sir?

20 THE INTERPRETER: Yes, he believes he did.

21 MR. GOODMAN: All right. May I approach

22 the witness, Your Honor?

23 Let me give a courtesy copy to Mr. Green,

24 even though it's his own document; and,

25 Your Honor, even though you have the court file

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1 there, I just have an extra copy for you, as
2 well, and one for the Deputy.

3 THE CLERK: Defendants' Exhibit A-5 for
4 Identification.

5 (Thereupon, the above-referred to document
6 was marked as Defendants' Exhibit A-5 for
7 Identification.)

8 MR. GOODMAN: Thank you. May I approach,
9 Your Honor?

10 THE COURT: Yes.

11 BY MR. GOODMAN:

12 Q Mr. Jonsson, if you turn to the final page
13 of Exhibit A-5, that is your signature there, isn't
14 it?

15 THE INTERPRETER: The answer is: Yes.

16 BY MR. GOODMAN:

17 Q And it says that it was sworn to; right on
18 the very first page, it says that you were duly
19 sworn.

20 THE INTERPRETER: To say it in English:

21 Duly sworn?

22 MR. GOODMAN: Under oath, if that will

23 help you out.

24 THE INTERPRETER: It's in English, so --

25 MR. GOODMAN: I know it's in English.

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1 Sir, you need to tell us what he's saying

2 to you.

3 THE INTERPRETER: I'm trying to translate

4 your question to him.

5 MR. JOHANNESSON: I think you should

6 repeat the question, it's a little bit --

7 MR. GOODMAN: Your Honor, just to move

8 forward, let's --

9 THE INTERPRETER: Only what's on Page 1.

10 BY MR. GOODMAN:

11 Q That's your signature on Page 4, correct?

12 A (In English) Yeah.

13 Q Okay. This is a statement that you signed

14 under oath, under penalty of perjury, right, sir?

15 THE INTERPRETER: The answer is: Yes.

16 BY MR. GOODMAN:

17 Q All right. And let me just get a couple

18 of questions clear about the background of this

19 affidavit, sir.

20 Before signing this under oath, did you
21 have a written, word-for-word version of this, in
22 the Icelandic language, so that you knew exactly
23 what this document said?

24 A No.

25 Q You knew that this was going to be filed

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1 with the Court, didn't you, Mr. Jonsson?

2 A No.

3 Q You did not know it was going to be filed

4 with the Court?

5 A (In English) No.

6 Q Regardless of that, sir, since this was

7 under oath, you wanted to make sure that everything

8 in here was correct and accurate, didn't you, sir?

9 A Yes.

10 Q Did you realize, sir, that this was a

11 paper that you were signing in connection with the

12 lawsuit that Gaumur had filed against

13 Mr. Sullenberger and New Viking?

14 A Not that it would be an official document.

15 Q Well, sir, you see on the piece of paper,

16 on the very front page, it says: In the Circuit

17 Court, et cetera? You see that there, don't you,

18 sir?

19 MR. GOODMAN: Mr. Translator?

20 THE INTERPRETER: He is reading it off of
21 the English version.

22 MR. GOODMAN: I know, but it would be
23 helpful if you told him that so that he knows
24 what he's looking at.

25 THE INTERPRETER: It's the top right-hand
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1 corner, right?

2 MR. GOODMAN: Yes.

3 Your Honor, that is a much longer
4 explanation in Icelandic than my fairly
5 straight-forward question, so --

6 THE COURT: Does the witness read English?

7 THE INTERPRETER: Limited, from what he
8 tells me.

9 THE COURT: Ask him: Do you read English?

10 THE WITNESS: (In English) I don't
11 understand it.

12 THE INTERPRETER: He responded in English.

13 THE COURT: So you do not know what you
14 signed here?

15 THE WITNESS: (In English) It was my
16 daughter, which I trust, who -- who read it
17 over and --

18 THE INTERPRETER: Apparently, his daughter
19 was in presence, and he trusted her to go

20 through it, and he took her advice.

21 THE COURT: So she basically said: I read

22 it, go ahead and sign it?

23 Interpret that.

24 THE WITNESS: Yes.

25 THE COURT: The affidavit is stricken.

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1 Your motion is granted.

2 My temporary injunction was issued based
3 on this sworn affidavit, which the person who
4 signed it has no familiarity with at all.

5 MR. GREEN: Your Honor, may I Voir Dire
6 the witness on it?

7 THE COURT: No, you may not.

8 Thank you all.

9 MR. GOODMAN: Thank you, Your Honor.

10 We'll submit a proposed written order.

11 THE COURT: Striking the affidavit and --

12 MR. GOODMAN: -- dissolving the
13 injunction.

14 THE COURT: -- dissolving the temporary
15 injunction.

16 MR. GOODMAN: Thank you.

17 THE COURT: I'll reserve on attorney's
18 fees.

19 MR. GOODMAN: Thank you, Your Honor.

20 MR. GREEN: Your Honor, may I be heard on

21 this?

22 THE COURT: No.

23 (Thereupon, the Judge exited the

24 proceedings at 10:50 a.m.)

25 (Thereupon, there was a discussion held

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1 off the record.)

2 MR. JOBLove: I'll say on the record that
3 we would like to address something before the
4 Court.

5 I request that the Defense counsel ask the
6 Defendants not leave in case the Court
7 continues the hearing at our request.

8 MR. GOODMAN: They may wait outside. I
9 will remain in the courtroom.

10 I doubt that the Judge will entertain
11 this, but --

12 MR. JOBLove: Whatever he does, he does.

13 MR. GOODMAN: I agree with you, sir. If
14 he comes out, we will conduct whatever
15 proceedings you think appropriate.

16 (Thereupon, there was a discussion held
17 off the record.)

18 THE BAILIFF: The Judge says he already
19 ruled, and if you want to make a statement to

20 the record, go ahead and make it, but you can't

21 start questioning the witness.

22 MR. GREEN: For the record, I'd like to

23 place an objection on the record that this

24 ruling was made in the middle of a

25 Direct Examination without providing Plaintiffs

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1 with an opportunity to cross-examine the
2 witness, and to clarify the testimony that was
3 made.

4 There has been difficulties in
5 translation, and at the very least, the due
6 process that would be -- what was required,
7 that we be entitled to cross-examine and to
8 elicit evidence before the Court would make
9 what I think is a premature and hasty decision.

10 (Thereupon, there was a discussion held
11 off the record.)

12 MR. GREEN: Can I just add onto the
13 record?

14 While off the record --

15 MR. GOODMAN: Let the record reflect that
16 Mr. Goodman is leaving on behalf of the
17 Defendants.

18 MR. JOBLOVE: That's his choice.

19 MR. GREEN: That's his choice.

20 Plaintiffs have requested an in-chambers
21 conference with the Court in order to renew our
22 request that, at the very least, the Plaintiffs
23 be afforded the due process right to examine
24 and cross-examine witnesses called in hearing,
25 and the response that we have gotten from the

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1 Court has been a terse: I am finished with the
2 case, and we have been refused any conference
3 with the Court.

4 Thank you.

5 (Thereupon, the hearing was concluded at
6 10:55 a.m.)

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1 CERTIFICATE

2

3 STATE OF FLORIDA)
) SS
4 COUNTY OF BROWARD)

5

6 I, MELISSA A. SOHR, Registered Professional
7 Reporter and a Notary Public in and for the State of
8 Florida at Large,

9 DO HEREBY CERTIFY that the foregoing
10 proceedings were taken before me at the time and
11 place therein designated; and the foregoing pages 1
12 through 57, inclusive, are a true and correct record
13 of my stenographic notes of the proceedings which
14 were reduced to computer transcription under my
15 personal supervision.

16 WITNESS MY HAND AND SEAL this 13th day of
17 January 2003, in the City of Fort Lauderdale, County
18 of Broward, State of Florida.

19

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21

Melissa A. Sohr, RPR
Notary Public, State of Florida

22

My Commission Expires: November 4, 2003
Commission No. CC879034

23

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