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UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATHERINE P. KEALOHA (1),
LOUIS M. KEALOHA (2),
DEREK WAYNE HAHN (3), and
MINH-HUNG NGUYEN (4),

Defendants.

Case No. 17CR0582-JMS-RLP

NOTICE OF LODGMENT OF
DEPOSITION TESTIMONY

Comes now the UNITED STATES OF AMERICA, by and through its counsel, William P. Barr, United States Attorney General, Robert S. Brewer, Jr., United States Attorney, Michael G. Wheat, Joseph J.M, Orabona, Janaki S. Gandhi, and Colin M. McDonald, Special Attorneys to the Attorney General, and hereby files

the Florence Puana Deposition Transcript which reflects the portions of deposition ordered to be played to the jury. *See* Exhibit A.

Dated: June 4, 2019

WILLIAM P. BARR
United States Attorney General

ROBERT S. BREWER, JR.
United States Attorney

/s/ Colin M. McDonald
MICHAEL G. WHEAT
JOSEPH J.M. ORABONA
JANAKI S. GANDHI
COLIN M. MCDONALD
Special Attorneys to the Attorney General

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

UNITED STATES OF AMERICA,
Plaintiff,
v.
KATHERINE P. KEALOHA (1), et al.,
Defendants.

Case No. CR 17-00582-JMS-RLP
CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that:

I, Colin M. McDonald, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, CA 92101-8893.

I am not a party to the above-entitled action. I have caused service of the foregoing on all parties in this case by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

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


Executed on June 4, 2019.

/s/ Colin M. McDonald
COLIN M. MCDONALD


EXHIBIT A

**TRANSCRIPT OF ADMITTED PORTIONS OF FLORENCE
PUANA DEPOSITION VIDEO, DATED APRIL 30, 2019**

TD_US v Kealoha (17CR0582 JMS-RLP)

 **Puana, Florence (Vol. 01) - 04/30/2019**

1 CLIP (RUNNING 03:33:15.703)

 **THE VIDEOGRAPHER:** This is the deposition ...

JMS-FLORENCE PUANA EXCISED 31 SEGMENTS (RUNNING 03:33:15.703)



1. PAGE 7:01 TO 9:09 (RUNNING 00:02:19.657)

00007:01 THE VIDEOGRAPHER: This is the deposition
02 of Florence Puana in the matter of United States of
03 America versus Katherine Kealoha, et al. We are
04 located at office of the U.S. Marshals Service, 300
05 Ala Moana Boulevard, Honolulu, Hawaii.
06 My name is Greg Wills, video specialist
07 for Certified Legal Video Services.
08 Will the counsel please state your names.
09 MR. McDONALD: Colin McDonald for the
10 United States. I'm also joined by Assistant United
11 States Attorney Joseph Orabona, Michael Wheat. And
12 also present for the United States are FBI Supervisory
13 Special Agent Matthew McDonald, FBI Special Agents
14 Nicole Vallieres and Laura Salazar and FBI Forensic
15 Accountant Laurice Otsuka.
16 If counsel for the defense could please
17 state their names for the record at this time.
18 MS. KAGIWADA: Good morning. Cynthia
19 Kagiwada on behalf of Katherine Kealoha. Ms. Kealoha
20 is also present with me.
21 MR. BARBEE: Rustam Barbee, attorney with
22 Louis Kealoha. He's present.
23 MR. BERVAR: Birney Bervar on behalf of
24 Derek Hahn, who is present.
25 MR. HIRONAKA: Randy Hironaka on behalf
00008:01 of Bobby Nguyen. He is present as well.
02 MR. ISAACSON: Lars Isaacson for Gordon
03 Shiraishi, who is also present.
04 MR. McDONALD: And, sir, if you could
05 also announce your presence.
06 MR. QUAN: Anthony Quan, associate to
07 Cynthia Kagiwada.
08 MR. McDONALD: Thank you.
09 THE VIDEOGRAPHER: Today is April 30th,
10 2019. We are on the record at 9:27 a.m. Will the
11 court reporter please swear in the deponent.
12 FLORENCE PUANA,
13 the witness hereinbefore named, being first duly
14 cautioned and sworn to testify the truth, the whole
15 truth, and nothing but the truth, testified under oath
16 as follows:
17 DIRECT EXAMINATION
18 BY MR. McDONALD:
19 Q. Good morning. Could you please state your
20 name for the record.
21 A. My name is Florence Puana.
22 Q. Mrs. Puana, thank you for being with us and
23 for taking the time to be with us today.
24 A. You're welcome.
25 Q. I'm Colin McDonald, an Assistant United States
00009:01 Attorney, and I'll begin the questioning today, and
02 then once I'm finished with my questions, then the
03 defense counsel will be able to have a chance to ask
04 you some questions. Do you understand that?
05 A. Yes, I do.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

06 Q. Do you understand that you're here today to
07 give testimony in the case of the United States versus
08 Kealoha?
09 A. Yes, I am.

2. PAGE 10:19 TO 17:09 (RUNNING 00:07:47.361)

19 Q. Okay. How are you feeling today?
20 A. A little nervous.
21 Q. Sure. Are you -- are you on any medications
22 currently?
23 A. Just -- I am, but not anything that's -- it's
24 over the counter.
25 Q. Okay. Do they affect your ability to remember
00011:01 events at all in any way?
02 A. No, nothing at all.
03 Q. Okay. Do you have any questions for me about
04 the deposition process?
05 A. No. I'll just ask your -- answer your
06 questions.
07 Q. Thank you.
08 Is there any reason why you can't give your
09 best and most accurate testimony today?
10 A. I don't -- I don't think so.
11 Q. Okay. So let's start with some background.
12 Let's talk a little bit about you, Mrs. Puana, okay?
13 A. Yes.
14 Q. All right. What is your date of birth?
15 A. My -- I was born on August 24th, 1919.
16 Q. And where did you grow up?
17 A. In Makawao, Maui.
18 Q. Where did you attend school?
19 A. Makawao public school.
20 Q. And how far did you go in school there?
21 A. To the 8th grade.
22 Q. Did you have any more formal education after
23 the 8th grade?
24 A. No, I taught myself.
25 Q. How did you go about doing that?
00012:01 A. My teacher gave me the 9th grade books, and I
02 taught myself with the help of my sisters.
03 Q. Now at some point did you get married?
04 A. Yes, I did.
05 Q. What year did you get married?
06 A. April 23rd, 1938.
07 Q. And what was your husband's name?
08 A. My husband's name was John Kenalio Puana, Jr.
09 Q. And, Mrs. Puana, where do you currently live
10 right now?
11 A. 1015 Aoloa Place, Apartment 224, Kailua,
12 Hawaii.
13 Q. In Kailua?
14 A. In Kailua.
15 Q. I see, okay. And that's on Oahu? Is that on
16 Oahu?
17 A. It's in Oahu.
18 Q. Got it. When did you move from Maui to Oahu?
19 A. On June -- on 1941.
20 Q. Mrs. Puana, do you have any children?
21 A. Yes, I do.
22 Q. How many?
23 A. I have nine children, and I lost my firstborn
24 on past January 1918 [sic].
25 Q. I'm very sorry.
00013:01 Is Gerard Puana your youngest?
02 A. Yes, he is.
03 Q. Did you raise all your children at home?

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

04 A. Yes, I did.
05 Q. Was that a full-time job?
06 A. It was, but I enjoyed it.
07 Q. Do you have any grandchildren or
08 great-grandchildren?
09 A. I have great, great, great, great.
10 Q. Three greats?
11 A. Yes.
12 Q. Wow. I'm going to show you what's been marked
13 as Government's Exhibit 1-15.
14 (Government Exhibit 1-15 offered.)
15 BY MR. McDONALD:
16 Q. Do you recognize the people in that
17 photograph?
18 A. Yes, I do.
19 Q. Who are they?
20 A. That -- that is my great-granddaughter Maile
21 Louise and her husband, Bobby Nguyen.
22 Q. Bobby Nguyen?
23 A. Yes.
24 Q. Okay. So these two people were married?
25 A. Yes, they were married.
00014:01 Q. Okay.
02 MR. McDONALD: Government would move to
03 admit Government's Exhibit 1-15 into evidence at this
04 time.
05 (Move to admit Government Exhibit 1-15.)
06 BY MR. McDONALD:
07 Q. Do you know someone named Katherine Kealoha?
08 A. Yes, I do.
09 Q. Who is she?
10 A. She is my granddaughter.
11 Q. Mrs. Puana, I'm showing you what's been marked
12 as Government's Exhibit 1-18.
13 (Government Exhibit 1-18 offered.)
14 BY MR. McDONALD:
15 Q. Do you recognize the people in this
16 photograph?
17 A. That is my granddaughter Kathy Kealoha and her
18 husband, Police Chief Louie Kealoha.
19 MR. McDONALD: At this time the
20 Government moves for the admission of Government's
21 Exhibit 1-18.
22 MR. BARBEE: Objection. Rule 403. If
23 you're going to do an identification, there's better
24 ways to do it today, reflecting who's present in the
25 room.
00015:01 MR. McDONALD: Your objection is noted.
02 I would just note if there could be, please, no
03 speaking objections during today's deposition.
04 MR. BARBEE: Rule 403, prejudice
05 outweighs probative value.
06 MR. McDONALD: Thank you. The objection
07 is noted.
08 (Move to admit Government Exhibit 1-18.)
09 BY MR. McDONALD:
10 Q. Mrs. Puana, what did Louie Kealoha do for
11 work?
12 A. He is the police chief.
13 Q. And --
14 A. He was the police chief.
15 Q. And what did Katherine do for work?
16 A. She was -- she was my attorney.
17 Q. Okay. Did she work as an attorney for other
18 people as well?
19 A. Yes, she did.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

20 Q. Did Katherine go to school to be an attorney?
21 A. Yes, she did. She went to --
22 Q. Let me ask you this --
23 A. -- Chaminade.
24 Q. To Chaminade, okay.
25 Now, did you have a close relationship with
00016:01 Katherine as she was growing up?
02 A. Yes, I did.
03 Q. How would you describe your relationship?
04 A. She was a loving, loving gentle person. And I
05 trusted her.
06 Q. Mrs. Puana, after your children were raised,
07 did you work outside of the home?
08 A. Yes, I did.
09 Q. Where did you work?
10 A. I worked at Maunalani Hospital, and then I
11 worked at Star of the Sea church for 30 -- 32 years.
12 Q. And when did you stop working there?
13 A. I was 38.
14 Q. You worked there for 32 years?
15 A. Yes, I worked for 32 years.
16 Q. Okay. I'd like to talk to you now about your
17 family home on Nioi Place, okay?
18 A. Yes.
19 Q. Okay. Did you and your family live in a home
20 on Nioi Place?
21 A. Yes, 3934 Nioi Place.
22 Q. When, approximately, did you move to that
23 house?
24 A. In -- it's been so long. I think it was in
25 19 -- really, I can't remember right now.
00017:01 Q. Did you live in that home for a long time?
02 A. Yes, I did.
03 Q. Did you raise your children in that home?
04 A. Yes.
05 Q. Okay.
06 A. Not -- not all of them, but when I brought my
07 son, Mathias Kanoa from the hospital, I brought him to
08 my home, and he is like -- I'd say he's -- I can't
09 remember his...

3. PAGE 17:15 TO 21:07 (RUNNING 00:05:39.760)

15 BY MR. McDONALD:
16 Q. Who built your Nioi Place home?
17 A. My husband, who was -- he was a master plumber
18 and his associates. He worked with Teruya Electric
19 and Jack Akimoto, who was the construction. So all
20 three of them worked in my home, and they worked in
21 other homes for Joe Powell and other people.
22 Q. Okay.
23 A. Those are the ones that built my home.
24 Q. Okay, thank you.
25 Do you still live in that home?
00018:01 A. No, I don't.
02 Q. Why not?
03 A. Because I lost my home through the reverse
04 mortgage, and I moved because I decided that -- when I
05 finally got the bills, they were outrageous and I said
06 I wanted to sell my home and I did.
07 Q. So you mentioned a reverse mortgage. So let's
08 talk about that some, okay?
09 A. Okay.
10 Q. In October of 2009, around there, did you get
11 a reverse mortgage on your Nioi Place home?
12 A. Yes, I did.
13 Q. What is your understanding of how a reverse

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

14 mortgage works?
15 A. Well, I had a call from someone in the
16 mainland, and they told me that I could live there as
17 long as I live, and that's about all that I really
18 understood. There was no one to talk to me about it
19 and how to go about it.
20 Q. Now, did you -- did you come up with the idea
21 of getting the reverse mortgage?
22 A. Yes, I did.
23 Q. Was it your idea or was it someone else's
24 idea?
25 A. No, it was mine because I wanted -- I wanted
00019:01 to get it for my son Gerard because he helped me a lot
02 after my husband died, and -- and he really loved that
03 home because his son was born in that home, so...
04 Q. So the purpose of getting the reverse mortgage
05 was to help Gerard purchase a home for himself?
06 A. And Katherine told me that she could help me
07 to help Gerard get the condominium if I would get her
08 the amount of money and she would pay off the reverse
09 mortgage and she would take care of her bills and
10 refinance her home, but she promised me she paid off
11 the -- she would pay off the reverse mortgage.
12 Q. Okay. So I want to take that maybe one step
13 at a time, okay?
14 A. Okay.
15 Q. So who came to you with the idea of the
16 reverse mortgage?
17 A. Katherine did.
18 Q. Okay. And is that Katherine Kealoha?
19 A. Yes.
20 Q. Okay. Now, when she came to you with the idea
21 of the reverse mortgage, did you know what a reverse
22 mortgage was at that point in time?
23 A. No, I did not.
24 Q. What did she say to you about a reverse
25 mortgage?
00020:01 A. She said that, what I said, she would -- if I
02 would get her the money, she would get the money that
03 she needed for the reverse mortgage and to refinance
04 her home and pay off her bills, that she could do that
05 by helping me to get Gerard the apartment -- the
06 reverse -- the apartment.
07 Q. Okay. And did that plan make sense to you?
08 A. Well, it did at first because she promised
09 that she would help me and I -- I believed her. And I
10 said, okay, because my son Gerard would not sign the
11 paper because he had eight siblings and he thought it
12 was not -- wasn't fair for him to sign that paper.
13 So it took me some time and -- and finally I
14 decided I wanted to help him, because he was the one
15 that really helped me a lot after my husband died, and
16 so I did that. I signed the paper.
17 Q. Okay. Did Katherine Kealoha tell you how the
18 reverse mortgage would be paid off?
19 A. She said she would pay off the reverse
20 mortgage and then Gerard would pay her monthly for the
21 remaining.
22 Q. Okay. And did Katherine Kealoha say how long
23 it would take for her to pay off the mortgage?
24 A. She said it would take three months, not more
25 than six months.
00021:01 Q. Did you believe her?
02 A. Yes, I did.
03 Q. Why did you believe her?
04 A. Because I did not know anything about the

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

05 reverse mortgage or how it worked.
06 Q. Was she also your granddaughter?
07 A. Yes, she was.

4. PAGE 21:16 TO 25:22 (RUNNING 00:05:14.153)

16 Mrs. Puana, if you knew that the reverse
17 mortgage was not going to be paid off in three to six
18 months, would you have agreed to sign the reverse
19 mortgage?
20 A. No, I would not.
21 Q. Why not?
22 A. Because I wouldn't know how -- how it worked.
23 At the beginning I heard that someone called from
24 mainland and they talked to me and they told me all of
25 these things about reverse mortgage, and I was so
00022:01 confused. And so finally I said I would trust my
02 granddaughter and sign it.
03 Q. Who did you -- who were you relying on to give
04 you confidence to say yes to the reverse mortgage?
05 A. Katherine, because she -- she said she knew
06 how it worked, and I only -- she said to trust her.
07 She said, "Grandma, don't worry," she said, "I'm the
08 attorney and I'll -- and you can trust me."
09 Q. You mentioned that Katherine said that she was
10 your attorney; is that right?
11 A. Well, when she became my attorney.
12 Q. Okay. So let's talk about that.
13 A. Okay.
14 Q. During the process of getting the reverse
15 mortgage, did Katherine Kealoha become your attorney?
16 A. Well, she brought me this paper, and she said,
17 "I wanted -- I want you to sign this paper and have it
18 checked -- have it notarized," and she said, "Then I
19 can be your attorney and I can take care of the
20 reverse mortgage."
21 Q. I'm showing you, Mrs. Puana, what's marked as
22 Government's Exhibit 1-1.
23 (Government Exhibit 1-1 offered.)
24 BY MR. McDONALD:
25 Q. Is this that document that Katherine gave to
00023:01 you to be your attorney?
02 A. The durable power of attorney, that's the one.
03 Q. This is that document?
04 A. Yes, it is.
05 Q. And did you sign this document on the final
06 page?
07 A. Yes, that's my signature.
08 Q. Okay.
09 MR. McDONALD: The Government moves to
10 admit Government's Exhibit 1-1 at this time.
11 (Move to admit Government Exhibit 1-1.)
12 THE WITNESS: 1-1.
13 BY MR. McDONALD:
14 Q. On what date, Mrs. Puana, on what date did you
15 sign this document? I believe it's right above your
16 signature on the third page.
17 A. On 7th day of January 19th --
18 Q. And then the date spills into the next line on
19 the left. Is that 2009? Right here. 2009?
20 A. Yes.
21 Q. Thank you.
22 So what was the purpose of this document?
23 A. That was for her to be my attorney and to have
24 the reverse mortgage. I signed for the reverse
25 mortgage.
00024:01 Q. Okay, thank you.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

02 I'm showing you what's marked as Government's
03 Exhibit 1-2.

(Government Exhibit 1-2 offered.)

04 BY MR. McDONALD:

05 Q. Does this have -- is this titled the "Second
06 Amendment of the Florence M. Puana Trust"? Is that
07 the title of this document?

08 A. Yes.

09 Q. Okay. And you -- your signature is on the
10 second page of this document?

11 A. Yes, it is.

12 Q. Okay.

13 MR. McDONALD: The United States moves to
14 admit Government's Exhibit 1-2 at this time.

(Move to admit Government Exhibit 1-2.)

15 BY MR. McDONALD:

16 Q. Mrs. Puana, I'd like to talk to you now about
17 your bank, okay?

18 A. Yes.

19 Q. What bank do you use?

20 A. Honolulu Federal Credit Union.

21 Q. Did you use Bank of Hawaii as your personal
22 bank account?

23 A. No, I did not.

00025:01 Q. During the course of getting the reverse
02 mortgage, did Katherine Kealoha ask you to open a
03 joint bank account?

04 A. No, she didn't. She gave me this paper, and I
05 said, "Now, Kathy, what am I signing this paper for?"

06 And she said, "Grandma, I told you to trust
07 me." She said, "This is for the reverse mortgage."
08 So I signed it.

09 Q. Showing you what's marked as Government's
10 Exhibit 1-3.

(Government Exhibit 1-3 marked.)

11 BY MR. McDONALD:

12 Q. Is this the paper that Katherine asked you to
13 sign and that you signed?

14 A. Yes.

15 Q. And is your signature there in the middle of
16 this page?

17 A. Yes, it is.

18 Q. Okay.

19 MR. McDONALD: The Government moves to
20 admit Government's Exhibit 1-3.

(Move to admit Government Exhibit 1-3.)

5. PAGE 26:04 TO 27:19 (RUNNING 00:02:18.745)

04 Q. What, if anything, did Katherine tell you
05 about this document?

06 A. She said that if I sign that paper, that it
07 would be for the reverse mortgage.

08 Q. Okay.

09 A. So that's the reason why I signed it.

10 Q. Did you understand that this was opening a
11 joint bank account?

12 A. No, I did not.

13 Q. Did you have your own personal bank account at
14 the time when this was signed?

15 A. Yes, I did.

16 Q. Was there any reason why you couldn't use your
17 own personal bank account?

18 A. Well, I -- I didn't know how it worked, so I
19 just trusted her and she said to trust her, so that's
20 why I signed those papers.

21 Q. Did Katherine ever give you any documentation

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

22 about any bank account?
23 A. No, she did not.
24 Q. Let's talk now about the reverse mortgage
25 finalizing, okay?
00027:01 A. Yes.
02 Q. So in October of 2009 did the reverse mortgage
03 finalize?
04 A. It was at the Central Pacific Bank, I think.
05 We went to Central Pacific loan bank and we had it
06 finalized. And --
07 Q. And how much money, approximately, did you get
08 from the reverse mortgage?
09 A. I did not get any money.
10 Q. So you didn't ever see any of that money?
11 A. No, I did not.
12 Q. Okay. Did you obtain some money to then help
13 Gerard purchase the condo?
14 A. I didn't get any money because she kept
15 telling me that the -- she said the home, she paid for
16 the home, she paid for the reverse mortgage, and she
17 would have the rest of the money for -- to refinance
18 her home, and then Gerard and her would work out where
19 Gerard would pay her monthly.

6. PAGE 28:04 TO 31:12 (RUNNING 00:05:36.024)

04 Q. Okay. How much was the reverse mortgage?
05 A. It was five -- I know it was five -- if I
06 remember, five, seven, six. I remember those numbers,
07 five, seven, six.
08 Q. Was that 576,000?
09 A. Yeah, I remember those -- that amount.
10 Q. Can you not quite remember, Florence?
11 A. Not -- not exactly.
12 Q. That's okay.
13 A. But I do remember the five, seven, six.
14 Q. Okay.
15 A. I really didn't know.
16 Q. Would seeing the declaration that you have
17 previously signed, would that help refresh your memory
18 as to the amount from the reverse mortgage?
19 A. Yes, I think.
20 Q. Okay. I'm showing you what's been marked as
21 Government's Exhibit 1-16 marked for identification as
22 just 1 -- 1-16.
23 (Government Exhibit 1-16 offered.)
24 BY MR. McDONALD:
25 Q. And I'll direct your attention to paragraph 7,
00029:01 paragraph 7 of this document, go ahead and please read
02 that and then when your memory is refreshed as to the
03 amount, Mrs. Puana?
04 A. In October of 2000 --
05 MS. KAGIWADA: Objection.
06 Q. So Missus --
07 MS. KAGIWADA: Witness is reading.
08 MR. McDONALD: Thank you.
09 BY MR. McDONALD:
10 Q. Mrs. Puana --
11 A. Yes.
12 Q. -- please read it, and then once you're done
13 reading it, then look up, back up at me --
14 A. Uh-huh.
15 Q. -- and then if your memory is refreshed, then
16 you can tell me how much the reverse mortgage was --
17 A. Okay.
18 Q. -- please, okay.
19 A. Okay. Where is that now? 7, in October... 5

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

20 hundred -- 5 hundred 34 thousand five -- no.
21 \$534,596.01.
22 Q. Okay. So Mrs. Puana, does that -- does
23 reading your declaration, does that refresh your
24 memory?
25 A. Yes.
00030:01 Q. And so how much was the reverse mortgage?
02 A. 537,000 and 50 --
03 Q. The cents are okay. That's okay. Thank you.
04 Was Gerard able to purchase the condo?
05 A. Well, he finally did and he kept -- he moved
06 into that apartment.
07 Q. Okay.
08 A. He lived with me for a while and then he
09 finally went to the apartment because the people
10 wanted to move out, so he went there and he was paying
11 the money.
12 Q. To who?
13 A. She --
14 Q. To who?
15 A. To the owner of the -- the home.
16 Q. Okay. Where did the rest of the money from
17 the reverse mortgage go?
18 A. I don't know. It just came. When I finally
19 got -- finally got my mail, I finally got my mail,
20 came to my home, and when I saw all the interest that
21 they paid every month, I decided to sell my home,
22 because I wasn't getting my mail.
23 Q. So after -- after the reverse mortgage
24 finalized --
25 A. Yes.
00031:01 Q. -- and Gerard got his condo, at that point in
02 time what was your understanding for how the reverse
03 mortgage was going to be paid off?
04 A. I thought she would help Gerard, as she
05 promised.
06 Q. And who is "she"?
07 A. Katherine.
08 Q. And was she -- she had told you that she was
09 going to pay off the reverse mortgage?
10 A. She said she would pay off and we kept calling
11 her and there was no way to get ahold of her. I tried
12 and tried.

7. PAGE 31:20 TO 64:10 (RUNNING 00:49:38.267)

20 Q. Let me rephrase the question, Mrs. Puana.
21 Did you receive statements from MetLife?
22 A. Yes.
23 Q. Okay. And what did those statements say?
24 A. "This is not a bill."
25 Q. Okay. I'm showing you what's marked as
00032:01 Government's Exhibit 1-19.
02 (Government Exhibit 1-19 offered.)
03 BY MR. McDONALD:
04 Q. Are these the statements from MetLife?
05 A. Well, I finally got it. And when I got that,
06 when I got that, that's when I decided to sell my
07 home.
08 Q. So, Mrs. Puana, this -- is this the reverse
09 mortgage statements that you got from -- from MetLife
10 after the reverse mortgage closed?
11 A. Yes.
12 Q. Okay.
13 MR. McDONALD: Government moves to admit
14 Government's Exhibit 1-19 at this time.
15 (Move to admit Government Exhibit 1-19.)

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

16 MR. BARBEE: Actually, clarification,
17 Counsel. That's the exhibit that came in yesterday in
18 the email?
19 MR. McDONALD: Correct.
20 BY MR. McDONALD:
21 Q. Mrs. Puana, directing your attention to the
22 bottom of the page --
23 A. Yes.
24 Q. -- where it talks about the balance of the
25 loan, okay? Was the balance on the loan going up or
00033:01 down?
02 A. Up. It's going way up.
03 Q. Now, after receiving these statements, did you
04 seek to confirm with Katherine Kealoha that she was
05 paying off the reverse mortgage?
06 A. I couldn't get ahold of her.
07 Q. Okay. Did you ever have any conversations
08 with her about paying off the reverse mortgage?
09 A. Yes, I did, but she kept telling me it was --
10 she came to my home, finally came to my home after I
11 tried and tried to get ahold of her, and she finally
12 came to her home. And there was my daughter Carolyn
13 and my son Gerard and I, we were there, and she came.
14 We said, "Now, Katherine, did you pay off the
15 reverse mortgage?"
16 And she was angry and said, "I told you guys
17 that the reverse mortgage is paid off." But she got
18 the mail going to her.
19 Q. You said that Katherine Kealoha was angry?
20 A. Yes, because we kept asking her the same
21 question.
22 Q. And what was her -- and what was the question
23 that you kept asking her?
24 A. If the reverse mortgage was paid off.
25 Q. And what was her answer to that question?
00034:01 A. She always said, "Yes, it is paid off."
02 Q. Did you believe her?
03 A. Well, I believed her, but I didn't have any
04 proof.
05 Q. Now, you mentioned that she had the mail
06 changed; is that right?
07 A. Yes. Yes.
08 Q. So at some point did you stop receiving those
09 MetLife statements in the mail?
10 A. Yes.
11 Q. I'm showing you what's marked as Government's
12 Exhibit 1-5.
13 (Government Exhibit 1-5 offered.)
14 BY MR. McDONALD:
15 Q. Do you see your name at the top of this
16 document?
17 A. Yes, it's printed.
18 Q. Okay. And is this a communication from
19 MetLife?
20 A. Yes.
21 Q. And what's the title of this document?
22 Please, take your time.
23 A. It's annual -- it's annual company
24 corporation.
25 Q. Is it annual occupancy certificate?
00035:01 A. Yes.
02 Q. Okay. And this document you signed? Towards
03 the bottom of the page, do you see your signature
04 there?
05 A. Yes.
06 MR. McDONALD: Government moves to admit

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

07 Government's Exhibit 1-5 at this time.
08 (Move to admit Government Exhibit 1-5.)
09 BY MR. McDONALD:
10 Q. Mrs. Puana, do you see some print handwriting
11 at the top of this document?
12 A. Yes.
13 Q. What does that print handwriting say?
14 A. It says mailing -- mailing address at 4348 --
15 MS. KAGIWADA: Objection. Witness is
16 reading.
17 THE WITNESS: -- Waiialae Avenue.
18 BY MR. McDONALD:
19 Q. Is that your address?
20 A. No, it's not.
21 Q. Have you ever been to that address?
22 A. No.
23 Q. Do you recognize that address?
24 A. Well, she -- I don't -- because she didn't
25 live there, but she probably had her mail going there.
00036:01 Q. Who -- who do you mean when you say "she"?
02 A. Katherine.
03 Q. That handwritten print, is that your print?
04 A. No, it's not.
05 Q. Do you know who that -- whose print that is?
06 A. I've never seen her print, so I can't say
07 whose print it is. I've never seen her print.
08 Q. In October of 2010, were you able to get mail
09 at your house at 3934 Nioi?
10 A. No.
11 Q. Well, just any mail, were you getting any mail
12 at your house? Did you have a mailbox at the house?
13 A. Yes, I did.
14 Q. And were you receiving other mail at your Nioi
15 Place home?
16 A. Yes.
17 Q. Okay. Is there any reason why you would need
18 a different mailing address in October of 2010?
19 A. Well, she told me that my daughter was taking
20 my mail.
21 Q. Who -- who told you that?
22 A. Katherine Kealoha said that my daughter
23 Carolyn was taking my mail.
24 Q. Was that true?
25 A. So -- why should she? She had no reason.
00037:01 Q. At the bottom of this page, it indicates that
02 Katherine Kealoha was given permission to discuss your
03 account with MetLife. Whose idea was it to give
04 Katherine Kealoha permission to discuss your account
05 with MetLife?
06 A. Not mine.
07 Q. Did Katherine Kealoha also talk to you about
08 opening a P.O. Box?
09 A. She did.
10 Q. How did that come about?
11 A. She invited my son Gerard and I to go to
12 Assaggio's to have lunch, and then she took me over to
13 UPS Store and had -- and she took my Foodland card and
14 my -- Foodland card and my driver's license and gave
15 it to them. And she told me to sign this papers
16 that -- that the -- her mail -- my mail would go to
17 her box, because on her way home from work she would
18 pick it up and that would be easier to get my -- so
19 she can work on my papers.
20 Q. I'm showing you Government's Exhibit 1-7.
21 (Government Exhibit 1-7 marked.)
22 BY MR. McDONALD:

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

23 Q. Is this the paper that Katherine had you sign?
24 A. Where is that? Yes, that's my signature.
25 Q. And this is the document to open the P.O. Box
00038:01 with UPS; is that right?
02 A. Yes, that is.
03 MR. McDONALD: The Government moves to
04 admit Government's Exhibit 1-7 at this time.
05 (Move to admit Government Exhibit 1-7.)
06 MR. BARBEE: Voir dire, please.
07 MR. McDONALD: We're not going to engage
08 in voir dire at this time.
09 This document is also accompanied by a
10 certificate of authenticity from the UPS Store that's
11 marked as Exhibit 1-7A.
12 BY MR. McDONALD:
13 Q. Mrs. Puana, directing your attention to the
14 Box 7A, do you see some print handwriting in those
15 boxes?
16 A. Yes, I see it.
17 Q. Is that your handwriting?
18 A. No.
19 Q. Was this paper given to you by Katherine?
20 A. No, she didn't give me any papers after that.
21 Q. But --
22 A. All her mail -- all my mail went to her box.
23 Q. Okay. Do you know whose print handwriting
24 that is on this piece of paper?
25 A. I wouldn't know, because I have never seen her
00039:01 print.
02 Q. Okay. There's a phone number that's listed on
03 Government's Exhibit 1-7, and it's (808) 739-2121. Is
04 that your phone number?
05 A. No. My number is 732-5477.
06 Q. And directing your attention to Box 3A on this
07 document. It says: "Address to be used for
08 delivery," towards the top of the document there, and
09 it says, 43 --
10 MS. KAGIWADA: Objection. Counsel is
11 testifying for the witness.
12 BY MR. McDONALD:
13 Q. Florence, I'll read what's written there and
14 you tell me if it's accurate, okay?
15 A. Yes.
16 Q. Okay. In Box 3A on this document it says:
17 "4348 Waiialae Avenue, Number 829." Did I read that
18 right?
19 A. Yes. I don't --
20 Q. Did you ever pick up mail from that place?
21 A. No.
22 Q. Did you have a key to pick up mail from that
23 place?
24 A. No.
25 Q. If you wanted to pick up mail from that place,
00040:01 would you know how to do it?
02 A. No.
03 Q. So were you receiving any more statements in
04 your mailbox at 3934 Nioi?
05 A. No.
06 Q. Mrs. Puana, did you later learn that the
07 reverse mortgage had not been paid off?
08 A. Yes, I got a letter. I got a letter to my
09 home stating that all that -- the -- the money I paid
10 and all the interest I had to pay, and that's when I
11 decided to sell my home, because I was not going to
12 lose my home because it wasn't my fault, because I
13 didn't have any mail until I got that where they

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

14 changed to Deval.
15 Q. So you mentioned Deval?
16 A. Yes.
17 Q. Okay. I'm showing you what's marked as
18 Government's Exhibit 1-8.
19 (Government Exhibit 1-8 offered.)
20 BY MR. McDONALD:
21 Q. Is this the letter that you got from Deval?
22 A. Yes, I finally got that letter at my address.
23 MR. McDONALD: United States moves to
24 admit Government's Exhibit 1-8.
25 (Move to admit Government Exhibit 1-8.)
00041:01 BY MR. McDONALD:
02 Q. What is -- who is this letter addressed to?
03 A. Mortgagor --
04 Q. Does it --
05 A. -- mortgagor.
06 Q. Does it say "Dear Mortgagor"?
07 A. Yes, and that was to me. And I -- I decided I
08 have a mortgage on the home.
09 Q. What is the date on this letter. It's at the
10 very top of the document.
11 A. February -- February 23rd, 2011.
12 Q. Is that an 11 or a 12?
13 A. A 12.
14 Q. It's a little hard to see, is it?
15 A. Yeah.
16 Q. Did this letter cause you concern?
17 A. Yes.
18 Q. Why was that?
19 A. Because I know -- I know that if I wouldn't do
20 something about it, that I would lose my home, and
21 rather than losing my home, I decided to sell it.
22 Q. After receiving this letter in February of
23 2012, did you try to contact your granddaughter
24 Katherine Kealoha about your mortgage?
25 A. I could never get ahold of her, and I called
00042:01 my -- her mother and I told her mother I was very
02 concerned. And she said, "Why are you concerned?"
03 And I said, "I need this money because I
04 promised my husband that in time, after I'm gone, I
05 was going to sell the house and split the money among
06 my children."
07 And she said, "Do not call here anymore
08 because Kathy -- Kathy is very busy."
09 So that's the response I got.
10 Q. How many times did you try to call Katherine
11 Kealoha?
12 A. So many times. I called her and all I could
13 hear is the strumming of an ukulele.
14 Q. That's what you would hear as the ring tone?
15 A. Yes. I tried so, and I was so afraid that
16 some -- something was going on, and I -- I had no
17 choice, so I decided to sell my home.
18 Q. After not being able to reach Katherine
19 Kealoha on the phone, did you ultimately decide to
20 write her a letter?
21 A. Yes, I did. I had my daughter, I asked my
22 daughter Kehaulani to write it for me and I would tell
23 her what to write and she wrote the letter for me.
24 Q. Where was your daughter when she was writing
25 this letter?
00043:01 A. At my home.
02 Q. Okay. Were you guys in the same room?
03 A. Yes.
04 Q. How far apart were you from each other?

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

05 A. Where you are now and I am there.
06 Q. Okay. So for the record, that's approximately
07 three feet.
08 Mrs. Puana, I'm showing you what's marked as
09 Government's Exhibit 1-9.
10 (Government Exhibit 1-9 offered.)
11 BY MR. McDONALD:
12 Q. Is this the letter that you sent to Katherine
13 Kealoha?
14 A. Yes.
15 Q. And is that your signature at the bottom of
16 the letter?
17 A. Yes, it is.
18 MR. McDONALD: Government moves to admit
19 Exhibit 1-9 at this time.
20 (Move to admit Government Exhibit 1-9.)
21 MR. BARBEE: Objection. Request voir
22 dire.
23 MR. McDONALD: There will be no voir dire
24 during the direct examination of this witness. You
25 can ask questions on cross-examination.
00044:01 MS. KAGIWADA: Objection. I believe that
02 the Rules of Federal Civil Procedure apply to this
03 deposition and we should be allowed to voir dire the
04 witness.
05 MR. McDONALD: The objection is noted for
06 the record.
07 BY MR. McDONALD:
08 Q. Why did you write Katherine a letter?
09 A. Because I wanted her -- I wrote her this
10 letter and tell her that I would like to talk to her,
11 and, you know, talk and ask her why she did this to
12 me. And I said, "Why don't you come and we can talk
13 it over," and maybe she can change her mind about
14 certain things.
15 And that -- I had that letter, I received that
16 letter, it wasn't a letter, it was -- I don't know how
17 many pages she wrote of it.
18 Q. So I'll ask you about that in -- in one
19 minute.
20 Mrs. Puana, the final paragraph of this letter
21 that you wrote to Katherine, you tell me if I'm
22 reading this right. It says: "I am still willing to
23 work this out with you."
24 Did I read that right?
25 A. Yes.
00045:01 Q. And was that true?
02 A. Yes, that's what I wrote to her and said.
03 Q. Now, when this letter was drafted --
04 A. Uh-huh.
05 Q. -- by your daughter, did you have any
06 documentation about what had happened?
07 A. Well, because I found out that the mortgage
08 wasn't paid and I was owing my home, that money, I
09 wanted to talk to her about it and see if we could get
10 something straightened and we could, you know, do
11 something about it.
12 Q. And at --
13 A. So that's why I wrote that letter.
14 Q. And at this point in time, did you know what
15 had happened to the rest of your money from the
16 reverse mortgage?
17 A. No, I did not.
18 Q. Did you know exactly how much money?
19 A. When I got the letter from Deval.
20 Q. Okay.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

21 A. Then I decided that was too much, I couldn't
22 do anything about it.
23 Q. Okay. After you sent this letter to
24 Katherine, did Katherine write you a letter back?
25 A. Yes.
00046:01 Q. And how would you describe that letter?
02 A. An angry letter I would say.
03 Q. Why do you call it "an angry letter"?
04 A. Because everything she wrote in there, she
05 said she never, never cared for us. She wasn't our
06 favorite people and I took a lot of money from her.
07 And it was like 16 pages of it, I think.
08 Q. How did you feel when you got that letter?
09 A. Very depressed, thinking that she told me that
10 she -- to trust her, that she would help me out.
11 Q. Mrs. Puana, I'm showing you what's marked as
12 Government's Exhibit 1-10.
13 (Government Exhibit 1-10 offered.)
14 BY MR. McDONALD:
15 Q. Is this the letter response that you got back
16 from Katherine Kealoha?
17 A. Effective April the 9th, 2012, I --
18 Q. So let me ask you this, Mrs. Puana, is this --
19 is this the letter that Katherine sent you back in
20 response to your letter?
21 A. I can hardly see this.
22 Q. It's a little hard to see?
23 A. Yeah, it's very hard.
24 Q. See the top here? Whose name is at the top of
25 this document?
00047:01 A. Katherine Kealoha.
02 Q. And then is it addressed -- whose name is it
03 addressed to?
04 A. To the -- to me.
05 Q. To you?
06 A. And to my son Gerard.
07 Q. And is there a date on this document?
08 A. September 15th, 2012.
09 Q. And is there a title on this document? What's
10 the title of this document?
11 A. Sent certificate.
12 Q. So just below your name and address, it said
13 there -- it says: "Response to the letter dated
14 September 10, 2012."
15 Did I read that right?
16 A. Yes.
17 Q. Okay. So is this -- is this the letter that
18 Katherine sent to you in response?
19 A. Yes.
20 MR. McDONALD: Government moves to admit
21 Government's Exhibit 1-10 at this time.
22 (Move to admit Government Exhibit 1-10.)
23 BY MR. McDONALD:
24 Q. Mrs. Puana, directing you to paragraph 10 on
25 the second page of this letter, and I'll read it and
00048:01 you tell me if I read it correctly.
02 A. Okay.
03 Q. Katherine said: "I have never, will never or
04 would never borrow, take" --
05 A. Yeah.
06 Q. -- "or even request to borrow any money from
07 Florence Puana."
08 Did I read that right?
09 A. Yes.
10 Q. Was that statement true or false?
11 A. False. Absolutely false.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

12 Q. And directing your attention to paragraph 17,
13 which appears on page 3 of this exhibit. In the
14 middle of that paragraph it says this: "I will seek
15 the highest form of legal retribution against anyone
16 and everyone who has written or verbally uttered these
17 lies about me."
18 Do you see that there?
19 A. Yes.
20 Q. Had you said lies about Katherine?
21 A. No, never. I trusted her.
22 Q. What did you understand Katherine to mean when
23 she said she would seek the highest form of legal
24 retribution against you?
25 A. I don't know. I could never say that because
00049:01 one never knows how she works.
02 Q. Are you an attorney?
03 A. No, I am not. I wish I was.
04 Q. Is Katherine an attorney?
05 A. Yes, she is.
06 Q. The last sentence in paragraph 17, Mrs. Puana,
07 Katherine said this: "They will rue the day that they
08 decided to state these twisted lies."
09 Did I read that right?
10 A. Yes. That's --
11 Q. What --
12 A. -- exactly what she wrote.
13 Q. What did you understand her to mean when she
14 said that you would rue the day?
15 A. Well, in other words, she would be smarter and
16 had -- she was smarter, but I would rue the day that
17 she would do anything. She was -- more or less she
18 was trying me out.
19 Q. Mrs. Puana, what did you do next after you got
20 this letter?
21 A. Well, I knew that she wasn't the person that I
22 thought I knew and I respected, so --
23 Q. In what way -- in what way was she not the
24 person that you thought she was?
25 A. Because she wasn't doing the things I asked
00050:01 her to. She said over and over again that the
02 mortgage was paid for, the reverse mortgage was paid
03 for, and it was never fully paid. So the next thing I
04 said, that I fired her as my -- to be my attorney.
05 Q. Did you -- did you take steps to try to
06 figured out -- figure out what happened with your
07 reverse mortgage money?
08 A. Oh, yes, I did. I tried to. And that's when
09 my daughter Kay, what she -- she went on -- on the
10 phone and she finally found out where that -- the
11 address was.
12 Q. Did you know that you had a joint account at
13 the Bank of Hawaii with Katherine Kealoha?
14 A. No, I did not.
15 Q. Did you eventually find that out?
16 A. Yes, I did.
17 Q. Did you go to the Bank of Hawaii to get
18 statements for that joint account?
19 A. Yes, I did.
20 Q. And did you have to pay money to get those
21 statements?
22 A. Yes.
23 Q. How much money, approximately, did you have to
24 pay for those statements?
25 A. \$243, I think it was.
00051:01 Q. Okay. And did you write a check?
02 A. They -- I wanted to write a check, and they

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

03 said they don't accept checks. So my -- my son Gerard
04 had to go to the AP -- ATM and get the money, cash
05 money to pay it.
06 Q. Okay. And so you paid for them?
07 A. Yes.
08 Q. Did you get any bank statements then?
09 A. Yes, I did.
10 Q. Okay. After you got those bank statements,
11 did you learn what happened to your money?
12 A. I did.
13 Q. And what happened to your money?
14 A. She spent it all.
15 Q. Who is "she"?
16 A. Katherine.
17 Q. Katherine Kealoha?
18 A. She spent it all.
19 Q. Mrs. Puana, I'm showing you what's marked as
20 Government's Exhibit 1-13. The first page of this
21 document has previously been admitted as Government's
22 Exhibit 1-3.
23 (Government Exhibit 1-13 offered.)
24 BY MR. McDONALD:
25 Q. Mrs. Puana, are these the bank statements from
00052:01 your joint account with Katherine Kealoha?
02 A. Where does it say that, Katherine? Katherine,
03 there's Katherine's name and my name.
04 Q. So let me ask you this, Mrs. Puana, so your
05 name and Katherine's name are on these statements?
06 A. Yes.
07 Q. Okay.
08 MR. McDONALD: The Government would move
09 to admit Government's Exhibit 1-13, which is also
10 accompanied by a certificate of authenticity from the
11 Bank of Hawaii.
12 (Move to admit Government Exhibit 1-13.)
13 BY MR. McDONALD:
14 Q. Mrs. Puana, did you have a card for this bank
15 account?
16 A. No, I didn't.
17 Q. Did you have a checkbook for --
18 A. No --
19 Q. -- this bank account?
20 A. -- I did not. She told me it was for the
21 reverse mortgage, because I asked her, "Why am I
22 signing this paper?"
23 And she said, "Grandma, trust me. I am your
24 attorney. This is for the reverse mortgage," so I
25 signed it.
00053:01 Q. Did you know how to access money in this
02 account?
03 A. No, I did not.
04 Q. I'm referring now to the statement period
05 December 31st to January 31st, 2009 to 2010. This is
06 the Bates number ending 24 in Government's
07 Exhibit 1-13.
08 Mrs. Puana, there's a purchase reflected on
09 this page of \$23,976.69 at the Sheraton Waikiki. Did
10 you spend over \$23,000 at the Sheraton Waikiki?
11 A. No, I didn't.
12 Q. Do you know who did?
13 A. Katherine did. That was for her husband's
14 breakfast.
15 Q. If Katherine Kealoha had come to you and said,
16 "Grandma, I want to spend \$23,976.69 at the Sheraton
17 Waikiki," would you have let her?
18 A. I wouldn't have because I didn't have that

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

19 kind of money.
20 Q. Turning to the next page, Mrs. Puana, did you
21 make any purchases from this account?
22 A. No, I didn't.
23 Q. If you wanted to make a purchase from this
24 account, would you have been able to?
25 A. I don't think so. I didn't have the card.
00054:01 Q. Have you ever been to Disneyland?
02 A. No.
03 Q. By the time you got these bank statements, was
04 any of your money left?
05 A. Yes, but it was very -- that's why I decided
06 to sell it because I would never -- I would have lost
07 my home and I didn't want the bank to get it.
08 Q. Mrs. Puana, in March 2013 did you file a
09 lawsuit against Katherine Kealoha?
10 A. Yes, I did.
11 Q. And why did you file the lawsuit?
12 A. Because she didn't do her work that she
13 promised. She was not a good attorney for me. She
14 never answered the questions. She knew that I didn't
15 know anything about it.
16 Q. Had she kept her promises for paying off the
17 reverse mortgage?
18 A. No, she hadn't. She did not.
19 Q. I'd like to direct your attention to
20 June 19th, 2013, the day when Katherine Kealoha's
21 deposition was taken. Do you remember that day?
22 A. Yes.
23 Q. Okay. Mrs. Puana, would you like to take a
24 break now and we can restart in a couple minutes?
25 A. No, I think I'm fine.
00055:01 Q. You're fine?
02 A. Yes.
03 Q. Okay. Then we will carry on.
04 A. Yes.
05 Q. So were you present on June 19th, 2013, when
06 Katherine Kealoha's deposition was taken?
07 A. Yes, I was.
08 Q. Did you stay to the end of that deposition?
09 A. No, I did not.
10 Q. Why did you leave early?
11 A. I was very ashamed of myself, what I did, but
12 I turned around to my son and said that she is lying.
13 She was lying. And I shouldn't have done that. So my
14 attorney told me -- Gerard and I to leave.
15 Q. So did you leave?
16 A. Yes, I did.
17 Q. And did anyone go with you?
18 A. My son took me to the lobby.
19 Q. And what happened when you got to the lobby?
20 A. My -- my -- Gerard told -- turned to Bobby and
21 he said, "Bobby, could you stay with Grandma while I
22 go for my car."
23 And I said, "Grandma," and then I realized
24 that that was my great-granddaughter Maile Louise's
25 husband.
00056:01 Q. Directing your attention to Government's
02 Exhibit 1-15, which has been previously admitted.
03 The gentleman in that photograph, is that the
04 person you saw in the lobby?
05 A. Yes.
06 Q. And did you have any conversation with
07 Mr. Nguyen in the lobby?
08 A. Yes, he asked me questions about Gerard, and
09 he asked me -- which I thought was silly.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

10 Q. What questions did he ask you --
11 A. He asked me --
12 Q. -- about Gerard?
13 A. -- where did he park the car?
14 I said, "I don't know."
15 And he asked other -- other questions, and I
16 was -- I was -- I just was hurting and I wanted to go
17 home, and he asked, and then he asked me what kind of
18 car did he drive, and I said, "A white car."
19 Q. Now, when he asked you what kind of car does
20 he drive, who was he referring to?
21 A. My son Gerard.
22 Q. Okay.
23 A. And he was texting someone while he was
24 talking to me.
00057:01 Q. Who -- who was texting while talking to you?
02 A. Bobby.
03 Q. Bobby Nguyen?
04 A. Bobby Nguyen was texting someone while he was
05 asking me these questions.
06 Q. And how long, approximately, were you with
07 Bobby Nguyen in the lobby?
08 A. Not more than 15 minutes, I guess.
09 Q. Okay. How far apart from him were you when he
10 was asking you these questions about Gerard?
11 A. Just about apart, you and I are.
12 Q. So approximately three feet?
13 A. (Nodding head.)
14 Q. Were you seated or sitting -- or standing?
15 A. I was sitting, because I was on the -- my
16 walker, not on the wheelchair, but the walker.
17 Q. Okay. And where was your son Gerard during
18 this time?
19 A. He went to get the car.
20 Q. Did he come back for you?
21 A. Yes, he did.
22 Q. And did Mr. Nguyen help you out to the car?
23 A. No, he didn't.
24 Q. Do you know what Bobby Nguyen's profession is?
25 A. He's a police officer.
00058:01 Q. Was he wearing his police officer uniform?
02 A. No, he was not.
03 Q. Shortly after your conversation with Bobby
04 Nguyen, did you hear anything about a mailbox at the
05 Kealohas' house?
06 A. Yes, I did.
07 Q. What did you hear about a mailbox at their
08 house?
09 A. That they said it was Gerard.
10 Q. And what did they say about Gerard?
11 A. That he stole the mailbox.
12 Q. Have you ever had a chance to look at video --
13 A. Yes, I did.
14 Q. And was that of the mailbox being taken?
15 A. Yes.
16 Q. I'm showing you what's been marked for
17 identification as Government's Exhibits 7-3 and 7-4.
18 (Government Exhibits 7-3 & 7-4 offered.)
19 THE WITNESS: Uh-huh.
20 BY MR. McDONALD:
21 Q. Do you recognize these exhibits?
22 A. Yes, I do.
23 Q. Do you see some initials on these exhibits?
24 A. Yes.
25 Q. Whose initials are those?
A. My initials.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

00059:01 Q. And did you place those initials after
02 watching the videos on these two disks?
03 A. Yes, I did.
04 Q. What generally did you see on those videos?
05 A. Whoever I saw was not my son Gerard.
06 Q. And what did you -- what did -- what did you
07 see --
08 A. I --
09 Q. -- on these videos?
10 A. I saw this guy get out of his car and walk to
11 the mailbox and the mailbox seemed like it was sawed
12 out, because he just picked it up, didn't struggle
13 with it, and he took it to the car.
14 MR. ISAACSON: Counsel, may I ask
15 inquiry, can I -- what exactly -- can I see what
16 you're referring to?
17 MR. McDONALD: Mrs. --
18 MR. ISAACSON: If anybody else wants to
19 see.
20 MS. KAGIWADA: Yes, please.
21 MR. McDONALD: Mrs. Puana --
22 MR. ISAACSON: I just have an inquiry --
23 an objection. Can you give us a representation of
24 what those disks are, could I get that on the record,
25 what they are.
00060:01 BY MR. McDONALD:
02 Q. Mrs. Puana, what did you see on those disks?
03 MR. ISAACSON: I'll just make an
04 objection, because I don't know what's on -- I don't
05 think they've been identified as what those -- is
06 contained on the disk, so I would object to them.
07 MR. McDONALD: Thank you for your
08 objection.
09 BY MR. McDONALD:
10 Q. Mrs. Puana, were there videos on these disks?
11 A. Yes.
12 Q. And did you watch them?
13 A. Yes.
14 Q. And did these videos show someone taking a
15 mailbox?
16 A. Yes.
17 Q. Do you know who that person was taking the
18 mailbox?
19 A. I -- I didn't recognize him, but I know it
20 wasn't my son Gerard, because he has broader shoulders
21 and he didn't walk the way he did.
22 Q. Who is "he" when you say "he"?
23 A. Gerard.
24 Q. How long have you known Gerard?
25 A. As long as -- all my life.
00061:01 Q. Is that all his life?
02 A. Yeah.
03 Q. Okay. And you're familiar with how your son
04 looks?
05 A. Yes.
06 Q. Is there any doubt in your mind as to whether
07 that person in the video is Gerard?
08 A. I know -- I know it's not Gerard.
09 Q. I'd like to talk to you now about a
10 competency --
11 A. Yes.
12 Q. -- proceeding about you, okay?
13 A. Yes.
14 Q. In the middle of your lawsuit against
15 Katherine Kealoha, did Katherine file a lawsuit about
16 you?

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

17 A. Yes, she did.
18 Q. What did she claim about you?
19 A. She said I was incompetent and I am not
20 incompetent.
21 Q. How did you react when you heard that
22 Katherine said that you were incompetent?
23 A. I felt bad. I felt like she didn't trust me
24 or she didn't love me like she did. Why should she
25 say I was incompetent? She know me, she know me for a
00062:01 long time, and I don't think I gave her any indication
02 to think that I was incompetent.
03 Q. Now, in Katherine Kealoha's letter to you,
04 which has been admitted as Government's Exhibit 1-10,
05 Katherine said she would seek the highest form of
06 legal retribution against you. Did you believe that
07 the competency petition was a form of legal
08 retribution against you?
09 A. Should be, otherwise she wouldn't have me go
10 to all these different people.
11 Q. What did you have to do after Katherine
12 Kealoha filed the petition?
13 A. Well, she said I had to have proof, some kind
14 of proof that I was not incompetent.
15 Q. And were you -- did you have to go see a
16 doctor?
17 A. Yes, I did.
18 Q. Who did you see?
19 A. I saw Dr. Blanchette and I saw Mr. Diehl and I
20 saw Dr. Young.
21 Q. And what was the result of that competency
22 petition?
23 A. Everyone said I was -- I was not incompetent,
24 and they wrote letters about what they thought I was,
25 that I was not incompetent.
00063:01 Q. Your lawsuit against Katherine Kealoha, did
02 you win or did you lose that lawsuit?
03 A. I lost it.
04 Q. And what's the current status, if you know, of
05 that lawsuit?
06 A. Well, I don't think they were fair.
07 MS. KAGIWADA: I'm sorry, I could not
08 hear the witness's answer.
09 BY MR. McDONALD:
10 Q. Could you speak up a little bit more,
11 Florence.
12 A. I don't think they were fair.
13 Q. Mrs. Puana, do you still live in your family
14 home on Nioi Place?
15 A. No, I don't.
16 Q. And why is that?
17 A. I moved with my daughter in Kailua.
18 Q. And why did you move?
19 A. I moved because I sold my house.
20 Q. And why did you sell your house?
21 A. Because I lost -- lost it through a mortgage,
22 reverse mortgage.
23 Q. You could have -- could you have chosen to
24 stay in it for the rest of your life?
25 A. Yeah, I could, but I did not want because I
00064:01 promised my husband that after I'm gone, I would sell
02 the house and split it among my nine children.
03 MR. McDONALD: Okay. I have no further
04 questions of this witness at this point.
05 And at this point I would propose a
06 ten-minute break. If the video operator could please
07 state the time for the record.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

08 THE VIDEOGRAPHER: We're off the record
09 at 10:47 a.m.
10 (Recess taken.)

8. PAGE 64:11 TO 70:19 (RUNNING 00:06:40.060)

11 THE VIDEOGRAPHER: We're back on the
12 record at 11:04 a.m.

13 MR. McDONALD: The United States has
14 finished its direct examination of the witness, and
15 then at this point the defense attorneys will now be
16 able to cross-examine the witness. And I believe
17 we're beginning with Mr. Bervar.

18 MR. BERVAR: Birney Bervar on behalf of
19 Derek Hahn.

20 CROSS-EXAMINATION
21 BY MR. BERVAR:

22 Q. Good morning, Ms. Puana. My name is Birney
23 Bervar.

24 A. Yes.

00065:01 Q. I'm the attorney for Derek Hahn, who is
02 sitting right next to me here to my right. You don't
03 know Derek Hahn, do you? Right here, you don't know
04 this man?

05 A. Oh, yeah.

06 Q. You don't know him?

07 A. No.

08 Q. You've never met him?

09 A. No.

10 MR. BERVAR: Thank you. No further
11 questions.

12 CROSS-EXAMINATION
13 BY MR. ISAACSON:

14 Q. My name is Lars Isaacson, Ms. Puana, down
15 here. I represent Gordon Shiraishi, who is one of the
16 defendants in the case.

17 Have you ever met Mr. Shiraishi?

18 A. What did you say?

19 Q. I'm sorry.

20 A. I couldn't hear him.

21 Q. Can you see Mr. Shiraishi okay? Can you see
22 him? I'm sorry --

23 MR. McDONALD: Would you like to approach
24 maybe closer, Mr. Isaacson, to ask a question?

25 MR. ISAACSON: Yes, I'll do that. I'll
00066:01 come up a little closer.

02 BY MR. ISAACSON:

03 Q. I'm going to lean over here a little bit.

04 A. Okay.

05 Q. My name is Lars Isaacson. I'm a lawyer.

06 A. Yeah, oh.

07 Q. And I represent Mr. Shiraishi.

08 A. I see.

09 Q. Who is one of the defendants in the case.

10 A. Okay.

11 Q. You don't know him, do you?

12 A. No, I don't.

13 Q. You've never met him?

14 A. No.

15 Q. You sure of that? Okay.

16 A. I have never met him.

17 MR. ISAACSON: Thank you very much.
18 That's all the questions I have.

19 CROSS-EXAMINATION

20 BY MR. BARBEE:

21 Q. Good morning, Ms. Puana.

A. Good morning.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

22 Q. How are you today?
23 A. I'm doing good.
24 Q. Okay. My name is Russ Barbee. I'm over here
25 in the blue shirt.
00067:01 A. Yes.
02 Q. And I represent Louie Kealoha.
03 A. Yes.
04 Q. Okay.
05 A. Okay.
06 Q. Let me ask you just a couple of brief
07 questions, and I don't mean to insult you, I just want
08 to make sure that you fully know what's going on
09 today, okay?
10 A. Okay.
11 Q. Okay. What is the date today?
12 A. The date is April 31st.
13 Q. What year?
14 A. 2019.
15 Q. Okay. And where are you?
16 A. I'm at the court.
17 Q. Okay. And what city are you in?
18 A. In Oahu.
19 Q. Okay. And I'm going to ask you a few
20 questions about what we talked about this morning
21 already.
22 A. Yes.
23 Q. Okay. So in -- I guess it would have been
24 sometime in 2000 -- 2009 time period, somebody
25 telephoned you and gave you a presentation over the
00068:01 telephone about a reverse mortgage?
02 A. Yes, that's correct.
03 Q. Okay. And based upon that conversation with
04 the salesperson or whoever, you thought or considered
05 that maybe a reverse mortgage would allow you to buy a
06 condo for your son Gerard?
07 A. Yes.
08 Q. Okay. And where were you living at the time
09 that you considered buying this condo for Gerard?
10 A. I was at 3934 Nioi Place.
11 Q. Okay. And did you live alone there or who
12 lived with you?
13 A. My son Gerard.
14 Q. Okay. So it was just you and Gerard living
15 there --
16 A. Yes.
17 Q. -- no other sons or daughters, just Gerard?
18 A. Yes, sir.
19 Q. And your goal after you heard this
20 presentation from the salesperson about the reverse
21 mortgage was to purchase a condominium for Gerard?
22 A. Yes.
23 Q. And the condominium that he was interested in
24 was the one he used to live in earlier in his life,
25 correct?
00069:01 A. Yes.
02 Q. And that was the green -- Greenwood or --
03 A. Greenwood.
04 Q. Okay. Greenwood condominiums?
05 A. Yes.
06 Q. So Gerard used to live there, he lost it, he
07 moved in with you, and you decided to purchase -- or
08 repurchase the same unit that he used to live in.
09 MR. McDONALD: Objection. Vague, facts
10 not in evidence.
11 BY MR. BARBEE:
12 Q. You decided that you would purchase this

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

13 condominium for your son Gerard?
14 A. Yes.
15 Q. And that's the condominium that he wanted you
16 to purchase?
17 A. Yes.
18 Q. Okay. And then at some point it was your idea
19 to meet with your granddaughter Katherine Kealoha to
20 see if she could help you and Gerard purchase the
21 condominium for Gerard?
22 MR. McDONALD: Objection. Misstates the
23 evidence.
24 BY MR. BARBEE:
25 Q. Is that --
00070:01 A. She came to me.
02 Q. How did she know that you were interested in
03 buying a condominium for Gerard?
04 A. Because that was the person that was -- she
05 was in a Realtor, she was a Realtor, my son Gerard's
06 friend was a Realtor, and she told my son that that
07 apartment was for sale and he got so excited, so he
08 said, "Oh, I wish I could get that."
09 And I said, "Well, I'm sorry, we don't have
10 the money."
11 So Katherine Kealoha came to me and said, "I
12 can help you to help Gerard get the -- the apartment
13 he wants."
14 And I said, "How is that?"
15 She said, "Oh, you can have a reverse
16 mortgage." And she said that you can pay the reverse
17 mortgage every month or I can give her money to pay
18 the reverse mortgage, and then Gerard and her will
19 take over the monthly payments.

9. PAGE 71:15 TO 78:15 (RUNNING 00:10:33.102)

15 Initially, with regard to this reverse
16 mortgage business, was it a telephone call from
17 somebody that interest you -- interested you in a
18 reverse mortgage?
19 A. No. Kathy came to me and told me that she
20 could help me to get the -- the condominium for Gerry.
21 And I said, "How can that be?"
22 And she said, "Well, you can -- you can make a
23 reverse mortgage." And she said -- and get me the
24 money and she would pay the reverse mortgage, and the
25 remaining money would go to -- for her upkeep of her
00072:01 house and -- and then the -- the rest of the money,
02 she would -- the rest of the money she would keep for
03 the refinancing her home. But she said the reverse
04 mortgage was paid off. She would pay off the reverse
05 mortgage.
06 Q. Okay.
07 A. And the rest of the money she would use for
08 her home.
09 Q. Okay. I -- I appreciate that, but I'm trying
10 to just ask kind of a more narrow question.
11 In 2009, where did the idea of a reverse
12 mortgage come from first? Was it somebody who called
13 you on the phone or was it Kathy?
14 MR. McDONALD: Objection.
15 THE WITNESS: No.
16 MR. McDONALD: Asked and answered.
17 BY MR. BARBEE:
18 Q. Was it the person on the phone or was it
19 Kathy?
20 A. It was Kathy who came to me, because my son
21 did not want to sign the paper because he felt he had

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

22 eight siblings and he thought it wouldn't be fair for
23 him to sign the paper. So Kathy said if I would have
24 the reverse mortgage, and it took me some time before
25 I decided I would sign the paper. But Kathy came to
00073:01 me and told me she could help Gerard to get the
02 apartment, this apartment.
03 Q. Okay. I have, you know, a bunch of questions
04 I wanted to ask you and they're kind of a little bit
05 more narrow, so it might be faster if you just
06 answer -- try to answer specifically the question that
07 I'm asking.
08 So your son Gerard wanted to get your help in
09 buying the condominium, correct?
10 A. Well, he knew I couldn't do it, because I
11 didn't have that money, that kind of money. So that's
12 why I took some time before I signed the paper, and
13 then Kathy came to me and said she could help me to
14 help Gerard to get the apartment.
15 Q. How did Kathy know that you wanted to buy a
16 condominium for Gerard? How did she know that?
17 A. Because Gerry -- Gerry must have said that
18 that was the apartment that he owned before.
19 Q. Okay.
20 A. But he said he couldn't -- he didn't have the
21 money for it.
22 Q. Okay. You indicated earlier this morning that
23 you had nine children and that one had passed away.
24 A. Yes.
25 Q. So in 2009, in that time frame, you would have
00074:01 had eight living children?
02 A. I still had nine children at that time.
03 Q. In 2009?
04 A. My son -- my son who passed away just last
05 year.
06 Q. I see, okay. I'm sorry for that.
07 And you indicated on your direct testimony
08 that you had promised your deceased husband that when
09 it was time, that you would sell the house and split
10 the proceeds evenly --
11 A. That's right.
12 Q. -- between the siblings?
13 A. That's right. That's why I was -- I was very
14 undecided whether I should sign the paper or not, but
15 it took me some time.
16 Q. But the sibling that you were living with in
17 2009 eventually was the one that was -- the only
18 sibling that had a condominium purchased for him,
19 correct?
20 A. Yes.
21 Q. Okay. And that was Gerard?
22 A. That was Gerard.
23 Q. Okay. With regard to Exhibit -- Government's
24 Exhibit 1-1, Mr. McDonald, thank you.
25 This has been identified as a durable power of
00075:01 attorney, and you looked at that with Mr. McDonald?
02 A. Yes.
03 Q. Okay. And who -- who is Louis Kealoha?
04 A. That is Katherine Kealoha's husband.
05 Q. Okay. And he's not an attorney, is he?
06 A. Pardon?
07 Q. He's not a lawyer?
08 A. He is a -- he is a police chief.
09 Q. Okay. But he's not a lawyer, correct?
10 A. That, I don't know.
11 Q. Okay. Okay, that's fair enough.
12 On that durable power of attorney,

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

13 Exhibit 1-1, he's not listed as one of the people that
14 has your power of attorney, is he? It's just Kathy,
15 correct?
16 A. He's not listed.
17 Q. Okay. Thank you.
18 With regard to Exhibit 1-2, the trust
19 amendment.
20 A. I couldn't hear that.
21 Q. He's going to hand it to you, ma'am.
22 Okay. You talked about this exhibit earlier
23 this morning also, probably around 10:00 or so. That
24 purports to be a trust amendment. It's amending
25 the -- your person -- your -- your trust. There's no
00076:01 amendment affecting chief -- or Louis Kealoha, is
02 there? There's nothing to do with Mr. Kealoha,
03 correct? And take your time.
04 A. Why do he have --
05 Q. It has some names on the document?
06 A. Yes, it does.
07 Q. And it says "Florence M. Puana Trust,"
08 correct?
09 Maybe I can assist by pointing areas out to
10 her.
11 At the top of the page, what is the name of
12 the trust?
13 A. The second amendment of the Florence Puana
14 Trust.
15 Q. Okay.
16 A. Now, what does that mean? Second trust?
17 Q. But the name is the Florence M. Puana Trust?
18 A. Yes.
19 Q. Okay. And then it has, towards the bottom,
20 the initial trustee, it has a name?
21 A. Yes, it has a name.
22 Q. And that's your name?
23 A. Yes, but it's printed.
24 Q. It's printed, correct?
25 A. Yes.
00077:01 Q. And then underneath that name is the successor
02 trustee?
03 A. Katherine Puana.
04 Q. And under that is the final successor trustee?
05 A. Gerald K. Puana.
06 Q. And then the beneficiary is?
07 A. Florence M. Puana.
08 Q. Okay. And there's no name on there giving any
09 interest to Louis Kealoha, is there?
10 A. No, there's not.
11 Q. Okay, thank you.
12 On Exhibit -- Government's Exhibit 1-3, I
13 believe it's a Bank of America joint account
14 signature.
15 Mrs. Puana, what's been handed to you is
16 Government's Exhibit 1-3. It's a bank of -- is it
17 Bank of America or Bank of Hawaii? Let's see, it's a
18 joint --
19 A. Just -- yes.
20 Q. Sorry to be getting up and down here.
21 A. Yes, I know that.
22 Q. Okay. It's a joint signature card, correct?
23 A. Yes.
24 Q. And there's no signatory for Louis Kealoha, is
25 there?
00078:01 A. Yes.
02 Q. He's not on that card, is he?
03 A. Katherine gave me this slip of paper.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

04 Q. Okay.
05 A. And she said to sign the paper.
06 Q. Right.
07 A. And I said, "What am I signing this paper
08 for?"
09 Q. Right.
10 A. And she said, "I told you, trust me, I'm your
11 attorney. This is for the first -- for the -- for the
12 reverse mortgage."
13 Q. And on that Exhibit 1-3 there's no signature
14 for Louis Kealoha, is there?
15 A. No.

10. PAGE 78:23 TO 81:24 (RUNNING 00:05:33.368)

23 Q. Okay. I'd next like you to look at
24 Exhibit 1-9. What's been handed to you, I believe,
25 was admitted into evidence, and that's a letter
00079:01 purportedly from you to Katherine, correct?
02 A. Yes.
03 Q. Okay. And you had help writing the letter.
04 Your daughter helped you write the letter?
05 A. Yes, my daughter wrote it to me and I told her
06 what I wanted to write.
07 Q. Okay. And who's the letter addressed to?
08 A. It writes "Dear Katherine."
09 Q. And at the bottom of the page on the left it
10 appears there's a cc to two people.
11 A. Yes.
12 Q. And that would be Louis Kealoha?
13 A. Yes.
14 Q. And Francis H. Yano?
15 A. Yes.
16 Q. And Francis Yano is your personal attorney?
17 A. He -- I asked him, but he said he was in the
18 real estate and he couldn't take my -- he couldn't
19 take my case. So she -- he handed me to Gerald --
20 Gerald, my present attorney.
21 Q. Okay, understood.
22 But by that mention of the two names at the
23 bottom left part of the letter, does that mean that
24 copies of the letter were sent to those two
25 individuals?
00080:01 A. I signed it, but I don't -- I signed it.
02 Q. Do you know who put that cc and the two names
03 there on the face of the letter? Do you know who put
04 their names there?
05 A. I don't know.
06 Q. Okay. Do you know if copies of this letter to
07 Katherine went to those two people?
08 A. No, I did not know.
09 Q. Okay. And the purpose of the letter was for
10 it to reach Katherine, correct? This was your letter
11 to Katherine?
12 A. Yes.
13 Q. And if you look at page 2, it appears to be an
14 envelope.
15 A. What's on page 2?
16 Q. And do you see the addressee, the person who
17 was -- the envelope was mailed to?
18 A. Chief Louis Kealoha.
19 Q. Okay. Did you want this letter to go to Chief
20 Kealoha?
21 A. No.
22 Q. Did you expect him to answer the letter that
23 you wrote to Katherine?
24 A. No. How could he because I didn't ask him.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

25 Q. Right. After you sent that letter to
00081:01 Katherine in 2012, you got a letter back from
02 Katherine, correct?
03 A. Yes, I did.
04 MR. BARBEE: Could the witness be shown
05 Exhibit 1-10.
06 THE WITNESS: I would --
07 MR. McDONALD: Wait for a question,
08 Florence.
09 BY MR. BARBEE:
10 Q. Do you -- do you remember talking to the
11 Government's lawyer about that document this morning
12 earlier today? This is a letter addressed to you from
13 Katherine.
14 A. Yes.
15 Q. Okay. And regarding the subject matter of the
16 letter, it appears that the letter talks about the
17 reverse mortgage and loans and financial issues
18 affecting yourself and Gerard and Katherine, correct?
19 A. Yes.
20 Q. Okay. And these financial issues,
21 Mr. Kealoha, Louis Kealoha was not involved in these
22 three financial -- these financial issues between the
23 three of you?
24 A. No, he's not.

11. PAGE 82:07 TO 82:23 (RUNNING 00:00:53.483)

07 Q. After some time passed and after Gerard was
08 able to move into his condominium, did you go to move
09 in with Gerard?
10 MR. McDONALD: Objection. Relevance.
11 THE WITNESS: Yes, I did for a while.
12 BY MR. BARBEE:
13 Q. And that was for a very short amount of time,
14 correct?
15 A. Yes.
16 Q. And then you moved to Kailua with your
17 daughter?
18 A. Yes.
19 Q. Okay. And after the exchange of letters
20 between your letter to Katherine in 2012 and her
21 response in September 2012, you and Gerard decided to
22 sue Kathy, correct?
23 A. Yes.

12. PAGE 83:07 TO 83:11 (RUNNING 00:00:13.183)

07 BY MR. BARBEE:
08 Q. Okay. And did -- that case proceeded to trial
09 across the street here in Hawaii First Circuit Court,
10 correct?
11 A. Yes.

13. PAGE 85:05 TO 105:12 (RUNNING 00:21:07.076)

05 Q. Okay. You discussed with the Government's
06 lawyer looking at a videotape of what appeared to be a
07 man taking a mailbox?
08 A. Yes.
09 Q. Was that black and white or was it color?
10 A. It was black and white.
11 Q. Okay. And you indicated that you did not
12 recognize the person who was taking the mailbox.
13 A. No, it was not my son.
14 Q. Okay.
15 A. Definitely.
16 Q. Okay. In 2011 how did your son look --

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

17 MR. McDONALD: Objection as to relevance.
18 BY MR. BARBEE:
19 Q. -- in terms of his physical appearance?
20 MR. McDONALD: Objection as to relevance
21 as to the time frame.
22 BY MR. BARBEE:
23 Q. Well, let me back up a little bit.
24 You indicated that the person who appeared to
25 be taking the mailbox, their shoulders weren't as
00086:01 broad as Gerard? Gerard had broader shoulders?
02 A. Yes, broader -- broader shoulders than the
03 person on that video.
04 Q. Okay. And is he -- has he always remained
05 pretty much the same size or has his weight varied
06 during, let's say, the past six years or so?
07 A. Well, not necessarily.
08 Q. Meaning that his weight is not necessarily
09 always the same?
10 MR. McDONALD: Objection. Vague as to
11 the time frame.
12 BY MR. BARBEE:
13 Q. During the past six years or so?
14 MR. McDONALD: Objection as to relevance
15 over the last six years.
16 BY MR. BARBEE:
17 Q. You are familiar with your son Gerard's
18 physical appearance, correct, Mrs. Puana?
19 A. I wouldn't say. I couldn't say.
20 Q. You couldn't say that you're familiar with his
21 appearance?
22 A. I couldn't say if he was the same or not.
23 Q. Okay. What would you estimate his weight to
24 be now in 2019?
25 MR. McDONALD: Relevance objection.
00087:01 BY MR. BARBEE:
02 Q. If you had --
03 MR. McDONALD: You can answer the
04 question.
05 BY MR. BARBEE:
06 Q. If you had to say what his weight would be,
07 what would his approximate weight be?
08 A. I wouldn't know.
09 Q. In the past, has he weighed less than he does
10 today?
11 MR. McDONALD: Objection. Vague.
12 BY MR. BARBEE:
13 Q. In the past -- has he always appeared to be
14 the same as he appears today in terms of weight?
15 A. Like I said, I couldn't say.
16 Q. Okay. So you couldn't say whether or not --
17 A. Yes.
18 Q. -- five years ago if he were a lighter weight
19 than he is today?
20 A. I couldn't say.
21 Q. Okay.
22 A. I couldn't answer that.
23 Q. In looking at the Government's -- or looking
24 at the videos that you looked at, do you know that
25 person that's taking the mailbox? Can you identify
00088:01 that person?
02 A. No, I don't.
03 Q. Okay.
04 A. I really don't know.
05 MR. BARBEE: No further questions.
06 THE WITNESS: Thank you.
07 CROSS-EXAMINATION

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

08 BY MR. HIRONAKA:
09 Q. Mrs. Puana.
10 A. Yes.
11 Q. Mrs. Puana, how are you doing?
12 A. Yes.
13 Q. Can you keep going? Are you okay to continue?
14 Are you okay to keep going?
15 A. Yes.
16 Q. Okay. Mrs. Puana, my name is Randy Hironaka.
17 I'm going to ask you some questions.
18 A. Yes.
19 Q. Okay? If at any time you don't understand a
20 question of mine, will you let me know?
21 A. Yes, okay.
22 Q. Mrs. Puana, you already testified that you
23 know somebody by the name of Bobby Nguyen; is that
24 correct?
25 A. Yes.
00089:01 Q. And who is Bobby Nguyen?
02 A. Bobby Nguyen?
03 Q. Yeah, same person.
04 A. Bobby -- Bobby is my great-granddaughter Maile
05 Louise's husband.
06 Q. Okay. Are they still married, or, no, they're
07 not?
08 A. I don't know.
09 Q. Okay. And about how long have you known
10 Bobby?
11 A. Since he married Maile Louise.
12 Q. Do you know what year that was?
13 A. Yes.
14 Q. When was that?
15 A. That was maybe about 2009.
16 Q. Okay. And were you close with Maile?
17 MR. McDONALD: Objection. Relevance.
18 THE WITNESS: Well, I never saw her all
19 the time.
20 BY MR. HIRONAKA:
21 Q. How often -- how often would you see her --
22 A. I --
23 Q. -- in about -- in 2009.
24 A. -- I -- I never saw my granddaughter Maile
25 Louise often.
00090:01 Q. You did not see her often?
02 A. Yeah.
03 Q. Do you know how often you would see her?
04 A. She never came to my house, no.
05 Q. Okay. How about -- so -- so I'm guessing that
06 you saw Bobby even less than, than Maile?
07 A. Pardon?
08 Q. You wouldn't see Bobby that often either,
09 then?
10 A. Well, Bobby, I saw him with his police
11 officer's uniform. So when I saw him without his
12 uniform, I couldn't recognize him, but after I did.
13 Q. Okay. So you're saying -- I'm a little
14 confused. You're saying that you used to see Bobby in
15 a uniform?
16 A. Yes.
17 Q. When you first met him, is that what you're
18 talking about?
19 A. Yes, at -- whenever I saw him, he had his
20 police uniform.
21 Q. Okay. Did there come a time when -- well, and
22 when he was wearing his uniform, how often would you
23 see him?

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

24 A. Well, I couldn't -- I couldn't recognize him
25 until my -- my son Gerard told him to sit down with
00091:01 grandma --
02 Q. Okay. You --
03 A. -- and when he said sit down with grandma, I
04 realized he must be my granddaughter Maile Louise's
05 husband.
06 Q. And you're talking about the day of the
07 deposition of Katherine Kealoha?
08 A. That's when -- yes, when he came to the lobby.
09 Q. Okay. Okay. So I want to -- and I'm going to
10 ask you some questions about that, but I want to back
11 up a little bit --
12 A. Yeah.
13 Q. -- first, okay?
14 So can you say now if Bobby Nguyen is in this
15 room?
16 A. Pardon?
17 Q. Is Bobby Nguyen here today? Is he in this
18 room? Bobby, is he here?
19 A. Bobby?
20 Q. Yes.
21 A. Here?
22 Q. Is he here right now in this room?
23 A. I can't -- I'm blind from my right -- left
24 eye.
25 Q. Oh, I see, okay.
00092:01 A. So I cannot see very well.
02 Q. Okay.
03 A. So I couldn't recognize him.
04 Q. You couldn't -- you wouldn't be able to
05 recognize him if you --
06 A. No.
07 Q. Okay, all right.
08 So did there come a time later on when you
09 would see Bobby not in uniform, or are you saying you
10 couldn't recognize him?
11 A. Well, the day I came to the lobby and my -- my
12 son Gerard told me to sit with grandma, then I put two
13 and two together and I said it must be Maile Louise's
14 husband because he was wearing an aloha shirt and
15 shorts.
16 Q. Okay. Ma'am, are you saying that you just
17 guessed that that was Bobby, or are you saying that
18 you recognized that that was Bobby? You're saying
19 that you guessed that that was him?
20 MR. McDONALD: Objection. Misstates the
21 testimony.
22 BY MR. HIRONAKA:
23 Q. You did not recognize that person as Bobby
24 Nguyen, correct?
25 MR. McDONALD: Objection. Misstates the
00093:01 testimony.
02 MR. HIRONAKA: I'm asking a question.
03 THE WITNESS: Well, first of all, my
04 eyesight is not too good.
05 BY MR. HIRONAKA:
06 Q. Okay.
07 A. So I -- I cannot really see the faces plain.
08 Q. Okay. Let's -- let's back up a little bit. I
09 want to talk about earlier that day, okay?
10 Do you remember where the deposition took
11 place? Do you remember what building it took place
12 in?
13 A. What?
14 Q. The building that the deposition was in.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

15 A. The building? I don't know the buildings.
16 Q. Generally how about, was it downtown?
17 A. It was -- gee, I don't know.
18 Q. Okay. Do you remember what time the
19 deposition started? Was it first thing in the
20 morning? Was it -- was it like today, did it start in
21 the morning and kind of go all day?
22 A. If I were seeing Bobby today?
23 Q. No, no, no. I'm saying the deposition, do you
24 remember what time it started?
25 MR. McDONALD: Vague as to deposition.
00094:01 BY MR. HIRONAKA:
02 Q. Okay, I'm talking about -- I believe you
03 previously referenced this as the deposition of
04 Katherine Kealoha on June 19th, 2013.
05 A. Yes.
06 Q. Okay. Do you remember what time the
07 deposition started? What time did you get to the
08 building?
09 A. I don't remember.
10 Q. Was it in the morning?
11 A. Yes.
12 Q. Okay. You went with -- you went with your son
13 Gerard, right?
14 A. Yes.
15 Q. He drove?
16 A. Yes.
17 Q. Okay. And it was just the two of you that
18 drove there together?
19 A. Yeah, he drove me, my grand -- my son Gerard
20 drove me.
21 Q. Okay. And your attorney met you there, right?
22 A. Yes.
23 Q. Okay. And was that -- was that Gerald, is
24 that the person you called Gerald?
25 A. Yes.
00095:01 Q. Okay. And you said that you had to leave
02 early --
03 A. Yes.
04 Q. -- because you said something you were ashamed
05 of, right?
06 A. Yes.
07 Q. Okay. And then you said that your -- your
08 attorney, your own attorney asked you to leave, right?
09 A. Yes.
10 Q. Okay. And do you know how long you were there
11 before you were asked to leave?
12 A. A long time.
13 Q. Okay. So after you left, then you went down
14 to the lobby with your son Gerard, right?
15 A. Yes.
16 Q. Okay. And then you said that Gerard -- you
17 testified earlier today that Gerard asked Bobby to
18 stay with you?
19 A. Yes.
20 Q. Okay. And, ma'am, you remember having a
21 deposition similar to this about five years ago,
22 right? Do you remember that?
23 A. Yes.
24 Q. And different lawyers, but you were being
25 asked very similar questions, correct?
00096:01 A. Yes.
02 Q. Okay. And do you remember at that time saying
03 that your son told you to sit next to Bobby and wait
04 for him?
05 A. Yes. He said -- he didn't say Bobby. He

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

06 said, "Sit next to Grandma." So when he said
07 "grandma," then I said that must be my
08 great-granddaughter Maile Louise's husband, because I
09 didn't know any other Bobby. So when he said "Bobby,"
10 I realized it was him.
11 Q. Okay. Now, you said that -- you said that
12 Bobby was texting on his phone --
13 A. Yes, he was.
14 Q. -- when he was talking to you; is that
15 correct?
16 A. Yes.
17 Q. Okay. Previously when you were asked
18 questions, and I know this was a while ago, this was
19 five years ago, when you said that Bobby was on his
20 phone while he was talking to you, is that what you
21 were referring to? Were you -- did you --
22 A. No.
23 Q. -- mean texting or talking on the phone?
24 A. I -- I said texting.
25 Q. You said texting today.
00097:01 A. No, yeah, today I said text. I didn't say it
02 yet, but I'm saying now he was texting someone while
03 he was asking me all these questions about Gerard.
04 Q. Okay.
05 A. He asked me where did he park.
06 Q. Okay. So just to be clear, ma'am, you're
07 telling us that five years ago you didn't say texting,
08 right? Today you're saying texting?
09 A. Well, I don't remember what I said five years
10 ago.
11 Q. Okay. You don't remember?
12 A. No.
13 Q. Okay. Now, you said that Bobby was asking you
14 questions about Gerard's car, right?
15 A. Yes.
16 Q. And you said that he asked you what kind of
17 car Gerard drove?
18 A. Yes.
19 Q. And you said that he also asked you the color?
20 A. He -- I told him it was a white car.
21 Q. You told him it was a white car?
22 A. Yes.
23 Q. Okay. Now, this is the same car that you
24 drove -- you came in, you rode in earlier that
25 morning?
00098:01 A. Yes.
02 Q. Okay. And -- and you're saying that when you
03 told Bobby that, you were mistaken, that Gerard
04 actually drives a silver car?
05 A. No, I didn't say silver. I said white.
06 Q. No, no, I understand, but you're saying -- is
07 it your testimony that you were mistaken and Gerard
08 actually drove a silver car? Are you still saying he
09 drove a white car?
10 A. I said white car.
11 Q. You told Bobby a white car?
12 A. Yes.
13 Q. What color is Gerard's car?
14 A. Silver.
15 Q. It was silver.
16 A. Well, I don't know what kind of car he's got
17 now, but --
18 Q. Okay.
19 A. -- he had a silver car.
20 Q. He had silver on June 19th --
21 A. Yes.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

22 Q. -- 2013?
23 A. When he brought me to the court, he was
24 driving a silver car, but I told Bobby a white car.
25 Q. Okay. Ma'am, how many times prior to June 19,
00099:01 2013, did you ride in Gerard's -- in your son's car?
02 A. Well, he was the only one that took me around
03 because I stopped driving when I was 90 years old.
04 Q. Okay. In 2013, were you 94, am I correct?
05 A. Am I what?
06 Q. In 2013 you were 94 years old, yes?
07 A. Yes.
08 Q. Okay. So you're saying that you stopped
09 driving when you were 90, and so for four years your
10 son Gerard drove you wherever you needed to go, right?
11 A. Yes.
12 Q. He was a good son, right? Is that a yes?
13 A. Yes.
14 Q. Okay.
15 A. Because he was the one that was living with
16 me.
17 Q. He would take you to the market?
18 A. Yes.
19 Q. Okay. Is it fair to say you probably drove --
20 you took a ride in his car several times a week?
21 A. I don't know where he went, but I know where
22 he took me.
23 Q. Wherever you needed to go, you would go in his
24 car, right?
25 A. (Nodding head.)
00100:01 Q. Is that a yes?
02 A. Where I was living at that time, it was on
03 3934 Nioi Place.
04 Q. Right. And if you needed to go somewhere,
05 Gerard would take you in his silver --
06 A. Yes.
07 Q. -- car; is that correct?
08 A. Because my husband died in 2002, and he was
09 the only one that took me around.
10 Q. Okay. Now, you told us that you ended up
11 later on seeing a video, right, you told us that you
12 watched a couple of videos after, you know, after
13 June 2013 and you saw videos of a person taking a
14 mailbox, right? You saw those videos, correct?
15 A. No.
16 Q. You did not see the videos?
17 Oh, I'm sorry, you said that you heard that
18 Gerard was accused of stealing a mailbox; is that
19 correct?
20 A. Well, I saw the video.
21 Q. Okay. Do you remember the first time that you
22 saw the video, ma'am?
23 A. Is that the first time Bobby talked to me?
24 Q. No, I'm asking you, do you remember the first
25 time that you saw video of a mailbox being taken?
00101:01 A. It was when I was living with my daughter. It
02 was -- well, I'm living with her for six years, so it
03 was that time.
04 Q. So sometime in 2013 you started living with
05 your daughter?
06 A. (Nodding head.)
07 Q. Is that -- is that -- does that sound right?
08 When did you stop living at Nioi Place?
09 A. When I stopped? Well, I couldn't walk up the
10 stairs.
11 Q. Okay. Do you remember the year that you
12 stopped living there?

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

13 A. Was maybe six or seven years.
14 Q. Okay. Then you told us that you lived for a
15 little bit with your son Gerard in his condominium,
16 correct?
17 A. No, I wasn't living with Gerard in the
18 condominium.
19 Q. Oh, not in the condominium, okay, but then for
20 a little bit you lived with him and then you lived
21 with your daughter in Kailua, right?
22 A. I was living with my daughter then.
23 Q. Okay. So you're saying that when you were
24 living with your daughter, that's the first time that
25 you saw video of a mailbox being taken?
00102:01 A. Yes.
02 Q. Okay. So did you have -- you've met your
03 son's attorney Alexander Silver, correct?
04 A. Yes.
05 Q. Do you remember the first time you met him?
06 MR. McDONALD: Objection as to relevance.
07 BY MR. HIRONAKA:
08 Q. You can answer the question, ma'am.
09 A. I met him when I was with my daughter.
10 Q. When you were with your daughter, okay.
11 And do you remember how many times you've met
12 with Mr. Silver?
13 A. He came to the house to bring the videos.
14 Q. How many times did he come to the house?
15 A. Maybe two times.
16 Q. Maybe two times?
17 A. Two or three times.
18 Q. And you're saying that he played the video for
19 you?
20 A. Yeah, he turned -- he put the video on and let
21 her see it.
22 Q. Okay. And so you watched the videos, and
23 that's when you said that's not my son, that's not
24 Gerard, correct?
25 A. Yes.
00103:01 Q. And it was -- it was -- am I correct, ma'am,
02 in saying that it was also at this time that you said
03 that you had told Bobby that the car was white; is
04 that correct?
05 A. Well, when I met Bobby and he was texting, I
06 was not living with my daughter then.
07 Q. No, no, no, I understand ma'am. My question
08 is -- and if you don't understand my question, then I
09 apologize, but my question is the first time that you
10 said that you told Bobby, that you mistakenly told
11 Bobby that the car was white is after you viewed the
12 videos with Mr. Silver, correct?
13 A. Yes.
14 Q. That was the first time you ever said that,
15 correct?
16 A. Yes.
17 Q. You said, oh, I made a mistake and I told him
18 it was a white car instead of a silver car, correct?
19 A. Yes.
20 Q. Okay. So hang on one second, ma'am.
21 Okay, ma'am, I'm sorry to jump around, I just
22 have a couple more questions.
23 After your conversation with Bobby in the
24 lobby --
25 A. Yes.
00104:01 Q. -- your son came to get you from the lobby,
02 right?
03 A. Yes.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

04 Q. He parked the car and he came to get you. He
05 walked in and the car wasn't that far away, right? He
06 had parked it up a ramp and you went right out the
07 door with your son Gerard, correct?
08 A. Yeah, I don't know where he parked, but he
09 came and get me.
10 Q. And he walked you out, right?
11 A. Yes, and he walked me to the car.
12 Q. Okay. And Mrs. Puana, you had also -- you
13 told us today that you know it's not your son in the
14 video because your son has broader shoulders and he
15 has a different walk.
16 A. Yes.
17 Q. Is that what you said?
18 A. Yes.
19 Q. Okay. And previously do you remember telling
20 the attorneys in your deposition five years ago that
21 the person in the video is younger? Do you remember
22 saying that?
23 A. Is younger?
24 Q. Do you remember -- do you remember telling --
25 saying that five years ago, testifying that it's not
00105:01 your son because the person in the video is younger.
02 Do you remember saying that?
03 A. No, I don't remember saying that.
04 Q. Okay. Can you tell by looking at the video
05 how old the person in the video is?
06 A. I couldn't see how old he was.
07 Q. Okay.
08 A. That, I couldn't say.
09 Q. Okay.
10 MR. HIRONAKA: All right, thank you,
11 ma'am. I have no further questions.
12 MR. McDONALD: Thank you.

14. PAGE 105:19 TO 110:12 (RUNNING 00:04:37.592)

19 BY MS. KAGIWADA:
20 Q. All right. Good morning, Ms. Puana. Are you
21 doing okay? Are you okay to continue?
22 A. Yes, I am.
23 Q. Okay. I'm Cynthia Kagiwada. I'm the attorney
24 who's representing Katherine Kealoha. And with me is
25 Anthony Kwon, he's another attorney who's going to
00106:01 help me with some of the exhibits.
02 And as other attorneys have said, if you don't
03 understand a question or you can't hear me, please ask
04 me to repeat it. I'd be happy to do that for you.
05 A. Okay.
06 Q. So before coming here today, you met with some
07 of the attorneys from the Government, correct?
08 A. Yes.
09 Q. When did you meet with these attorneys?
10 A. I met them two days ago.
11 Q. Two days ago. And do you remember how long
12 you met with them for?
13 A. Well, they couldn't stay very long, so they
14 stayed about 20 minutes.
15 Q. Okay. And before that had you met with them
16 before two days ago as well?
17 A. Yes.
18 Q. Okay. When did -- when did you meet with them
19 earlier?
20 A. Oh, that was about -- I think that's only time
21 I met them.
22 Q. Okay. And did you discuss what your testimony
23 was going to be today?

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

24 A. Yeah, some of it.
25 Q. Yes. And --
00107:01 A. But they couldn't stay too long.
02 Q. And before today did you discuss your
03 deposition today with anyone else?
04 A. No, I didn't.
05 Q. Okay. So you did not talk to any of the other
06 agents in this case?
07 A. No.
08 Q. Did you discuss your deposition testimony with
09 anyone from your family?
10 A. With my daughter.
11 Q. With which daughter?
12 A. My daughter Carolyn -- Charlotte.
13 Q. And is that the daughter that you currently
14 live with?
15 A. Yeah.
16 Q. In Kailua?
17 A. She brought me here.
18 Q. Okay. So I know you've testified both on
19 cross-examination and direct examination about a
20 lawsuit.
21 A. Yes.
22 Q. And you filed that lawsuit with your son
23 Gerard, correct?
24 A. Yes.
25 Q. And you filed that lawsuit against your
00108:01 granddaughter Katherine, correct?
02 A. Yes, I did.
03 Q. Katherine did not file that lawsuit against
04 you, did she?
05 A. I filed a lawsuit against her.
06 Q. Right. So she did not start the lawsuit. You
07 and Gerard started the lawsuit, correct?
08 A. Gerard didn't. I did.
09 Q. Gerard did not start the lawsuit?
10 A. He didn't. I did.
11 Q. It was your idea to start the lawsuit?
12 A. It was my decision.
13 Q. Okay. And do you remember where that lawsuit
14 occurred?
15 A. Um.
16 Q. Let me help you out. Was it across the
17 street?
18 A. Pardon?
19 Q. Was -- did the lawsuit occur across the street
20 in state court?
21 A. Well, I don't know the district very much --
22 Q. Okay.
23 A. -- so I couldn't say that.
24 Q. Was it --
25 A. I don't know.
00109:01 Q. -- a different court -- different building
02 than we're in today?
03 A. Yes, yes. Yes.
04 Q. Yes. And was there a trial in that lawsuit?
05 A. Yes.
06 Q. Yeah. And you went to the trial, correct?
07 A. Yes, I did.
08 Q. Do you remember when that lawsuit, when the
09 trial started?
10 A. It was somewhere around -- it was about five
11 years ago.
12 Q. Okay.
13 A. Five or six years ago.
14 Q. And do you remember testifying in that lawsuit

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

15 as a witness?
16 A. Yes.
17 Q. Okay. And would it sound right if I said that
18 maybe you testified on February 3rd, 2015?
19 A. Could you repeat that question.
20 Q. Does February 3rd, 2015, sound like the right
21 date for when you testified?
22 A. Yes.
23 Q. Okay.
24 A. About that.
25 Q. Okay. So on direct examination you talked a
00110:01 little bit about a Bank of Hawaii account.
02 A. Yes.
03 Q. And as I understand, on direct you testified
04 that you signed a card so you could be on that
05 account.
06 A. I signed the card, but I asked her what was
07 this paper for, because she knew that I didn't know
08 much about legal things.
09 Q. But I'm talking just right now about the bank
10 account. Did you go to the Bank of Hawaii to sign the
11 card?
12 A. Yes, I did.

15. PAGE 113:23 TO 122:25 (RUNNING 00:12:32.320)

23 Q. Now, do you remember -- you said on direct
24 that you signed this account in order to get the
25 reverse mortgage. Do you remember that?
00114:01 And you can put that aside now. I'm not
02 asking you a question about this.
03 MR. McDONALD: Listen to the questions.
04 BY MS. KAGIWADA:
05 Q. Okay. Do you remember the reverse mortgage
06 that you talked about on direct?
07 A. About the reverse mortgage.
08 Q. Right. And do you remember when the reverse
09 mortgage closed, giving instructions on what was
10 supposed to happen with that money?
11 A. Yes, because they wrote me a letter.
12 Q. Well, I'm talking about when the reverse
13 mortgage first happened, do you remember giving
14 instructions on where that money should go?
15 A. That money was supposed to go to the reverse
16 mortgage --
17 Q. Okay, perhaps --
18 A. -- to pay of --
19 Q. -- if I could show you what we're going to
20 mark as Defense Exhibit 1002.
21 (Defense Exhibit 1002 marked.)
22 MR. McDONALD: Was this previously
23 produced to the United States?
24 MS. KAGIWADA: It was not previously
25 produced, but it was produced as an exhibit in the
00115:01 state trial.
02 MR. McDONALD: Okay. So we would object
03 for not having previously received this.
04 BY MS. KAGIWADA:
05 Q. Ms. Puana, could you take a look at the top of
06 that page. Do you see what the heading is? Okay, do
07 you see at the top that the -- where it says Island
08 Title Corporation?
09 A. Island Title, yes.
10 Q. And do you see under that where it says
11 "disbursement instructions"? Just at the top of the
12 page where it says disbursement instructions?
13 A. I signed that.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

14 Q. So that is your signature on this document?
15 A. That is. I signed it.
16 Q. Okay.
17 MS. KAGIWADA: I would move this into
18 evidence, Exhibit 1002.
19 (Move to admit Defense Exhibit 1002.)
20 MR. McDONALD: Object on lack of
21 foundation.
22 BY MS. KAGIWADA:
23 Q. And do you see where, under disbursement
24 instructions, I know it's a little small, where it
25 says property address, 3934 Nioi Place, Honolulu,
00116:01 Hawaii? Was that your house?
02 A. Yes.
03 Q. And do you see at the bottom there's a copy of
04 a check that's written "void" across it?
05 A. That's a Bank of Hawaii.
06 Q. Yes. And I know it's very small, but can you
07 see what the names are on the check?
08 A. Katherine N and I.
09 Q. Correct. So these were your instructions on
10 what to do with the money from the reverse mortgage,
11 correct?
12 MR. McDONALD: Objection. Lack of
13 foundation.
14 THE WITNESS: No.
15 BY MS. KAGIWADA:
16 Q. And this was your instructions to put the
17 money into the Bank of Hawaii account, correct?
18 MR. McDONALD: Objection. Lack of
19 foundation.
20 THE WITNESS: I don't remember ever doing
21 that.
22 BY MS. KAGIWADA:
23 Q. But you do agree that this is your two
24 signatures on this document?
25 A. Yes.
00117:01 Q. Okay.
02 A. Yeah, the two signatures, she could have done
03 it herself.
04 Q. So did you understand that you instructed the
05 reverse mortgage bank to send the money to the joint
06 account?
07 A. No, I don't remember ever saying that.
08 Q. Okay. But that is your signature?
09 A. Yes, that is my signature.
10 Q. Okay. Now, do you know why you've signed it
11 twice?
12 A. No.
13 Q. Okay. Well, do you understand that you signed
14 it as Florence Puana, successor trustee?
15 A. Yes.
16 Q. And that was for your husband's account, was
17 it not, the John Puana Trust?
18 A. No, I don't know.
19 Q. You don't know.
20 A. I -- if I really understood that, I would
21 never have signed. She could have sign -- she could
22 have had that paper, me signed, and then she does what
23 she wants afterwards. How about that?
24 Q. Well, Ms. Kealoha's signature is nowhere on
25 these disbursement instructions --
00118:01 A. Yeah.
02 Q. -- correct?
03 It's only your signature on here twice,
04 correct? Is that right?

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

05 A. I don't remember doing that.
06 Q. Okay. I'll move on from there.
07 Do you remember signing this document?
08 A. She must have brought it to me and I signed it
09 and she did whatever she wanted afterwards.
10 Q. But do you have a recollection of actually
11 signing this document?
12 A. Yes, that's my signature.
13 Q. Okay. And was Katherine present when you
14 signed this document? If you don't remember --
15 A. No.
16 Q. You don't remember if she was present?
17 A. No.
18 Q. Okay. Now, I'm going to ask you some
19 questions, too, about the Greenwood condo.
20 You indicated that you wanted to buy this
21 condo for your son Gerard, correct?
22 A. Yes, I did want to.
23 Q. Right. And you did buy that condo with the
24 money from the reverse mortgage for Gerard, correct?
25 A. She told me she's paying for it, but she
00119:01 didn't.
02 Q. Let me ask you this, Ms. Puana. Where does
03 your son Gerard Puana live today?
04 MR. McDONALD: Objection. Relevance.
05 BY MS. KAGIWADA:
06 Q. You -- you can answer the question. Where
07 does Gerard live today?
08 A. She live -- he lives in the condominium.
09 Q. In the Greenwood condominium that you bought
10 for him?
11 A. Yes.
12 Q. With the money from the reverse mortgage; is
13 that right?
14 A. Because I paid for it myself.
15 Q. You paid for the condo out of the reverse
16 mortgage, isn't that true, with the money that you got
17 from the reverse mortgage?
18 A. I did not get any money from the reverse
19 mortgage, none.
20 Q. So is it your testimony today that you spent
21 \$360,000 --
22 A. That's -- that's the money that I told her
23 that I would give her, and she said she would pay the
24 condominium off.
25 Q. But the --
00120:01 A. She would pay the reverse mortgage, and the
02 rest of the money she would -- she would refinance her
03 home.
04 Q. Okay, ma'am, but my question is wasn't the
05 money from the reverse mortgage used to buy a
06 condominium at the Greenwood for Gerard?
07 A. It was supposed to, yes.
08 Q. But it was -- he's living there today,
09 correct?
10 A. Yes.
11 Q. Okay. Let me ask you, didn't your son Gerard
12 ask to borrow some money?
13 MR. McDONALD: Objection. Hearsay.
14 BY MS. KAGIWADA:
15 Q. Didn't Gerard borrow some money from you to
16 buy furniture for his condo?
17 MR. McDONALD: Objection. Relevance,
18 lack of foundation.
19 THE WITNESS: No, he did not.
20 BY MS. KAGIWADA:

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

21 Q. Well, you have loaned Gerard money in the
22 past, haven't you?
23 MR. McDONALD: Objection. Relevance.
24 BY MS. KAGIWADA:
25 Q. Did you loan your son Gerard money in the past
00121:01 when he needed --
02 A. I did, but that was all for my home, for the
03 leaks and the -- and the stone wall I built. That was
04 all the money I spent. I gave the money to Gerard to
05 pay it off.
06 Q. But didn't you sometimes give him money for
07 other loans as well?
08 A. No.
09 MR. McDONALD: Objection as to relevance.
10 BY MS. KAGIWADA:
11 Q. Okay. So do you remember Gerard asking for
12 your help in paying maintenance fees for the
13 Greenwood?
14 MR. McDONALD: Objection. Hearsay.
15 BY MS. KAGIWADA:
16 Q. Do you remember Gerard asking for you to help
17 pay his maintenance fees for the Greenwood?
18 A. No.
19 Q. Okay. May I please see 121 and 52.
20 (Off-the-record discussion.)
21 MS. KAGIWADA: Just a moment.
22 BY MS. KAGIWADA:
23 Q. Now, do you remember, when you signed the
24 reverse mortgage, do you remember seeing documents for
25 the reverse mortgage?
00122:01 A. No, the -- all -- all the bills I had was
02 "this is not a bill."
03 Q. But I'm talking about before you actually got
04 the reverse mortgage, do you remember signing the
05 documents that would get you the reverse mortgage?
06 A. Yes, I did.
07 Q. Do you remember meeting with a woman named
08 Shari Motooka-Higa?
09 A. Yes.
10 Q. And she was with Central Pacific Bank,
11 correct?
12 A. Yes.
13 Q. And was she the one --
14 A. That's when it was finalized.
15 Q. And was she the one who helped you with the
16 reverse mortgage?
17 A. Yes.
18 Q. And do you remember talking to her about the
19 reverse mortgage before you signed the documents?
20 A. Could you repeat that.
21 Q. Do you remember talking to her before you
22 signed any documents?
23 A. Talking to who?
24 Q. To Shari Motooka-Higa.
25 A. Yeah, she spoke to me.

16. PAGE 128:07 TO 128:12 (RUNNING 00:00:17.808)

07 BY MS. KAGIWADA:
08 Q. So do you remember you testified on direct
09 that you sold your house? You sold 3934 Nioi Place,
10 is that correct, ma'am? Ma'am? Is it correct that
11 you sold your house, 3934 --
12 A. Yes, yes, I did.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

17. PAGE 128:24 TO 129:04 (RUNNING 00:00:21.185)

24 Q. You don't remember. Okay. But you did sell
25 your house in 2013, correct?
00129:01 A. No.
02 Q. No, you did not sell your house in 2013?
03 A. Long after that.
04 Q. Okay.

18. PAGE 129:21 TO 130:13 (RUNNING 00:00:52.971)

21 Q. But you did sell your house in -- at some
22 point, correct?
23 MR. McDONALD: Objection. Compound
24 question.
25 Is there a pending question?
00130:01 BY MS. KAGIWADA:
02 Q. Ms. Puana, on direct you testified that you
03 thought you were going to lose your house; is that
04 correct?
05 A. That's true.
06 Q. But indeed you sold your house, correct? You
07 did not lose your house.
08 A. I sold my house because I had to. I did not
09 want to sell my house, but I did.
10 Q. But you sold your house for money and you
11 recovered money from the sale of that house, correct?
12 A. That's true.
13 Q. Okay. Thank you.

19. PAGE 133:24 TO 136:22 (RUNNING 00:03:05.474)

24 BY MS. KAGIWADA:
25 Q. Ms. Puana, again, if you don't understand me
00134:01 or you can't hear me, just ask me to repeat the
02 question.
03 A. Yes.
04 Q. I'll be happy to do that.
05 So we had a lunch break. Were you able to
06 speak to the U.S. attorney over the lunch break?
07 A. Yes.
08 Q. And did you speak about your deposition here
09 today?
10 A. I didn't take my papers with me so I didn't,
11 no.
12 Q. But did you speak to Mr. McDonald or
13 Mr. Orabona --
14 A. Yes --
15 Q. -- about the case?
16 A. -- yes.
17 MR. McDONALD: Just for the record, just
18 for the record purposes, the United States attorneys
19 did not speak over the break with the witness about
20 the case.
21 MS. KAGIWADA: Okay.
22 BY MS. KAGIWADA:
23 Q. Is that correct, Ms. Puana, you do not?
24 A. Yes, that's correct.
25 Q. Okay, thank you.
00135:01 So, Ms. Puana, we've had -- you've testified a
02 little bit about the reverse mortgage process. Do you
03 remember first meeting with somebody by the name of
04 Percy to discuss --
05 A. Yes, he came -- he came on the first day and
06 the second day he didn't come.
07 Q. But did he explain the reverse mortgage
08 process to you?
09 A. He -- no, I had a phone call.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

10 Q. Okay.
11 A. And whoever was from the mainland, they called
12 me.
13 Q. And --
14 A. And they told me that I can stay -- I should
15 stay in the home as long as I live.
16 Q. Okay. And so the person from the mainland
17 explained that you could stay in the home as long as
18 you lived?
19 A. Yeah. Yes.
20 And I -- I got where you cannot leave your
21 home -- home and different things that I heard on the
22 phone, and that's all I learned about the first
23 mortgage --
24 Q. And then you also spoke to Percy and he
25 explained the reverse mortgage process to you, right?
00136:01 A. Well, she -- she called, the next day she
02 came.
03 Q. I'm speaking about Percy. I believe his last
04 name was Ihara.
05 A. Yes.
06 Q. He also told you about the reverse mortgage
07 process?
08 A. Yes, she told him, yes.
09 Q. And then you -- I think you're referring to
10 you met with Shari Motooka-Higa two times as well,
11 right?
12 A. Well, she came --
13 Q. Well, let's put it this way --
14 A. -- she didn't come in --
15 Q. -- did she meet with you one time?
16 A. Yes, one time. The only time I saw her is
17 when we finalized at the Liberty Bank, Liberty loan
18 bank, and when the -- when the reverse mortgage was
19 finalized, I met with Katherine and Shari.
20 Q. Well, so the first time you met with her was
21 in May of 2009, correct?
22 A. I don't remember that meeting.

20. PAGE 139:08 TO 140:16 (RUNNING 00:01:39.375)

08 Q. And Shari Motooka-Higa, when she met with you,
09 she indicated that the federal government is very
10 strict about reverse mortgages.
11 MR. McDONALD: Objection. Relevance.
12 BY MS. KAGIWADA:
13 Q. Do you remember that?
14 A. I don't remember that.
15 Q. Do you remember that Ms. Motooka-Higa --
16 A. No, I don't.
17 Q. -- talked to you about the reverse mortgage?
18 A. All I was told that Kathy told me it would
19 take three months, not longer than six months --
20 Q. Do you remember Shari Motooka-Higa telling you
21 that you would have to go through separate counseling?
22 A. No.
23 Q. Do you remember that you signed a certificate
24 of your counseling with HUD? You signed a certificate
25 after you met with Shari Motooka-Higa, didn't you?
00140:01 MR. McDONALD: Objection. Relevance.
02 You can answer the question if you know
03 and if you remember.
04 THE WITNESS: No, I don't. I don't
05 remember that.
06 BY MS. KAGIWADA:
07 Q. And you went through counseling, though, over
08 the phone, you testified to that on direct?

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

09 A. I tried. I tried.
10 Q. Well, I remember -- do you remember telling us
11 that you talked to somebody on the phone about the
12 reverse mortgage?
13 MR. McDONALD: Objection. Vague --
14 THE WITNESS: Yes.
15 MR. McDONALD: -- as to telling some
16 party about the reverse mortgage.

21. PAGE 144:16 TO 144:18 (RUNNING 00:00:07.477)

16 MS. KAGIWADA: And this will be Defense
17 Exhibit 1007.
18 (Defense Exhibit 1007 marked.)

22. PAGE 144:24 TO 148:20 (RUNNING 00:05:28.633)

24 BY MS. KAGIWADA:
25 Q. And Ms. Puana, this document is entitled
00145:01 "Central Pacific Home Loans" in the upper left corner,
02 correct?
03 A. Yes.
04 Q. And then do you see under that where it has
05 your name?
06 A. Yes, it's on the top left.
07 Q. Yes. And your address, 3934 Nioi Place?
08 And then under that do you see -- I know it's
09 hard to read, it's very small, but under your name it
10 says 3934 Nioi Place, do you see that?
11 A. Yes. Oh, here. So small.
12 Q. Yeah.
13 A. Yes.
14 Q. And again, at the bottom left, do you see a
15 signature?
16 A. Yes.
17 Q. That's your signature, correct?
18 A. Yes.
19 Q. And it's dated May 5th, 2009; is that right?
20 A. 5 -- 5/3/59, 69. Is that 69?
21 Q. Now, do you remember when Shari Motooka-Higa
22 met with you, she told you that the reverse mortgage
23 could build up interest? She told you that, correct?
24 A. I'm telling you now, I did not have any kind
00146:01 of talk about that except the one on the -- the man
02 that called from the mainland. That's the only time I
03 heard about -- that's how I found -- found out that I
04 could live in that house as long as I lived.
05 Q. And you don't remember Shari Motooka-Higa also
06 told you you could live in that house as long as you
07 lived and would never be kicked out of the house?
08 MR. McDONALD: Objection. Hearsay.
09 THE WITNESS: I don't recall.
10 BY MS. KAGIWADA:
11 Q. And do you remember that she told you that --
12 MR. McDONALD: Objection. Hearsay.
13 BY MS. KAGIWADA:
14 Q. -- interest could build up, and
15 Ms. Motooka-Higa showed you this amortization
16 schedule, didn't she?
17 MR. McDONALD: Objection. Compound. I
18 believe there are two questions pending.
19 BY MS. KAGIWADA:
20 Q. She showed you this amortization schedule,
21 correct?
22 A. I don't recall.
23 Q. And if you could look at this -- I know it's
24 going to be difficult, but if you could look at the --
two, three, four, five, seventh column that says loan

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

25 balance.
00147:01 A. Loan balance.
02 MR. McDONALD: I don't believe this
03 document has been admitted into evidence, so we'd
04 object at this time.
05 MS. KAGIWADA: Okay. I would move to
06 admit this document based on Ms. Puana's agreement
07 that this is her signature at the bottom of the
08 document.
09 MR. McDONALD: No objection.
10 (Move to admit Defense Exhibit 1007.)
11 BY MS. KAGIWADA:
12 Q. And do you see, Ms. Puana, on that first line,
13 column 7, it says loan balance \$534,596.01?
14 I'm just asking if you see that number on
15 there. If you're having trouble finding it, perhaps
16 Mr. McDonald can help you to find it.
17 THE WITNESS: Can you find that? Is that
18 the total?
19 MR. McDONALD: I'm sorry, what is the
20 pending question?
21 MS. KAGIWADA: I'm asking her about the
22 loan balance, if she can see that loan balance.
23 MR. McDONALD: We would object. I mean,
24 the document speaks for itself.
25 MS. KAGIWADA: Okay.
00148:01 BY MS. KAGIWADA:
02 Q. So do you remember Ms. Motooka-Higa indicated
03 that the home value could continue to rise and rise
04 over the course of ten years?
05 MR. McDONALD: Objection. Hearsay.
06 BY MS. KAGIWADA:
07 Q. And that it would probably -- it could rise up
08 to a million dollars, over a million dollars?
09 A. Again, I told you, and I'll say again, I never
10 received anything until I got that letter --
11 Q. Ma'am, I'm not -- I'm not asking about
12 documents you received right now. I'm asking you
13 about your conversation with Ms. Motooka-Higa.
14 A. Yeah, but had I had this papers, I would have
15 known about it, but I never received anything. That's
16 the reason why she had her mail sent to her house.
17 Q. Ms. Puana, I'm asking you about this document,
18 and you do not -- and Ms. Motooka-Higa reviewing this
19 document with you.
20 A. But I had not seen that before.

23. PAGE 151:09 TO 152:15 (RUNNING 00:01:51.331)

09 Q. And do you remember her showing you this
10 Exhibit 1007, the amortization table, and telling you
11 that the mortgage could build and build and build over
12 the years and get to be as high as \$983,000?
13 MR. McDONALD: Objection. Hearsay.
14 You can ans -- you can answer the
15 question.
16 THE WITNESS: If I known that, I would
17 have sold my house before that, had I known that I
18 owed that much.
19 BY MS. KAGIWADA:
20 Q. So is it your answer that you did not know
21 this?
22 A. (Shaking head.)
23 Q. Okay.
24 MS. KAGIWADA: I would like to show the
25 witness Exhibit 1001 again at page 56.
00152:01 MR. McDONALD: Which portion of page 56

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

02 does counsel intend to direct the witness to?
03 MS. KAGIWADA: Starting with line 1.
04 BY MS. KAGIWADA:
05 Q. So weren't you asked by Mr. Sumida: "Okay.
06 Do you remember her showing this amortization table
07 and showing you that after years and years of building
08 the interest and not making any payment, the mortgage
09 could be as high as almost a million dollars,
10 \$983,000, do you remember her talking to you about
11 that?"
12 And you answered: "I know that. I know that
13 the thing could get higher and higher, but we never
14 got any. All the document we had said this is not a
15 bill."

24. PAGE 152:18 TO 153:10 (RUNNING 00:00:35.487)

18 BY MS. KAGIWADA:
19 Q. Do you remember this testimony?
20 A. Ever since that testimony, I lost. I lost
21 that one. And -- and I --
22 MR. McDONALD: Ms. Puana, just answer --
23 just answer the question --
24 THE WITNESS: Yes.
25 MR. McDONALD: -- that she asked you,
00153:01 okay?
02 THE WITNESS: Okay.
03 MR. McDONALD: Okay.
04 BY MS. KAGIWADA:
05 Q. Do you remember testifying at trial and
06 answering this question?
07 Read --
08 A. And what?
09 Q. Please read the -- your answer starting at
10 line 7.

25. PAGE 153:15 TO 160:25 (RUNNING 00:11:36.124)

15 THE WITNESS: Remember...
16 BY MS. KAGIWADA:
17 Q. Didn't you testify, Ms. Puana, that you knew
18 the thing would get higher and higher?
19 A. No, I don't remember any of that.
20 Q. Okay.
21 A. I really don't.
22 Q. But you do remember signing this paper,
23 correct? This is your signature?
24 MR. McDONALD: Objection. Vague as to
25 "this paper."
00154:01 BY MS. KAGIWADA:
02 Q. Exhibit 1007, that is your signature at the
03 bottom of that amortization schedule in Exhibit 1007?
04 MR. McDONALD: Asked and answered,
05 objection.
06 You can answer the question. If you --
07 if you know the answer to the question, you can answer
08 that question. Okay?
09 THE WITNESS: But I don't remember it.
10 MS. McDONALD: Could you repeat --
11 BY MS. KAGIWADA:
12 Q. Okay. Let me ask it again. This is your
13 signature at the bottom --
14 A. Yes, I know it is.
15 Q. Okay. And do you remember being informed that
16 even though the mortgage would get higher and higher
17 and that interest would continue to build up, that you
18 would not have to worry, that you could live in the
19 house as long as you lived?

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

20 MR. McDONALD: Objection. The question
21 contains hearsay.
22 BY MS. KAGIWADA:
23 Q. You may answer the question. Do you need me
24 to repeat it?
25 A. I can answer it, but I'll tell you again, that
00155:01 I never -- I never knew how much my -- my amount was.
02 Q. But --
03 A. Until I saw -- I finally got that letter
04 saying that if I don't pay that yearly --
05 Q. Okay. Ma'am, let me break this down for you a
06 bit -- a little bit.
07 Do you remember -- you knew that the mortgage
08 could get higher and higher and that interest would
09 continue --
10 A. If it wouldn't be paid, but I was told it was
11 paid all the time.
12 Q. That's not the -- listen to my -- you knew
13 that the -- the mortgage -- the interest would
14 continue to get higher and higher?
15 A. Well, eventually, if I wouldn't pay anything
16 it would have.
17 Q. So you knew that. And you knew that, even if
18 that happened, you could live in that house as long as
19 you lived?
20 A. Yes, I did.
21 Q. Okay.
22 A. I was told that.
23 Q. So you knew at the time that you sold your
24 Nioi Place house that you did not have to move out of
25 the house?
00156:01 A. Yes, I was told that.
02 Q. Now, as I understand some of your testimony
03 from direct, you indicated, I believe, that you wanted
04 to get the reverse mortgage so you could buy the
05 condominium for your son Gerard, correct?
06 A. Yes.
07 Q. And the money was bought with the reverse
08 mortgage, correct?
09 A. Yes.
10 Q. So the Greenwood condo did not have a mortgage
11 on it, correct?
12 A. No, it doesn't.
13 Q. And you told Gerard that he was going to have
14 to pay for his own house; isn't that right?
15 A. That's right. And Kathy told me that she
16 could help me to -- to help Gerry to get that
17 apartment. And I told her how can I do that? She
18 said she could help me to -- for me to get the money
19 and she would pay the more -- the -- the --
20 Q. Okay, ma'am, I'm sorry to interrupt, but my
21 question was that Gerard agreed to pay for his own
22 house, correct?
23 A. Yes.
24 Q. Okay. And that you told him he was supposed
25 to take over the loan; isn't that right?
00157:01 A. Yes.
02 MR. McDONALD: Objection. Vague as to
03 "loan."
04 BY MS. KAGIWADA:
05 Q. You told him that he was supposed to take over
06 the payment for the house, correct?
07 MR. McDONALD: Objection. Vague as to
08 "house."
09 BY MS. KAGIWADA:
10 Q. For the Greenwood condo, you told him that he

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

11 should take over the payment for the Greenwood condo;
12 isn't that correct?
13 A. Gerard would take over.
14 Q. Yes.
15 A. And pay -- pay --
16 Q. And you told him he was going to make his own
17 monthly payments; isn't that right?
18 A. Pardon?
19 Q. He was going to make his own monthly payments
20 for the Greenwood condo; isn't that correct?
21 A. Right, he -- Gerard would pay Kathy.
22 Q. He would pay for the loan himself, though,
23 because he was going to live in the condo.
24 MR. McDONALD: Objection. Misstates the
25 evidence.
00158:01 THE WITNESS: He would live in the condo.
02 BY MS. KAGIWADA:
03 Q. He was going to live in the condo and --
04 A. Yes, if --
05 Q. -- and isn't that why he was going to make the
06 payments for the condo?
07 A. I never heard that.
08 Q. And --
09 A. I didn't know that.
10 Q. -- your granddaughter Kathy was not going to
11 live in the condo, was she?
12 A. No, she wasn't.
13 Q. Yeah. She had her own house, correct?
14 A. Yes, she did.
15 Q. And you made it clear to both Gerard and Kathy
16 that he was going to pay for his Greenwood condo;
17 isn't that right?
18 A. That's right. And Gerard would pay her every
19 month and that was the agreement.
20 Q. But you made it clear to Gerard that he was
21 going to have to pay for his own condo loan?
22 A. Yes.
23 MR. McDONALD: Objection. Asked and
24 answered.
00159:01 BY MS. KAGIWADA:
02 Q. Now I'd like to move back to something we
03 touched on briefly before. You would loan money to
04 Gerard, wouldn't you --
05 MR. McDONALD: Objection. Relevance.
06 BY MS. KAGIWADA:
07 Q. -- from time to time? Do you remember loaning
08 money to Gerard?
09 A. I never loaned money to Gerard.
10 Q. You have not loaned him any money?
11 A. No.
12 Q. Weren't there times that was -- where Gerard
13 was short on money and you would have to loan him
14 money?
15 A. No. Whatever money he had, he deserved.
16 Q. Okay. I'd like to show you Exhibit 1001
17 again, page -- starting at page 61, line 23.
18 MR. McDONALD: Here you go. 23, right
19 here.
20 BY MS. KAGIWADA:
21 Q. So starting on page -- line 23, page 61.
22 A. I see. 22. Okay. So starting on...
23 Q. If you could read that question continuing
24 over to the next page, 62, and your answer on line 2.
25 A. I never told Gerry -- Gerard that I could give
00160:01 him money when he want.
Q. Did you finish reading that part of the

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

02 testimony?
03 A. Yes.
04 Q. Does that refresh your memory of what you
05 previously testified to?
06 A. Yes.
07 Q. And so you did admit that you loaned money to
08 Gerard, correct?
09 A. I would never tell him he would have money,
10 because I didn't have money myself to give him.
11 Q. Hold on just a minute. Okay.
12 And do you also see on page 62, going on to
13 line 9, if you could read that portion all the way
14 to --
15 A. 9?
16 Q. -- line 14.
17 Have you read from line 9 to line 14?
18 A. I never ever said that whenever Gerard wanted
19 money I could -- I would give it to him.
20 Q. So does this refresh your memory, though, of
21 what you previously testified to in court?
22 A. Yes, I know what it says. I know.
23 Q. And so, Ms. Puana, are you denying that you
24 said that in court?
25 A. I don't remember what I said in court.

26. PAGE 162:10 TO 167:08 (RUNNING 00:05:39.275)

10 BY MS. KAGIWADA:
11 Q. I'm sorry, Ms. Puana, I guess you didn't
12 understand my question.
13 Did you rely upon --
14 A. Yes, I did.
15 Q. -- Gerard --
16 A. Yes, I did.
17 Q. -- to keep track of loans that you made to
18 him?
19 MR. McDONALD: Objection. Relevance.
20 BY MS. KAGIWADA:
21 Q. So you did rely upon him to keep track of the
22 loans?
23 A. I relied on him because I couldn't drive, so
24 he took me everywhere.
00163:01 Q. And I believe you testified earlier that you
02 stopped driving around age 90; is that correct?
03 A. When I was 90 years old.
04 Q. And he was the means of your transportation,
05 correct?
06 A. Pardon?
07 Q. He -- he drove you after you stopped driving;
08 is that correct?
09 A. Yeah, he drove me everywhere.
10 Q. And he drove you in the car that you
11 previously owned, correct?
12 A. He drove -- no, he had his own car.
13 Q. And --
14 A. And later when I stopped driving, he sold it
15 and he got another car.
16 Q. And the car that he drove you around in, that
17 was the silver car, wasn't it?
18 A. No, he had different car.
19 Q. Okay. What color was the car that you drove,
20 the car that you owned?
21 A. It was -- it was --
22 MR. McDONALD: Objection as to relevance.
23 THE WITNESS: -- station wagon or
24 something.
25 BY MS. KAGIWADA:

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

25 Q. I'm asking about the color of the car.
00164:01 MR. McDONALD: Objection as to relevance.
02 Vague as to "car."
03 BY MS. KAGIWADA:
04 Q. Ms. Puana, you indicated that you stopped
05 driving when you were about age 90, correct? And
06 didn't give your car to Gerard to drive?
07 A. Yes, and then he sold it.
08 Q. And the car that he drove, wasn't it silver in
09 color?
10 A. No.
11 Q. It was not silver?
12 MR. McDONALD: Objection as to "the car,"
13 vague.
14 BY MS. KAGIWADA:
15 Q. Ms. Puana, I'm referring to the car that you
16 previously owned that you gave to Gerard. It was
17 silver, wasn't it?
18 MR. McDONALD: Objection as to relevance.
19 THE WITNESS: My sister gave him the car
20 when she passed away.
21 BY MS. KAGIWADA:
22 Q. And your sister's name was Rose Fryer?
23 A. He still -- he still has it, the silver car
24 that I said was white.
00165:01 Q. Was the silver car the car that belonged to
02 your sister?
03 A. Yes.
04 MR. McDONALD: Objection. Relevance.
05 BY MS. KAGIWADA:
06 Q. And Mr. -- your son Gerard Puana, he drove
07 that car for a number of years, didn't he?
08 A. Well --
09 MR. McDONALD: Objection as to relevance.
10 THE WITNESS: -- after my sister died,
11 that's the only car he had.
12 BY MS. KAGIWADA:
13 Q. Okay. And what year did your sister die?
14 MR. McDONALD: Objection. Relevance.
15 BY MS. KAGIWADA:
16 Q. You may answer the question. Do you remember
17 what year your sister died?
18 A. Yes. Five years ago.
19 Q. So approximately in 2014?
20 A. Yes.
21 Q. Okay. And so do you remember testifying about
22 the deposition that you went to with Ms. Kealoha on
23 June 19th --
24 A. Yes.
00166:01 Q. -- 2015?
02 Was that the same car that Gerard was driving
03 at that time?
04 A. Yes.
05 Q. And it was silver, wasn't it?
06 A. Yes, but I always say white.
07 Q. Right, correct.
08 And he had been driving that car for a number
09 of years, correct?
10 A. Yes.
11 Q. And so Katherine, your granddaughter would
12 have seen him driving that car, correct?
13 MR. McDONALD: Objection. Calls for
14 speculation.
15 BY MS. KAGIWADA:
16 Q. You may answer the question.
17 A. I can't answer the question.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

16 Q. Do you know that if Katherine saw Gerard
17 driving that silver car?
18 A. I guess so. I don't know if she did or not.
19 Q. But that was a car that he drove during that
20 time period, during the period of 2011, 2012, 2013,
21 2014?
22 A. Yes, because my sister died then.
23 MR. McDONALD: Does counsel have any
24 further questions of this witness?
25 MS. KAGIWADA: Yes, just one moment.
00167:01 BY MS. KAGIWADA:
02 Q. So, Ms. Puana, I'd like to show you -- we're
03 talking about money and money that you had loaned or
04 hadn't loaned to your son Gerard, so I'd like to show
05 you an exhibit.
06 MS. KAGIWADA: And this will be Defense
07 Exhibit 1008.
08 (Defense Exhibit 1008 marked.)

27. PAGE 203:09 TO 214:11 (RUNNING 00:17:04.216)

09 BY MS. KAGIWADA:
10 Q. Okay. Now, Ms. Puana, I'd like to turn to a
11 different area which you've already testified about on
12 direct examination, and that's the MetLife statements.
13 MS. KAGIWADA: So if I may, I'd like to
14 show Ms. Puana Government's Exhibit E 1-19.
15 BY MS. KAGIWADA:
16 Q. So, Ms. Puana, as you testified, these were
17 statements from MetLife, correct?
18 A. This states that this is not a bill.
19 Q. But this is something you've already testified
20 to as being from MetLife, is that what it says in the
21 upper left-hand corner? Ms. Puana, I'm only asking if
22 this is from MetLife. Is that what's written in the
23 upper corner?
24 A. Yes.
25 Q. Okay. And I'd like you to look underneath
00204:01 MetLife, do you see your name, where it says Florence
02 M. Puana?
03 A. Yes.
04 Q. And under that, your name, it's addressed to
05 your address, right, 3934 Nioi Place?
06 A. Yes.
07 Q. So this came to your house, correct?
08 Ms. Puana?
09 A. Yeah, that -- that came to my house.
10 Q. Right.
11 A. And -- yes, it did finally.
12 Q. Well, Ms. Puana, could you please look at the
13 date in the -- I believe it's the -- under where it
14 says "this is not a bill," doesn't it say the
15 statement period is October 31st, 2009 to
16 November 30th, 2009?
17 A. Yes.
18 Q. So you received this statement in 2009, didn't
19 you?
20 A. Yes, when it finally got to my address.
21 Q. But the date on this bill is October 31st,
22 2009, to November 30th, 2009, correct?
23 A. Yes.
24 Q. So this is right after the reverse mortgage
25 closed, correct?
00205:01 A. Yes.
02 Q. And is your testimony today that you never
03 received this bill until later?
04 MR. McDONALD: Objection. That misstates

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

05 her testimony.
06 BY MS. KAGIWADA:
07 Q. Ms. Puana, you testified earlier that you did
08 not see this statement until later. When did you see
09 this statement?
10 MR. McDONALD: Objection. That misstates
11 her testimony.
12 BY MS. KAGIWADA:
13 Q. Let me ask it this way, Ms. Puana. In the
14 time period October 31st and November 2009 you were
15 still living at 3934 Nioi Place, correct?
16 A. Yes.
17 Q. Is it your testimony today that you did not
18 receive this bill in 2009?
19 MR. McDONALD: Objection. Misstates --
20 THE WITNESS: 2009?
21 BY MS. KAGIWADA:
22 Q. I'm asking a question. Is it --
23 MR. McDONALD: Misstates testimony.
24 BY MS. KAGIWADA:
25 Q. -- is it your testimony that you did not
00206:01 receive this bill in 2009?
02 MR. McDONALD: Objection. That misstates
03 her testimony.
04 THE WITNESS: Well, actually --
05 BY MS. KAGIWADA:
06 Q. No, I'm asking a question.
07 A. Yes, I did receive it.
08 Q. You did receive it?
09 A. Yes, I did receive it.
10 Q. And you did receive it in 2009, correct?
11 A. It has my address.
12 Q. I'm sorry, if I could turn to page 2. And
13 same question, this is also from MetLife, isn't it,
14 page 2? Is this from MetLife in the upper left-hand
15 corner?
16 A. Yes.
17 Q. And again is this addressed to you at 3934
18 Nioi Place?
19 A. Yes.
20 Q. And do you see in the middle where it says
21 statement period, February 28, 2010, to March 31st,
22 2010?
23 A. 2010?
24 Q. That's what it says there, doesn't it?
25 A. Yes.
00207:01 Q. Okay. And the original principal showing this
02 bill is -- well, on this document is \$537,000 --
03 537,304.50, do you see that?
04 A. So that's when I decided to sell my house.
05 Q. Okay. But -- and then do you see where it
06 says current total loan balance is 551,053.50, that
07 was the current loan balance, correct?
08 A. Yes.
09 Q. And again, you received this bill, didn't you,
10 in 2010?
11 A. I -- I don't know.
12 Q. Okay. If you could turn to page 3. Now, this
13 is again a statement from MetLife, correct?
14 A. Yes.
15 Q. And it's addressed to you, Florence M. Puana,
16 at 3934 Nioi Place, correct?
17 A. Yes.
18 Q. And it's for the statement period of
19 March 31st, 2010, to April 30th, 2010, correct?
20 A. Yes, except the other one said "this is not a

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

21 bill."
22 Q. Okay. And then do you see towards the bottom
23 where it says current total loan balance, it says
24 553,800 -- I can barely read it, 66 and \$0.31, do you
25 see that?
00208:01 A. Yes, I did.
02 Q. And so you received this bill after
03 April 2010, didn't you?
04 A. I received that.
05 Q. Yes.
06 A. And like I said, that's how I decided to sell
07 my home.
08 Q. Okay. Now, isn't it true that when you were
09 living at Nioi Place, Gerard was living with you in
10 the period of 2009 to 2012?
11 MR. McDONALD: Objection as to relevance.
12 THE WITNESS: No.
13 BY MS. KAGIWADA:
14 Q. Gerard was not living with you at that time?
15 A. I wasn't living at my house.
16 Q. Not in 2009?
17 A. No.
18 Q. Well, what -- didn't you testify earlier that
19 you moved to Kailua in 2013?
20 A. Well, I didn't -- I just came to Kailua.
21 Q. But that was in 2013?
22 A. Yeah 2000 -- yes.
23 Q. So in 2009 and 2010, you were still living at
24 Nioi Place, correct? You were still living at 3934
25 Nioi Place in 2009 and 2010; isn't that right?
00209:01 A. Yes.
02 Q. And didn't you testify earlier that sometimes
03 people would help to pick up your mail?
04 MR. McDONALD: Objection. Misstates her
05 testimony.
06 THE WITNESS: Yeah, that --
07 BY MS. KAGIWADA:
08 Q. So sometimes would Gerard help you to pick up
09 your mail?
10 A. No, Gerard never picked my mail.
11 Q. Okay. Well, I would like to refer you to
12 Exhibit 1001 at page 104.
13 A. Nobody was taking my mail.
14 Q. Line 23. Didn't you testify in state court,
15 so Gerard must have -- "Question: So Gerard must have
16 helped you pick up your mail from time to time, right?
17 "Answer: Yes, he did."
18 So you did state that; isn't that correct?
19 A. It says here I did, yes.
20 Q. Okay. Now, moving on to -- you've already
21 testified that you decided to file a lawsuit against
22 your granddaughter Kathy --
23 A. Yes, I did.
24 Q. -- in 2013, correct?
25 A. (Nodding head.)
00210:01 Q. And I believe you testified that you filed the
02 lawsuit because you didn't receive any statements or
03 papers, was that correct?
04 A. That's correct.
05 Q. Okay. And you've also testified that you
06 wrote a letter to your granddaughter Kathy.
07 A. Yes, I did.
08 Q. In September 2015, correct?
09 But you didn't write that letter yourself, did
10 you?
11 A. My daughter wrote it and I told her what to

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

12 write.
13 Q. And by your daughter you mean your daughter
14 Kay Hartsell wrote that letter, correct?
15 A. Yes.
16 Q. And is it your testimony that you told her
17 what to write in that letter?
18 A. Yes.
19 Q. And then you read it and approved it?
20 A. Yes.
21 Q. And you signed it?
22 A. Yes.
23 Q. Okay. So is it your testimony today that
24 everything you wrote in that letter is accurate?
25 A. I told her I --
00211:01 Q. I'm just asking if what you wrote in that
02 letter is accurate?
03 A. I told her that I would like to talk it over
04 and --
05 Q. I'm sorry, ma'am, maybe I'm not framing my
06 question correctly, but is everything that you wrote
07 in that September 2012 letter accurate?
08 A. Yes, it was.
09 Q. Okay.
10 MS. KAGIWADA: I know that this has
11 already been introduced as a plaintiff's exhibit, we
12 also have our own copy, but we can use yours as well
13 if you have it, the September 12, 2010, letter. I'm
14 sorry, I forget the exhibit number.
15 MR. McDONALD: It's 1-9.
16 MS. KAGIWADA: 1-9, okay.
17 BY MS. KAGIWADA:
18 Q. So, Mrs. Puana, this is the letter you
19 previously testified to, correct?
20 A. Yes, I did.
21 Q. And if I could refer you to the third
22 paragraph, you wrote, didn't you write: "I trusted
23 you when you came to me in October 2009 with the idea
24 of a reversed mortgage on my house."
25 Do you see that line?
00212:01 A. Yes.
02 Q. So is it your testimony today that Kathy came
03 to you in October of 2009 with the idea for the
04 reverse mortgage?
05 A. Yes, she came to my house.
06 Q. In October 2009, that's what you wrote in the
07 letter, correct?
08 A. I -- well, my daughter wrote it, so --
09 Q. But, ma'am, did you just tell us that you
10 approved and agreed with everything you wrote in that
11 letter and it was accurate?
12 A. Yes.
13 Q. Okay. And isn't it true, though, that the
14 reverse mortgage for your house closed in September of
15 2009?
16 A. Closed?
17 Q. By "closed" I mean that is when the reverse
18 mortgage paid -- the company, the bank paid the money
19 for the reverse mortgage?
20 A. Yes. That was at the Central Pacific Bank.
21 Q. Right. But it happened in September of 2009,
22 correct?
23 A. September, yes.
24 Q. Okay. So this is not accurate when you say
25 that Kathy came to you in October 2009 with the idea
00213:01 of the reverse mortgage?
02 A. Well, it could be -- it could be an error.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

03 Anybody can write an error --
04 Q. Okay.
05 A. -- yes.
06 Q. And isn't it true you further wrote here: "I
07 trusted you when you came to me in October 2009 with
08 the idea of a reverse mortgage on my house so I could
09 buy a condo at the Greenwood and you could borrow
10 around \$300,000, which you said was to consolidate
11 your debts."
12 So didn't you tell Kathy that she had borrowed
13 \$300,000? Ma'am, isn't that what you wrote in the
14 letter, that Kathy borrowed \$300,000?
15 A. Yes, it says here.
16 Q. And again you told your daughter what to
17 write, correct?
18 A. Yes.
19 Q. So today are you saying that \$300,000 was the
20 amount that you claimed Kathy borrowed?
21 A. For the condominium, yes, and the rest she was
22 going to use to refinance her home.
23 Q. Didn't you testify before the state court that
24 the Greenwood condominium cost \$360,000?
25 MR. McDONALD: Objection. Hearsay,
00214:01 improper impeachment.
02 BY MS. KAGIWADA:
03 Q. And didn't you testify at the state trial that
04 the entire amount that was borrowed was \$537,000?
05 A. It's what it should have been.
06 Q. Okay. But didn't you then testify that that
07 amount must have been wrong?
08 A. Well, like I said --
09 MR. McDONALD: Objection. That's vague.
10 THE WITNESS: -- anybody can make an
11 error, because we didn't have the exact amount.

28. PAGE 214:19 TO 219:03 (RUNNING 00:05:48.466)

19 BY MS. KAGIWADA:
20 Q. Okay. Perhaps it would help you if I referred
21 you -- hold on just a minute -- to Exhibit 1001, page
22 135, line 2.
23 A. Is that my --
24 Q. Okay. Didn't you testify -- the question was:
25 "Okay, so do you know where that number came from in
00215:01 your letter?"
02 "Answer: I don't know.
03 "Question. Okay. When you read it and you
04 approved it and you signed it, did you ask Kay where
05 that number came from?
06 "Answer: Like I said, I don't remember any
07 amount of money that I told her to put down. I don't
08 remember telling her to put those. Because she didn't
09 know anything of the amount that I had borrowed, so I
10 don't know how it came about that -- I don't remember
11 telling her to put that amount.
12 "Question: When you read it and you approved
13 it and you signed it, did you notice that there was a
14 number 300,000 on it before you signed it?
15 "Answer: Again, I told you, I didn't even
16 know that -- what number to give her, because I don't
17 remember seeing any amount of money on that letter."
18 A. That's the last trial --
19 Q. "Question: Oh, are you saying that when you
20 signed the letter that the number part was blank?
21 "Answer: Pardon?
22 "Question: Oh, are you saying that when you
23 signed the letter, the place where the numbers are,

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

24 the \$300,000, that that was -- that was a blank?
25 "Answer: I don't remember any amount of money
00216:01 written in the letter."
02 Didn't you testify to that?
03 MR. McDONALD: Object. It's improper
04 impeachment, hearsay.
05 BY MS. KAGIWADA:
06 Q. Didn't you testify to that at the state trial?
07 A. That was before the reverse mortgage.
08 Q. Well, I'm referring to the letter that you
09 wrote to your granddaughter Katherine on
10 September 10th, 2012.
11 A. But the other trial that I went, that's a
12 different trial. I didn't even have a reverse
13 mortgage then.
14 Q. Right. But I'm just asking if this is what
15 you said about your letter at the state trial?
16 Okay, that's fine. Moving on.
17 THE WITNESS: I never --
18 MR. McDONALD: Okay. Just listen to the
19 questions.
20 BY MS. KAGIWADA:
21 Q. So earlier you looked at the statements from
22 MetLife that came to your home address, correct?
23 A. Yes.
24 Q. And those were coming in 2009 and into 2010,
25 correct?
00217:01 And at one point you testified that you
02 changed your address to a post office box; isn't that
03 correct?
04 A. I didn't change it, Kathy did.
05 Q. Well, you testified on direct, did you not,
06 that you signed a document agreeing to --
07 A. But that was the other trial I went to. This
08 is a different --
09 Q. Ma'am, no, I'm referring to today. You
10 testified that you signed a document changing your
11 post -- your address to the post office address. That
12 was just today.
13 Perhaps it will refresh your memory if we can
14 show you the exhibit, which is exhibit --
15 MR. McDONALD: We would object.
16 Argumentative to the prior exchange.
17 Is that the right one?
18 MS. KAGIWADA: Yes.
19 BY MS. KAGIWADA:
20 Q. Isn't this your name on this exhibit? Is that
21 your signature? Isn't that your signature on that
22 exhibit, agreeing to change to the post office box?
23 MR. McDONALD: Could counsel repeat the
24 question?
25 THE WITNESS: Yes.
00218:01 BY MS. KAGIWADA:
02 Q. I'm sorry. Isn't that your signature on that
03 document?
04 A. Yes, that's my signature.
05 Q. And isn't that the document that changed your
06 address to the post office box?
07 A. The address.
08 Q. Is it changing it to an address at Waialae
09 Avenue?
10 A. Yes.
11 Q. And that's where the post office box was,
12 correct?
13 A. That's where Kathy's post box. I didn't have
14 a --

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

15 Q. But --
16 A. I -- that was at -- at the UPS. She changed
17 her mail and that was her address there.
18 Q. But your name is now on that --
19 A. Yes.
20 Q. -- post office box, correct?
21 A. My name is there because she took me to the
22 UPS to have my mail go to her box so she could get it,
23 so on her way home she would pick it up.
24 Q. Okay. But you could pick up mail at that post
25 office box, too?
00219:01 A. No, I didn't have a key. I didn't have a
02 lock. I didn't even get to that -- I couldn't even
03 get there.

29. PAGE 220:16 TO 228:24 (RUNNING 00:09:27.562)

16 Q. Isn't it true, Ms. Puana, that you could have
17 gone to that post office box and obtained your mail by
18 showing your ID, even if you didn't have a key?
19 A. She asked me for my ID. She asked me for
20 my -- my driver's license.
21 Q. At the post office box?
22 A. At -- at the UPS.
23 Q. At the UPS.
24 A. Yes, and also my Foodland card, and -- and she
25 had it all in paper, and she told me to sign my -- my
00221:01 name and she would have the mail -- my mail going to
02 her box so on her way home she would pick it up and it
03 would be easier.
04 Q. But, ma'am, that's not my question.
05 My question is did you know you had the option
06 to present your own ID at the UPS post office --
07 A. I didn't know what she took me for. She just
08 told me --
09 Q. Ma'am, ma'am, I'm sorry, I'm asking you, did
10 you know that you could get your mail by presenting
11 your ID at the UPS office?
12 A. I did not know. She didn't tell me. I didn't
13 know. I never worked with the UPS before.
14 Q. And isn't it true, though, you went to UPS to
15 sign the document changing your address?
16 A. She asked me my -- my driver's license and
17 also --
18 Q. I'm sorry, "she" meaning?
19 A. Katherine.
20 Q. But didn't you have to show that ID to the UPS
21 office?
22 A. She took me, yes.
23 Q. So you went to the UPS office and showed your
24 ID?
25 A. Yes, and she said that would be easier for
00222:01 her.
02 Q. But, ma'am, that's -- the only question I'm
03 asking is if you showed your ID at the UPS office.
04 A. I didn't know that.
05 Q. No, did you -- did you show your ID when you
06 signed the document changing your address?
07 A. Yes.
08 Q. And it's your testimony that you did not know
09 you could pick up your mail by showing your ID?
10 A. Yes, but don't you have to have a key to get
11 into the mailbox? I didn't have a key.
12 Q. But, ma'am, did you know that you could have
13 picked up your mail by just showing your ID even if
14 you didn't have a key?
15 MR. McDONALD: Objection. Asked and

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

16 answered, badgering the witness.
17 THE WITNESS: I did not know anything.
18 BY MS. KAGIWADA:
19 Q. Okay.
20 A. I did not know.
21 MS. KAGIWADA: I don't think we can
22 introduce this at this point because -- but just for
23 identification.
24 BY MS. KAGIWADA:
25 Q. Did there come a point in time where you
00223:01 decided to have a meeting with people in your family
02 about the reverse mortgage?
03 A. No, because I told her that -- she said it
04 would take three months, no more than six months.
05 Q. I'm sorry, maybe I'm not clear about my
06 question.
07 After the reverse mortgage had funded, was
08 there a time when you met with other members of your
09 family?
10 A. Well, they knew about it. I told them.
11 MR. McDONALD: Object as to vague on
12 meeting with family.
13 BY MS. KAGIWADA:
14 Q. So do you remember, though, having a meeting
15 with your family?
16 MR. McDONALD: Objection as to --
17 THE WITNESS: Yes, I did.
18 MR. McDONALD: -- vague.
19 BY MS. KAGIWADA:
20 Q. Okay. And do you remember who was -- do you
21 remember that some of your children were present at
22 that meeting?
23 MR. McDONALD: Objection. Vague.
24 THE WITNESS: What was that?
25 BY MS. KAGIWADA:
00224:01 Q. Well, do you remember having a meeting where
02 Charlotte, your daughter Charlotte, your --
03 A. Yes.
04 Q. -- daughter Kay Hartsell, her husband Rick
05 Hartsell --
06 A. Yes.
07 Q. -- daughter Carolyn and your son Gerard --
08 A. Yes.
09 Q. -- were present?
10 And at that meeting didn't you explain to them
11 about the reverse mortgage?
12 A. At that meeting, I told them what I did, I
13 signed the paper and I got a reverse mortgage. But I
14 found out that it was not paid, so I was going to sell
15 my home.
16 Q. So -- and at that meeting didn't you tell
17 other members of your family that Katherine would put
18 down the down payment on the reverse mortgage?
19 MR. McDONALD: Objection. Hearsay.
20 THE WITNESS: I did not tell anything
21 like that to my family.
22 BY MS. KAGIWADA:
23 Q. Okay. I'd like to refer you to Exhibit 1001,
24 page 145, starting at line 20. And the question was,
25 and you told them -- yeah, starting at line 20, and
00225:01 the question was: "And you told them that Kathy would
02 put down the payment, the down payment, and he would
03 take over the mortgage after that. You told them
04 that, right?
05 "Answer: I would take over the mortgage?
06 "Question: No. That -- that Kathy would put

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

07 down the down payment, and he, Gerard, would take over
08 the mortgage after that. Isn't that what you told
09 them at that meeting?
10 "Answer: Yes.
11 "Question: Okay. And you told them that --
12 THE WITNESS: (Inaudible.)
13 MR. McDONALD: I'm sorry, Counsel, are
14 you on to page 146 now?
15 MS. KAGIWADA: I'm sorry, I'm on 146 now.
16 MR. McDONALD: Okay.
17 BY MS. KAGIWADA:
18 Q. "Okay. And you told them that Gerard would
19 take over the loan, right?
20 "Answer: Yes, pay Kathy monthly.
21 "Question: Right."
22 So you did tell them this?
23 A. Tell my family that?
24 Q. Yes, isn't that your testimony, that you
25 testified to in the state court?
00226:01 A. The state court?
02 Q. This is what we're looking at in Exhibit 1001.
03 A. Yes, I mean, I didn't even have the mortgage
04 at that time. I didn't have a reverse mortgage at the
05 time I went to this trial.
06 Q. Okay. But this is at some point where you had
07 a meeting with your family.
08 A. How can I get a meeting if I didn't have -- I
09 didn't even have a mortgage, or I didn't have --
10 Q. Okay.
11 A. How can I have a meeting with my family if I
12 didn't even have the mortgage yet. I can't understand
13 that.
14 Q. Okay. So what was the trial about, then, if
15 you didn't have anything left to argue about? If you
16 didn't have a reverse mortgage, what was the trial
17 about?
18 MR. McDONALD: Objection. Vague.
19 BY MS. KAGIWADA:
20 Q. Ms. Puana, do you not remember what the trial
21 was about?
22 MR. McDONALD: Objection. Vague.
23 THE WITNESS: I really -- it was about
24 mostly of the checks that I made and I explained
25 everything.
00227:01 BY MS. KAGIWADA:
02 Q. Okay.
03 A. That was mostly of the checks. I didn't have
04 anything to do with the mortgage because I didn't even
05 have a mortgage that time.
06 Q. Ms. Puana, I have one question for you too
07 about the power of attorney. You testified earlier
08 today that your granddaughter Kathy held the power of
09 attorney for you, correct?
10 A. Yes, she did.
11 Q. And your testimony earlier, I believe, was
12 that that power of attorney was so you could get the
13 reverse mortgage; is that correct?
14 A. If she -- she was -- she was going to be my
15 attorney.
16 Q. For the reverse mortgage, correct?
17 A. Yes.
18 Q. But isn't it true that you're the only one who
19 signed any documents for the reverse mortgage?
20 A. Yes, I -- because my son wouldn't sign it.
21 Q. But your granddaughter Kathy never signed a
22 document for the reverse mortgage; isn't that correct?

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

23 A. If she didn't sign, how did she be my
24 attorney?
25 Q. Well, I'm talking about the documents that we
00228:01 reviewed earlier today. Remember you testified that
02 you had counseling with Shari Motooka-Higa and with
03 the person on the phone and that we went through all
04 the documents where you identified your signature, but
05 none of those documents had Katherine Kealoha's
06 signature on them, did they?
07 A. I don't know.
08 Q. All those documents were signed by you,
09 correct?
10 A. I can't remember.
11 Q. Okay.
12 A. But she was -- she was my attorney. She was
13 going to be my attorney.
14 Q. Okay.
15 A. I asked her to be my attorney. And she --
16 Q. Do you remember what the result was of the
17 state civil trial?
18 MR. McDONALD: Objection. Relevance.
19 THE WITNESS: Can you repeat that
20 question.
21 BY MS. KAGIWADA:
22 Q. Do you remember what -- do you remember what
23 the result was of the state civil trial?
24 A. I lost it.

30. PAGE 236:02 TO 243:03 (RUNNING 00:08:18.546)

02 MS. KAGIWADA: I'm sorry, I have at least
03 two more exhibits. I'll do this one first since we've
04 already marked it. I'd like to show you what's been
05 marked as Defense Exhibit 1021.
06 (Defense Exhibit 1021 marked.)
07 MS. KAGIWADA: And this is part of a
08 document that is in the discovery, and it does have
09 the Bates stamp on the bottom.
10 BY MS. KAGIWADA:
11 Q. Ms. Puana, looking at that, what I've handed
12 you to as Defense Exhibit 1021, who is that in that
13 photograph?
14 A. Pardon?
15 Q. Can you identify who that is in that
16 photograph?
17 A. No, I don't. I don't know who he is.
18 Q. You don't know who that is? Okay, thank you.
19 Okay. And then I have one more exhibit to
20 show you.
21 MS. KAGIWADA: This will be Defense
22 Exhibit 1022.
23 (Defense Exhibit 1022 marked.)
24 MS. KAGIWADA: This was one of the
25 State's exhibits which was not introduced for this
00237:01 deposition, so I believe that this is in our
02 discovery.
03 BY MS. KAGIWADA:
04 Q. Ms. Puana, if I could show you this document.
05 Do you see at the top where it says this is a tax
06 clarification affidavit?
07 A. Yes.
08 Q. Okay. And then do you see under that it says:
09 "Regarding the Greenwood condo, 1128 Napunani Street,
10 Number 1803, Honolulu, Hawaii."
11 Do you see that?
12 A. Yes.
13 Q. That was your son Gerard's condo, wasn't it?

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

14 A. No, that -- that was for Kathy's taxes.
15 Q. But isn't this -- this regarding Gerard's
16 condo, the Greenwood condo, that's his address,
17 correct?
18 A. No, that didn't have anything to do with that.
19 She gave me a paper and she told me --
20 Q. Ma'am, I'm sorry, I'm not phrasing my question
21 correctly, I guess.
22 A. She told me --
23 Q. Ma'am, I'm sorry --
24 MR. McDONALD: So listen -- listen --
25 listen to her question.
00238:01 BY MS. KAGIWADA:
02 Q. I'll rephrase my question.
03 MR. McDONALD: And then just answer the
04 question --
05 THE WITNESS: Okay.
06 MR. McDONALD: -- that she asks you,
07 okay?
08 BY MS. KAGIWADA:
09 Q. Isn't this about the Greenwood condo? Isn't
10 that what that says on this document? Isn't that what
11 it says under regarding subject property, the
12 Greenwood condo?
13 A. What about the condo?
14 Q. Okay. That's your son Gerard's condo, isn't
15 it? Isn't that where he lives today?
16 A. Yes, but --
17 Q. Okay, that's all I needed to know. That's all
18 I needed to know for now.
19 And turning to page 2 of this document, is
20 that your signature about a third of the way down the
21 page? Isn't that your signature?
22 A. Yes, it is.
23 Q. And it's dated July 30th, 2010, correct?
24 A. Yes.
25 Q. And do you see under that there's what appears
00239:01 to be an acknowledgment by a notary public; isn't that
02 correct? Do you see where it says "notary public" and
03 then "acknowledgment"?
04 A. Yes.
05 Q. So you signed this document on July 30th,
06 2010, before a notary, correct?
07 A. I went -- I went to get this notarized because
08 I know this Tura Tavares.
09 Q. Okay.
10 A. I know her.
11 Q. Okay.
12 A. So I was supposed to take the paper that Kathy
13 gave me --
14 Q. Okay.
15 A. -- and I --
16 Q. Turning back to the first page, this affidavit
17 in paragraph 1 says it's regarding a reverse mortgage
18 transaction with Central Pacific Home Loans. Isn't
19 that correct?
20 MR. McDONALD: We object to this on
21 hearsay grounds. This is an out-of-court statement.
22 THE WITNESS: This is not --
23 BY MS. KAGIWADA:
24 Q. Do you see on paragraph 1 where it says a
25 reverse mortgage transaction with Central Pacific Home
00240:01 Loans?
02 A. I can't answer that --
03 Q. I'm just asking --
04 A. -- question.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

05 Q. -- if you see this on the document.
06 MR. McDONALD: Counsel, could you repeat
07 the question, please.
08 BY MS. KAGIWADA:
09 Q. Well, perhaps it would be easier this way. If
10 you want, I can read this to you and then you can just
11 acknowledge that that's what it says.
12 "This reverse home loan transaction was
13 completed as of June 2000 -- I'm sorry, reverse
14 mortgage transaction with Central Pacific Home Loans
15 was initiated to purchase the above-subject property
16 located at 1128 Napunani Street, Number 1803,
17 Honolulu, Hawaii 9618 [sic]."
18 That's what the first sentence says, correct?
19 And then it says: "This reverse mortgage home
20 loan transaction has been completed as of June 2010
21 and my agent was Shari Motooka-Higa."
22 That's correct, right?
23 A. (Shaking head.)
24 Q. That's not correct?
25 A. Not to me it is.
00241:01 Q. You did not have a reverse mortgage with Shari
02 Motooka-Higa at Central Pacific Home Loans?
03 A. But that's not the tax papers that I was
04 given.
05 Q. Well, Ms. Puana, you just indicated that you
06 signed this document before a notary on July 30th,
07 2010, didn't you?
08 A. This is the paper that I had -- I had to go
09 and have it notarized and my friend did this. And I
10 was told after I got this --
11 Q. I'm sorry, Ms. Puana.
12 A. -- to send it back to her.
13 Q. I'm sorry, Ms. Puana, that's not the question.
14 A. Okay, okay.
15 MS. KAGIWADA: And I'm sorry, before I
16 forget, I'd like to move Exhibit 1022 into evidence.
17 THE WITNESS: Okay, okay.
18 (Move to admit Defense Exhibit 1022.)
19 MR. McDONALD: We object on hearsay
20 grounds.
21 BY MS. KAGIWADA:
22 Q. And Ms. Puana, directing your attention to
23 paragraph 4, didn't you agree that "my granddaughter
24 Katherine P. Kealoha initiated this transaction with
25 \$83,600 of her own funds, which were a result of a
00242:01 residential home sale in 2005"?
02 Didn't you agree to that?
03 A. I never got to see that money.
04 Q. But didn't you agree to this when you signed
05 this document on --
06 A. Yes, yes, I signed it.
07 Q. -- on July 30th, 2010?
08 A. I signed it all right.
09 Q. And didn't you also agree that "this amount
10 has been reimbursed to her and she has no funds that
11 are owed to her as part of this completed
12 transaction," correct?
13 Isn't that what you agreed to when you signed
14 this document?
15 A. No.
16 Q. No, you didn't agree -- you didn't sign this
17 document?
18 A. Well, I signed it.
19 MR. McDONALD: Objection. Misstates her
20 testimony.

Case Clip(s) Detailed Report
Sunday, June 02, 2019, 1:18:53 AM

TD_US v Kealoha (17CR0582 JMS-RLP)

21 THE WITNESS: I signed it and I had it
22 notarized.
23 BY MS. KAGIWADA:
24 Q. Correct.
25 A. Yes.
00243:01 Q. Okay.
02 A. But that wasn't the story that was asked of me
03 to do.

31. PAGE 244:18 TO 244:22 (RUNNING 00:00:17.622)

18 MS. KAGIWADA: That will conclude our
19 cross-examination.
20 MR. McDONALD: Mrs. Puana, we have no
21 further questions of you.
22 THE WITNESS: Okay. Thank you.

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