

PURSUANT TO THE LARGE COMPLEX PROCEDURES OF THE  
COMMERCIAL ARBITRATION RULES  
OF THE  
AMERICAN ARBITRATION ASSOCIATION

In the matter of the Arbitration between) )  
Tridivesh Kidambi and Tulika Kidambi, ) )  
Claimants/Counter-Respondents, ) )  
v. ) ) AAA Case No. 01-22-0000-7450  
Kole Strebel and Jill Strebel, ) )  
Respondents/Counter-Claimants ) )  

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DEPOSITION VIA ZOOM VIDEOCONFERENCE OF  
KOLE STREBEL  
MONDAY, JANUARY 9, 2023

REPORTED STENOGRAPHICALLY BY:  
ANNA B. SACRIPANTI  
CSR NO. 9533

JOB NO. 80714

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18 Also Present:	18 / / /
19 TULIKA KIDAMBI	19 / / /
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1 MONDAY, JANUARY 9, 2023, 9:05 A.M. (PACIFIC TIME)

2

3 DEPOSITION OFFICER: Good morning.

4 My name is Anna Sacripanti. I am a certified shorthand

5 reporter in the State of California.

6 Today is Monday, January 9, 2023, and we are

7 taking the deposition of Kole Strebel remotely. This

8 deposition is being conducted using videoconferencing

9 equipment; so everyone is going to be more conscious

10 than ever of not speaking over each other.

11 Please speak clearly and directly into the

12 microphone that you are using. If I cannot hear the

13 complete question, the complete answer, or the objection

14 and if I must interrupt, please be patient and

15 understand that my goal is to provide you with an

16 accurate record of these proceedings.

17 Counsel, beginning with the noticing attorney,

18 please introduce yourselves and state whom you represent

19 for the record.

20 MS. MCDUFFIE: Good morning. My name is Sara

21 McDuffie from Costell & Adelson Law Corporation,

22 representing the claimants and counter-respondents, the

23 Kidambis.

24 MR. CHAPMAN: Good morning. This is William

25 Chapman at MBK Chapman, representing Mr. Strebel here

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1 today and the -- let's see -- the respondents and

2 counter-claimants.

3 (The oath was administered to the deponent,

4 KOLE STREBEL, as follows:)

5 DEPOSITION OFFICER: Do you solemnly state that

6 the testimony you will give in this matter shall be the

7 truth, the whole truth, and nothing but the truth?

8 **THE WITNESS: Yes.**

9 DEPOSITION OFFICER: Thank you. You can put

10 your hand down now.

11 And, Ms. McDuffie, you may begin.

12 MS. MCDUFFIE: Thank you so much.

13 EXAMINATION

14 BY MS. MCDUFFIE:

15 Q Good morning, Mr. Strebel. Thank you for being

16 here this morning. Even though we've just been through

17 this, my name is Sara. I'm taking your deposition

18 today. You may remember me from a site visit at the

19 Mariposa Property a couple of months ago.

20 Just to make sure we start it right, would you

21 please state your name, your first and last name, and

22 also spell it for the court reporter to make sure we

23 have it correct.

24 **A Kole Strebel. K-O-L-E; last name is Strebel,**

25 **S-T-R-E-B-E-L.**

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1 Q Thank you. And, Mr. Strebel, you are the

2 respondent and counterclaimant in this arbitration.

3 Is that correct?

4 **A Yes.**

5 Q And so we're conducting this deposition

6 remotely today. Can I ask where are you located right

7 now?

8 **A I am in the MBK Chapman office in Aliso Viejo.**

9 Q Okay. So are you right now in the same room

10 with Mr. Chapman, or are you in a different room?

11 **A I'm in a different room.**

12 MR. CHAPMAN: Sara, sorry to interrupt.

13 But are we going to follow those guidelines

14 that the arbitrator provided or -- I guess he said

15 they're guidelines. We can agree or not.

16 MS. MCDUFFIE: I'm not sure which guidelines

17 for deposition you're referring to. Is there something

18 we need to go off the record and discuss before we dive

19 in?

20 MR. CHAPMAN: No. I think we can go ahead.

21 MS. MCDUFFIE: Okay. Thank you. Please let

22 know if there is something that you need to discuss in

23 that regard.

24 Q So for the record, Mr. Strebel, are you being

25 represented by Bill Chapman here today?

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1 **A Yes.**

2 Q And he is your attorney in this arbitration

3 matter. Correct?

4 **A Yes.**

5 Q Is there anyone in the room with you right now,

6 or are you alone?

7 **A I'm alone.**

8 Q Have you had your deposition taken before?

9 **A No.**

10 Q Okay. So I'm going to go over just a few

11 general ground rules. Please let me know if you have

12 any questions, and then we can, kind of, dive into the

13 questioning. But I'll start, kind of, giving you a

14 little bit of an overview about what we're doing and the

15 rules.

16 So this is not just a regular conversation.

17 This is a question-and-answer format. I will be asking

18 you questions. You will be providing the answers.

19 Now, before we started here, the court reporter

20 swore you in, and you took an oath. So this is the same

21 oath that you would be taking in a courtroom.

22 Do you understand that?

23 **A Yes.**

24 Q Okay. Do you understand that that means, if

25 you violate that oath, that would be perjury. That

**Page 10**

1 would be punished by certain civil and criminal  
 2 penalties. Do you understand that?  
 3 **A Yes.**  
 4 Q So I would expect that you would give truthful  
 5 testimony and also be as complete and accurate as  
 6 possible. Is there any reason that you could not give  
 7 us complete and accurate testimony today?  
 8 **A No.**  
 9 Q Are you on any medication or other  
 10 pharmaceuticals that might affect your ability to give a  
 11 complete and accurate testimony today?  
 12 **A No.**  
 13 Q Any illnesses or other medical reasons why you  
 14 might not be able to give complete and accurate  
 15 testimony today?  
 16 **A No.**  
 17 Q Okay. So while I don't want you to guess at  
 18 any answers to responses or speculate, we are entitled  
 19 to your best estimate.  
 20 So to give you an example of the difference  
 21 between what a guess and a speculation would be and an  
 22 estimate, so for example, if I ask you how long is the  
 23 desk in the office where you're sitting, you are there.  
 24 You can look at it. You can estimate about how long it  
 25 is.

**Page 11**

1 If I ask you how long is the desk in my office  
 2 where I'm sitting, you can't see it. So that would be a  
 3 guess. So we want your best estimate, but no need to  
 4 guess. Is that clear?  
 5 **A Yes.**  
 6 Q The court reporter went over this earlier, she  
 7 will be writing down everything we say. This will be  
 8 the official transcript of the proceeding.  
 9 And for that reason, it's very important that  
 10 your responses are audible. So if I ask you a question,  
 11 it might seem natural to say uh-huh or unh-unh or to  
 12 shake your head. That won't work for the court  
 13 reporter.  
 14 So it's important for you to give a yes answer,  
 15 a no answer, or something else that's audible as opposed  
 16 to nodding or uh-huh or unh-unh.  
 17 Does that make sense?  
 18 **A Yes, it does.**  
 19 Q Great. And as the court reporter mentioned, we  
 20 have to do our best not to talk over each other. So  
 21 please wait for me to finish asking my question before  
 22 you provide your answer, and I will do my best to let  
 23 you finish your answer before I jump into a new  
 24 question.  
 25 **A Okay.**

**Page 12**

1 Q If at any point in time you don't understand a  
 2 question that I've asked you, please let me know, and  
 3 I'll try and rephrase it or ask a different question.  
 4 If you forget a question, you don't hear it, or  
 5 for some reason you need it repeated, please let us  
 6 know. We can ask the court reporter to read it back.  
 7 If you don't say anything, I'm going to assume  
 8 that you've heard and understood the question, and that  
 9 you're going to answer it.  
 10 Is that clear?  
 11 **A Yes.**  
 12 Q At a certain point in time, your attorney,  
 13 Mr. Chapman, might jump in with some objection. But  
 14 unless Mr. Chapman actually instructs you not to answer,  
 15 I am going to expect you to give a complete and accurate  
 16 answer to the question.  
 17 Is that clear?  
 18 **A Yes.**  
 19 Q This might go for a while today. It could be  
 20 up to seven hours. We'll do our best to get through it  
 21 as quickly we can. But we do have some grounds to  
 22 cover. So I anticipate that we will be taking some  
 23 breaks throughout the day, and I mean short breaks.  
 24 So if at any point in time, you do need to take  
 25 a short break to get water, use the restroom, whatever

**Page 13**

1 it is, feel free to speak up and let me know. We can go  
 2 off the record for a few minutes. I do anticipate that  
 3 we will be taking a longer break over lunch, which we  
 4 can discuss later.  
 5 However, if there is a question pending, I will  
 6 expect you to answer the question before we take a  
 7 break. Does that make sense?  
 8 **A Yes, it does.**  
 9 Q So in addition to asking question, we're also  
 10 going to be looking at some documents today, which will  
 11 be exhibits to the deposition transcript.  
 12 And since we're doing this remotely, please  
 13 bear with me as we deal with these exhibits. I am going  
 14 to try to share the exhibits through the chat feature.  
 15 I might also share them on the screen so you can see  
 16 certain portions of the document.  
 17 I understand your ability to access the chat  
 18 feature here might depend on the type of device that  
 19 you're using right now. So are you using a laptop or  
 20 some other device right now for the deposition?  
 21 **A I'm using a laptop.**  
 22 Q Okay. So on your laptop, does it look like  
 23 you're able to see the chat so you can see the court  
 24 reporter has put in her email address, and it seems that  
 25 Mr. Chapman has put in his email address.

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1 Do you see that on the right-hand side there?

2 **A I do.**

3 Q Okay. Are you familiar with the Zoom platform?

4 **A No.**

5 Q Have you used the Zoom before?

6 **A Just a couple of times.**

7 Q Okay. If at any point in time I've directed

8 you to open an exhibit in the chat feature and you don't

9 see it or you can't open it or you have some problem

10 accessing it, please let me know, and we'll figure out

11 either how to get that to you, or I can put it up on the

12 screen and go over it.

13 If you don't say anything, I'm going to assume

14 that you do have access to it, and that you are able to

15 look at it. Does that make sense?

16 **A Yes, it does.**

17 Q Great. So after we are done with this

18 deposition, the court reporter will prepare a

19 transcript. You will then get to see the transcript,

20 read through it, and you will have the opportunity to

21 make changes to your testimony if you want to.

22 So, for example, if the court reporter

23 mistranscribed a word you said, you will have the

24 opportunity to change that later.

25 But I do need to tell you that, when we get to

**Page 15**

1 the arbitration trial, if you've made changes to your

2 deposition transcript, I will be able to comment on

3 those changes you make during the arbitration trial.

4 Do you understand that?

5 **A Yes, I do.**

6 Q Okay. So I'm just going to ask you a little

7 bit about what you did to prepare for this deposition.

8 And just to be clear, I'm not asking you what you

9 discussed with your attorney. I don't want to hear any

10 attorney-client privilege information.

11 Does that make sense?

12 **A Yes, it does.**

13 Q Okay. So what did you do to prepare for this

14 deposition, if anything?

15 **A I reviewed some of the emails and timeline-type**

16 **stuff. That's about it. I didn't really do a whole**

17 **lot. I did meet with my attorney. That was it.**

18 Q Okay. When you say that you reviewed some

19 emails, are those documents that you have produced in

20 this arbitration?

21 **A Yes.**

22 Q You mentioned timeline-type materials.

23 MR. CHAPMAN: I'm going to, Sara, jump in here

24 because I'm going to -- I mean, I don't mind a real

25 general statement. But the timeline was prepared for

**Page 16**

1 his attorney. So it's an attorney-client communication,

2 and I would instruct the witness not to reveal any of

3 the content of that timeline.

4 BY MS. MCDUFFIE:

5 Q Okay. And, Mr. Strebel, will you be following

6 your attorney's instruction not to answer?

7 **A Yes.**

8 Q Okay. You mentioned that you met with your

9 attorney. Was that Mr. Chapman?

10 **A Yes.**

11 Q Did you meet with anyone else in addition to or

12 other than Mr. Chapman to prepare for the deposition?

13 **A Yes.**

14 Q Who was that?

15 **A Michael Kushner of MBK Chapman.**

16 Q Is Mr. Kushner also one of your attorneys in

17 this case?

18 **A Yes.**

19 Q Okay. So other than Mr. Chapman and

20 Mr. Kushner, did you meet with anyone else to prepare

21 for this deposition?

22 **A No.**

23 Q Did you have any conversations with your wife,

24 Jill Strebel, to prepare for this deposition?

25 **A No.**

**Page 17**

1 Q Okay. So other than looking at the emails you

2 mentioned, the timeline you mentioned, meeting with

3 Mr. Chapman and Mr. Kushner, your attorneys, was there

4 anything else that you did to prepare for this

5 deposition today?

6 **A No.**

7 Q Okay. So before we jump in, do you have any

8 questions about how we're proceeding today or any

9 general questions relating to the deposition?

10 **A Not at this time, no.**

11 Q All right. So I'm going to start by asking you

12 some questions about your background.

13 So, first, I want to talk about your

14 educational background. What is the highest level of

15 education that you've completed?

16 **A I graduated -- that I completed would be high**

17 **school.**

18 Q What year did you graduate high school?

19 **A 1999.**

20 Q Did you attend any college courses after high

21 school?

22 **A Yes.**

23 Q And what school was that?

24 **A I went to Salt Lake Community College and also**

25 **University of Utah.**

Page 18

1 Q Did you receive degrees from either of the  
 2 colleges?  
 3 A No.  
 4 Q What did you study there? Start with the  
 5 community college and then the university.  
 6 A At the community college, it was just general  
 7 courses. I think I took a philosophy course, just  
 8 general educational courses at Salt Lake Community  
 9 College.  
 10 And then when I transferred to the University  
 11 of Utah, I studied mining engineering, and then  
 12 transferred to the chemistry department, and ultimately  
 13 it was biochemistry major.  
 14 Q But you did not earn a degree in biochemistry.  
 15 Is that correct?  
 16 A No.  
 17 Q Okay. Did you have any other education such as  
 18 trade school or any other courses outside of what we  
 19 just discussed?  
 20 A No.  
 21 Q And about what year was it when you stopped  
 22 taking classes at the university?  
 23 A It was 2004.  
 24 Q Okay. All right. While you were in school,  
 25 were you working at all?

Page 19

1 A Yes.  
 2 Q And starting kind of, like, the first job that  
 3 you held and moving forward, can you tell me what the  
 4 jobs were?  
 5 A I worked as a pharmacy tech. I also worked in  
 6 a ski shop. I also worked as -- I worked in the  
 7 chemistry department, in the chemistry department at  
 8 University of Utah. I worked also doing some  
 9 construction work as well, job site cleanup,  
 10 construction cleanup when I was younger, yeah.  
 11 Q So, Mr. Strebel, I was just about to ask you  
 12 what did you on construction job, and I believe you just  
 13 answered that. But if you could tell me more completely  
 14 what your response would be what did you do during those  
 15 construction jobs that you worked during your summers,  
 16 during school?  
 17 A Trash cleanup.  
 18 Q How many summers did you do that for?  
 19 A Two.  
 20 Q Did you work for a particular company within  
 21 those construction jobs?  
 22 A Yes, I did.  
 23 Q What was that company or companies?  
 24 A Resort Construction.  
 25 Q Any other construction companies that you

Page 20

1 worked for while you were in school?  
 2 A Unh-unh.  
 3 Q Okay. Then outside of your formal education,  
 4 did you have any sort of apprenticeship or on-the-job-  
 5 type educational training?  
 6 A No.  
 7 Q All right. So let's keep going a little bit  
 8 more, talking about your job history. We talked about  
 9 what you were doing while you were in school.  
 10 What were you doing after school? What was  
 11 your first job after school?  
 12 A First job after school was being a loan  
 13 officer.  
 14 Q And about how long did you do that for?  
 15 A Seven years.  
 16 Q Did you work for a particular company?  
 17 A I did, yes.  
 18 Q What was that company?  
 19 A The first company? Be more -- can you be more  
 20 specific there? The first company? Or do you want me  
 21 to list all the companies. I guess I don't understand.  
 22 Q Why don't you list all of the companies you  
 23 worked as a loan officer for. It might be easy if you  
 24 start from the first one you worked at, and then let me  
 25 know the subsequent ones.

Page 21

1 A Okay. The first one was KMG Lending. Then I  
 2 went to Cornerstone Mortgage, I believe it was called.  
 3 There's a few others in there, but I don't recall the  
 4 exact names of. It was so long ago.  
 5 And then the last one that I worked for was  
 6 Wells Fargo. I, kind of, jumped around in the middle  
 7 there through a couple. I guess I don't recall the  
 8 exact name of the mortgage company.  
 9 Q Okay. And approximately what year was it when  
 10 you stopped working at Wells Fargo?  
 11 A Approximately 2000 -- probably 2009.  
 12 Q Okay. And --  
 13 A Estimate.  
 14 Q I'm sorry. Mr. Strebel, what was that?  
 15 A Which is an estimate.  
 16 Q Thank you. And what did you do after Wells  
 17 Fargo?  
 18 A I was a fund manager for a lending firm out of  
 19 Arizona.  
 20 Q What was the name of that firm?  
 21 A I -- I don't recall at the moment actually. I  
 22 don't recall the exact name actually. Sorry.  
 23 Q Okay. And about how long did you work there?  
 24 A Approximately a year and a half probably.  
 25 Q Okay. And what was your job after you left

Page 22

1 that fund?

2 A After I left the fund, I then was working with

3 my dad's -- Thomas Strebel Construction Company, which

4 at the time was Strebel Construction.

5 Q Approximately what year was that when you

6 started working for Strebel Construction Company?

7 A Well, I started working for Strebel

8 Construction Company back in 2004. I had been working

9 at Strebel Construction Company on and off as I was also

10 in the mortgage business.

11 Q Okay. So throughout that time period we were

12 discussing about your job history, you were on and off

13 working for Thomas Strebel Construction Company?

14 A Yes.

15 Q Is that about right? Okay.

16 Is it correct that Thomas Strebel is your

17 father?

18 A Yes. And just to clarify what I'm trying to

19 explain where I had more than one job, I was working as

20 a loan officer, and I was also working in construction.

21 Q Okay thank you for that.

22 A Yeah.

23 Q So while you were doing that where you had your

24 job, your financial job, and you were also working for

25 your father's company, what were you doing at your

Page 23

1 father's company? What were your job functions there?

2 A It was sales.

3 Q Can you elaborate what you mean by that?

4 A Yeah. I was, you know, trying to help him get

5 new projects and get new projects in the door for him.

6 So it was really, kind of, a sales job initially.

7 Q Okay. So was that Thomas Strebel

8 Construction -- I think that would be Strebel

9 Construction Company was the name of it?

10 A Yeah. It was Strebel Construction, yes,

11 uh-huh.

12 Q What kind of -- sorry. Was that company

13 working as a general contractor?

14 A Yes.

15 Q What types of projects did they work on?

16 A Are you talking about when I was -- like at

17 what point? Or do you just want in general? Can you be

18 more specific, please.

19 Q Yes. I'm trying to figure out generally what

20 is the nature of this business.

21 A Got it. They do everything from A to Z when it

22 comes to general construction. It could be development

23 drywall-type stuff that they've been involved in.

24 They've done ground up construction. Typically, all

25 they do is for hire work. They don't buy real estate.

Page 24

1 They don't sell real estate. They just do for hire

2 work. And like I said, usually like something in the

3 general construction realm.

4 Q Okay. And so when you were working there doing

5 sales, and I believe you said you were helping to

6 identify projects for the company --

7 A Uh-huh.

8 Q -- was there any particular type of projects

9 that you were focused on? Or did you function more just

10 generally looking for different projects?

11 A There was some focus throughout the, you know,

12 throughout history, I guess, you can say.

13 At one point, you know, they were doing some

14 like mold remediation projects in Las Vegas. Other

15 points, they were revitalizing shopping centers, and we

16 do work on reposition shopping centers.

17 They've done, you know, lodge work or ski

18 lodges and things like that. They've done ground up

19 construction, as I mentioned, custom homes, stuff like

20 that.

21 For a while, they were focused in on building

22 just garages. So they're really kind of just a general

23 construction company that really can do a lot of

24 different things.

25 Q And --

Page 25

1 A It's pretty broad.

2 Q I'm sorry. I didn't mean to speak over you.

3 A Their focus is pretty broad.

4 Q Thank you. So, Mr. Strebel, when you were

5 there, did you have a particular focus, or did your job

6 also vary, broad-based?

7 A My job was very broad-based.

8 Q At some point in time, did that company change

9 name?

10 A Yes.

11 Q And what did it change its name to?

12 A From -- well, at one point it was Resort

13 Construction; and then it was Strebel Construction, as I

14 mentioned; and then you have 4Eco Living.

15 Q Okay. So just to clarify, when we talked

16 earlier, you mentioned you spent some summers while you

17 were in school working for Resort Construction.

18 A Uh-huh.

19 Q Am I correct that that is the same company as

20 Strebel Construction, just with the prior -- a different

21 name?

22 A Yes.

23 Q Do you know what type of entity this company

24 is? And when I say entity, I mean corporation, LLC,

25 partnership. Do you know what type of entity this

**Page 26**

1 company is?

2 **A Yes, I do.**

3 Q What type of entity is it?

4 **A Sole proprietorship.**

5 Q And who would be the sole proprietor of that

6 sole proprietorship?

7 **A Thomas Strebel.**

8 Q And that's your father?

9 **A It is.**

10 Q And did you say that, at some point in time,

11 Strebel Construction changed its name to 4Eco Living?

12 **A Yes.**

13 Q And for the court reporter's benefit because

14 this name will be mentioned again, Mr. Strebel, please

15 tell me if I'm getting this wrong. But that's 4, as in

16 the number four, Eco, E-C-O; Living, L-I-V-I-N-G.

17 Did I get that right, Mr. Strebel?

18 **A Yes.**

19 Q Thank you. So, then, just to round that out,

20 we have Resort Construction, which then changed its name

21 to Strebel Construction, which then changed its name to

22 4Eco Living. But my understanding of your testimony is

23 that all the same company and all sole proprietorship of

24 your father, Thomas Strebel. Is that correct?

25 **A Yes.**

**Page 27**

1 Q Do you know approximately when the name changes

2 occurred from Resort to Strebel and then from Strebel to

3 4Eco Living?

4 **A I don't recall.**

5 Q Do you remember approximately when the company

6 became known as 4Eco Living?

7 **A I don't recall.**

8 Q Okay. So then, at some point in time, were you

9 working full time for that company --

10 **A Yes.**

11 Q -- the Strebel Construction?

12 **A Sorry. I thought you were done. Sorry about**

13 **that. Could you repeat the question?**

14 Q Sure. I was just trying to clarify that, at

15 the point in time, you were working for Strebel

16 Construction, and that was full time?

17 **A I was not working full time when it was Strebel**

18 **Construction, I don't believe. Yeah, no, I wasn't.**

19 Q So while that company was Strebel Construction,

20 was that when you were working in the financial jobs

21 that we discussed earlier?

22 **A Yes.**

23 Q At some point in time, did you come to work for

24 that company full time, the construction company,

25 whether it was called Strebel Construction, 4Eco Living,

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1 or something else?

2 **A Can you repeat the question?**

3 Q Sure. So I want to make sure you're clear on

4 the company I'm talking about. So I'm saying Strebel

5 Construction or 4Eco Living, meaning the same company.

6 At some point in time, did you start working

7 for that company full time?

8 **A Yes.**

9 Q Okay. And what was the company called when you

10 started working there full time?

11 **A I -- I actually don't recall it transitioned**

12 **from Strebel to 4Eco or not. I'm sorry. I don't know.**

13 **I don't recall.**

14 Q About what year was it when you started working

15 full time at that company?

16 **A 2013.**

17 Q Do you currently work at that company?

18 **A Yes, I do.**

19 Q So between that time period we talked about,

20 2013 or so when you started working there full time

21 through the present, were you working at that company

22 continuously throughout that time period?

23 **A Yes.**

24 Q So, currently, what is your role or title at

25 the company?

**Page 29**

1 **A Director of operations.**

2 Q Have you held any other titles or roles at that

3 company?

4 **A Yes, I have.**

5 Q Okay. You previously mentioned your sales work

6 there. So other than the sales work we talked about

7 earlier, your current position as director of

8 operations, what has been other titles or roles that you

9 held at the company?

10 **A Home improvement specialist.**

11 Q Anything else?

12 **A Not that I recall.**

13 Q Okay. Can you tell me what it means to be a

14 home improvement specialist?

15 **A It's a registration that you can get through**

16 **the California State Contractors Licensing Board. So it**

17 **was something that I registered to be through the**

18 **Contractors Licensing Board in California.**

19 Q So is that an actual license that you held?

20 **A I believe it is. I don't know actually. I**

21 **believe I have a license number associated to it. You**

22 **could -- yeah, I don't know how that works. I just**

23 **registered for it.**

24 Q And when you say you registered for it, do you

25 mean you, Kole Strebel, an individual?



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1       **A**    **Yes.**

2       **Q**    Okay. Can you just explain a little bit what

3 you would do as a home improvement specialist?

4       **A**    **Yeah. Discuss that sales component that we**

5 **were mentioning, I would be able to engage with**

6 **homeowners, things like that, regarding their home**

7 **improvements, remodeling kitchen, doing remodel**

8 **addition, things like that.**

9       **Q**    And your current role as director of

10 operations, what do you do in that role?

11       **A**    **It's a lot of the, you know, day-to-day**

12 **oversight, you know. Checking to make sure**

13 **subcontractors are doing what they need to do, project**

14 **managing is moving forward, things of that nature.**

15       **Q**    Okay. So we talked about your sales role, home

16 improvement specialist role, and director of operations

17 role. Have you held any other roles or titles at the

18 company other than what we just talked about?

19       **A**    **Not that I recall.**

20       **Q**    Okay. So previously we had discussed the

21 nature of Strebel Construction Company's business.

22            Is it fair to say that 4Eco Living today has

23 the same type of business as Strebel Construction

24 Company? Or is there some distinction or something

25 different about the business today?

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1       **A**    **Not really.**

2       **Q**    So is it correct that 4Eco Living is a general

3 construction company?

4       **A**    **Yes, they are.**

5       **Q**    Okay. And when you say "they," in the context

6 of 4Eco Living, who are you referring to?

7       **A**    **The company.**

8       **Q**    Which you mentioned is a sole proprietorship of

9 your father. Correct?

10       **A**    **Yes, uh-huh.**

11       **Q**    Okay. Are there any other construction

12 companies that you've worked for that your father is not

13 affiliated with?

14       **A**    **No.**

15       **Q**    Are there any other construction companies that

16 you've worked for that your father is affiliated with

17 other than what we've already talked about?

18       **A**    **No.**

19       **Q**    Are you an employee of 4Eco Living today?

20       **A**    **No.**

21       **Q**    Do you receive a paycheck from 4Eco Living?

22       **A**    **Could you be more, like, specific because**

23 **like -- yeah. Could you be more specific there?**

24       **Q**    Sure. I'm assuming that you earn a living

25 somehow. You mentioned that 4Eco Living is a company

**Page 32**

1       that you work for.

2            I know I work for a company, and every couple

3 of weeks I get a paycheck from my employer --

4       **A**    **Oh, you're talking compensation? Is that what**

5 **you're saying?**

6       **Q**    Yes.

7       **A**    **Yeah.**

8       **Q**    I'm asking whether you get a regular paycheck

9 from 4Eco Living?

10       **A**    **Yes.**

11       **Q**    How often do you receive a paycheck from 4Eco

12 Living?

13       **A**    **It's not a set schedule or anything. It**

14 **depends on the business, you know.**

15       **Q**    Okay. So I don't want to get into how much it

16 is. But are you paid through a salary of some sort? Do

17 you have a base salary?

18       **A**    **No.**

19       **Q**    So, then, how is it that you earn some money?

20 I think you started to explain. Is it commission or

21 somehow tied to work you bring in? How does that work?

22       **A**    **It's a commission-based type structure then.**

23       **Q**    Are you, Kole Strebel, a contractor?

24       **A**    **No.**

25       **Q**    Okay. So you mentioned before that you had

**Page 33**

1       registered to be a home improvement specialist.

2            Is there anything else like a specialty that

3 you registered for with the CSLB or some other

4 professional board or organization?

5       **A**    **No.**

6       **Q**    Do you have any professional licenses?

7       **A**    **No.**

8       **Q**    Have you had any professional licenses in the

9 past?

10       **A**    **Yes.**

11       **Q**    What type of license or licenses did you have

12 in the past?

13       **A**    **I was previously licensed as a loan officer.**

14       **Q**    And why is it that you are no longer licensed

15 as a loan officer?

16       **A**    **I don't do that business anymore. I'm not in**

17 **the loan-originating business.**

18       **Q**    Did that license expire?

19       **A**    **Yes, it did.**

20       **Q**    And you chose not to renew it. Is that

21 correct?

22       **A**    **Yes.**

23       **Q**    So other than that license for a loan officer,

24 had you held any professional licenses in the past?

25       **A**    **Not that I can recall.**

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1 Q Other than that license to be a loan officer,  
 2 had you ever taken any steps to obtain professional  
 3 license?  
 4 A No.  
 5 Q So, to be clear, you've never held a  
 6 contractors license?  
 7 A That's correct, yes.  
 8 Q Okay. Is there any area that you would  
 9 consider yourself an expert in?  
 10 MR. CHAPMAN: Objection. Calls for a legal  
 11 conclusion.  
 12 You can answer.  
 13 THE WITNESS: Not -- no.  
 14 BY MS. MCDUFFIE:  
 15 Q So if I ask you if you consider yourself to be  
 16 an expert in construction matter, what would your answer  
 17 be?  
 18 A No.  
 19 Q So then, I assume, you've never been designated  
 20 as an expert in a court proceeding. Is that correct?  
 21 A You are correct. I've never been designated as  
 22 an expert in court proceeding, no.  
 23 Q Do you ever use names other than Kole  
 24 Strebel?  
 25 A Yes.

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1 Q What other names do you use?  
 2 A Kole T. Strebel, using my middle initial.  
 3 Q What does the T stand for?  
 4 A Thomas.  
 5 Q Okay. Other than Kole Strebel and Kole T.  
 6 Strebel, are there any other names that you use?  
 7 A No.  
 8 Q And other than those two names, are there any  
 9 names that you used in the past?  
 10 A No.  
 11 Q If I use the term DBA, do you know what that  
 12 means?  
 13 A Under what context?  
 14 Q If I said "doing business as" or identified a  
 15 type of entity as a DBA, do you know what that means?  
 16 A I believe so, yes.  
 17 Q What is your understanding of what a DBA is?  
 18 A It would be like one person or entity is doing  
 19 business as another entity or something like that.  
 20 Q Do you have any DBAs?  
 21 A Me personally?  
 22 Q Yes.  
 23 A Not that I'm aware of. Not that I recall.  
 24 Q So based on your understanding, I'm not asking  
 25 for a legal definition, but your understanding, is there

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1 a difference between a DBA and a sole proprietorship?  
 2 A Is there a difference?  
 3 Q Correct. You previously described the company  
 4 as a sole proprietorship.  
 5 A Yes.  
 6 Q And I'm asking you does that mean the same  
 7 thing to you as DBA, or are they different based on your  
 8 understanding?  
 9 MR. CHAPMAN: Objection. Lacks foundation,  
 10 incomplete hypothetical, calls for a legal conclusion.  
 11 You can answer if you understand the question.  
 12 BY MS. MCDUFFIE:  
 13 Q Your attorney is right. I'm not asking for a  
 14 legal definition. I'm asking for your, Kole Strebel's  
 15 understanding.  
 16 When you say "sole proprietorship," are you  
 17 talking about a DBA? Or do you see those as two  
 18 distinct things?  
 19 MR. CHAPMAN: Objection. Lacks foundation,  
 20 calls for speculation.  
 21 You can answer.  
 22 THE WITNESS: Just from what I understand --  
 23 and I'm not an expert as you mentioned on any of this --  
 24 but from what I understand, a sole proprietor can have a  
 25 DBA. Is that what you're asking?

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1 BY MS. MCDUFFIE:  
 2 Q I'm asking when you, Kole Strebel, say "sole  
 3 proprietorship," do you mean a DBA? Or would you use  
 4 those terms to use them to mean the same thing, or do  
 5 they mean different things to you?  
 6 A Well, DBA is not a sole proprietorship. Like  
 7 you got your individual or you're a sole proprietor, and  
 8 then they can have a DBA for their company name or  
 9 something, if that's what you mean.  
 10 Q Okay. Why don't we move on.  
 11 A I guess I don't understand. Sorry.  
 12 Q That's fine. I'm just trying to make sure I  
 13 understand what some of the terms mean to you when you  
 14 used them. So that was really the point of my question,  
 15 not to ask for any sort of legal definition. But I  
 16 think you've answered it, and we can move on.  
 17 Okay. So, now, we've talked about what names  
 18 you use or have used. Do you have any companies or  
 19 entities that you own or control?  
 20 A Yes.  
 21 Q Approximately how many?  
 22 A You are talking like -- as an entity like a --  
 23 like an LLC or something. Correct? Just to clarify.  
 24 Q Yes. When I say "entity," I mean something  
 25 like an LLC, a corporation, a partnership, something

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1 that you might have an ownership interest in or that you  
 2 might control.  
 3 **A Yes, I do.**  
 4 Q And approximately how many entities do you own  
 5 or control?  
 6 **A Two.**  
 7 Q What types of entities are they?  
 8 **A They are real estate development. Is that what**  
 9 **you mean, like what do they do? I'm sorry. Reask the**  
 10 **question. I don't understand.**  
 11 Q Sure. I think you anticipated the follow-up  
 12 question. But, initially, I meant the type of entity  
 13 meaning is it a corporation? is it an LLC? is it a  
 14 partnership? is it sole proprietorship?  
 15 Is it something else?  
 16 **A LLC.**  
 17 Q Both of the two that you mentioned are LLC?  
 18 **A Yes.**  
 19 Q Do you recall the names of the two LLCs?  
 20 **A Yes. One is 728 West Mariposa LLC.**  
 21 Q Do you recall the name of the other one?  
 22 **A 6900 LLC.**  
 23 Q Okay. Let's start with 6900 LLC. Is that  
 24 current? Do you currently own or control that entity?  
 25 **A Sorry. You cut out. Can you reask the**

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1 **question?**  
 2 Q Sure. I said I'm going to start with 6900 LLC  
 3 is that company currently active?  
 4 **A I believe so.**  
 5 Q Are you a member of that LLC?  
 6 **A Yes.**  
 7 Q Are you the only member of that LLC?  
 8 **A Yes.**  
 9 Q Are you also the manager of that LLC?  
 10 **A I believe so, yes.**  
 11 Q Now, 728 West Mariposa LLC, are you a member of  
 12 that LLC?  
 13 **A Yes.**  
 14 Q Are you the only member of 728 West Mariposa,  
 15 LLC?  
 16 **A Yes.**  
 17 Q Are you also the manager of that LLC?  
 18 **A Yes.**  
 19 Q Are you currently working on any construction  
 20 project?  
 21 **A Can you, kind of, clarify the question?**  
 22 Q Are you actively working on any projects right  
 23 now in your role for 4Eco Living?  
 24 **A Yes.**  
 25 Q How many projects are you currently working on?

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1 **A One.**  
 2 Q What is that project?  
 3 **A Did you say when or what?**  
 4 Q What? Can you describe what that project is?  
 5 **A Yeah. It's a home kitchen remodel.**  
 6 Q Do you happen to know the address of that  
 7 project?  
 8 **A 2020 Ernest Avenue. Yes, I do know the**  
 9 **address, I should say.**  
 10 Q Approximately how many construction projects  
 11 have you worked on during your career?  
 12 **A I don't know off the top of my head.**  
 13 Q Do you have some sort of ballpark estimate?  
 14 **A Correct me if I'm wrong. You're asking about**  
 15 **4Eco Living projects that I've lived on -- or worked on.**  
 16 **Correct?**  
 17 Q I'm asking about any construction projects that  
 18 you've worked on. If I understand correctly, your  
 19 testimony is that that is the only construction company  
 20 you've worked for.  
 21 But to be clear, my question is how many  
 22 construction projects have you worked on for any company  
 23 or for yourself?  
 24 **A I guess that's the confusion. I wouldn't have**  
 25 **any of my construction company. So that's what I was**

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1 **trying to clarify. You're still talking about 4Eco**  
 2 **Living. Correct?**  
 3 Q My question is more designed to get a sense of  
 4 your level of experience, how many projects you've  
 5 worked on, not necessarily tied to any particular  
 6 company.  
 7 Let me ask this. Have you worked on more than  
 8 a hundred construction projects before?  
 9 **A No.**  
 10 Q Have you worked on more than 50 construction  
 11 projects before?  
 12 **A Probably not.**  
 13 Q More than 20?  
 14 **A I would say it's probably around 30 or**  
 15 **something, give or take, maybe 30 or 40, something like**  
 16 **that. And this goes from it could be a bathroom remodel**  
 17 **to a ground up build or whatever. I'm just talking**  
 18 **about every single project across the board.**  
 19 Q Okay. Thank you.  
 20 Now, what about construction project where you  
 21 actually were the owner of the property or the project.  
 22 Have you worked on any project like that where you were  
 23 actually the owner?  
 24 **A You are talking where I was the developer.**  
 25 **Correct?**

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1 Q If you had any role in the construction project  
 2 where you were also the owner of the property or the  
 3 project.  
 4 A Yes, I've had those. I've had -- that's what  
 5 I -- yes. Can you repeat the question, I guess, or  
 6 rephrase it?  
 7 Q Sure. So we just talked about how many  
 8 construction projects you've worked on, and you  
 9 mentioned about 30 to 40.  
 10 So of those construction projects that you've  
 11 worked on, have there been instances in which you were  
 12 the owner of the property or the project?  
 13 A Yes.  
 14 Q And about how many times was that the case?  
 15 A Approximately five times, maybe six, but I  
 16 think it's about five.  
 17 Q And so I'm talking about your role today as for  
 18 4Eco Living. When you were working on construction  
 19 projects, are you someone who is managing the job site?  
 20 Or do you answer to someone else who is managing it?  
 21 MR. CHAPMAN: Objection. Compound.  
 22 BY MS. MCDUFFIE:  
 23 Q I can clarify it a little bit. I'm asking when  
 24 you're working on construction projects today,  
 25 essentially, are you the one at the job site who is in

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1 charge? Or is there someone else who you answer to?  
 2 A It's both, both of those. I'm the one at the  
 3 job site that has the authority to make decisions. So,  
 4 I guess, I'm in charge when it comes to the day-to-day  
 5 at the job site, but I ultimately answer to somebody.  
 6 Q And who is that somebody that you answer to?  
 7 A Thomas Strebel.  
 8 Q So if I use the term custom home or custom  
 9 project and spec home or spec project, do you understand  
 10 those terms?  
 11 A I do.  
 12 Q And so if I talk about a "custom project," what  
 13 does that mean to you?  
 14 A Custom home, to me, would be any homeowner who  
 15 owns the property that wants to go hire their own  
 16 architect and engineer and submit their plan to the  
 17 city, get a permit, the plans, take them out to bid.  
 18 They ultimately hire a, you know, general contractor who  
 19 can build them a custom home according to their plan  
 20 spec. That would be that definition to me.  
 21 Q Okay. And if I use the term "spec project" or  
 22 "spec home," what does that mean to you?  
 23 A To me, that is a developer-owned project. A  
 24 developer has gone in and he's doing, basically, what  
 25 most people call today as "flip" that you would see on

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1 HGTV, or whatever. It's a developer, he goes in, buys  
 2 the property, he owns it. He goes to hire his architect  
 3 and engineers, approve plans, goes to build a house,  
 4 list it for sale, sells it.  
 5 Sometimes they can do stuff as owner builders  
 6 if they got enough experience. Sometimes those guys  
 7 need to hire a general construction company, depending  
 8 on their level of experience.  
 9 Q Okay. So if I ask you to briefly explain the  
 10 difference between a "custom home" and a "spec home,"  
 11 how would you describe that difference?  
 12 A I would say the biggest difference is  
 13 ownership. The person owning the home in a custom home  
 14 build situation would be the homeowner. It would be the  
 15 client which is the person who would hire the  
 16 construction company.  
 17 They also would be hiring all the architects  
 18 and engineers. They would be responsible for the carry  
 19 cost, the tax, the insurance, things of that magnitude.  
 20 That's like the custom home situation. Yeah.  
 21 Q Do you know an individual named Amie Schneider?  
 22 A Yes, I do.  
 23 Q Who is Ms. Schneider?  
 24 A She's a real estate agent who has represented  
 25 me on multiple transactions.

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1 Q You said "multiple transactions."  
 2 Approximately how many transactions have you worked on  
 3 with Ms. Schneider?  
 4 A Directly in her name, it would have been two.  
 5 Q Was there a time when you worked with her  
 6 indirectly?  
 7 A I -- yes. I feel there was.  
 8 Q What do you mean by that, working with  
 9 Ms. Schneider indirectly?  
 10 A Her father, Alex Abad, and her have a real  
 11 estate group. And Alex Abad had represented me on a  
 12 number of transactions in which Amie was involved in the  
 13 transaction coordinating quite a bit. She wasn't the  
 14 official real estate agent of record, but yet she was  
 15 involved in the transaction for permitting process.  
 16 Q Okay. And in that type of transaction that you  
 17 just described where Ms. Schneider is involved, how many  
 18 transactions like that have you done?  
 19 A One. So I guess there would be three total  
 20 where Alex was primarily the listing -- or the listing  
 21 agent, and Amie was working on that transaction  
 22 coordinating.  
 23 Q And what was the nature of these transactions  
 24 that you worked on with Ms. Schneider?  
 25 A She was representing my wife and I, or my

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1 business partners, at the time as a buying agent or a  
 2 listing agent, depending on which partner we're talking  
 3 about.  
 4 Q So when you worked with Ms. Schneider, it  
 5 sounds like you would either be purchasing a property or  
 6 selling a property, and Ms. Schneider would be  
 7 representing you as the real estate agent.  
 8 Is that right?  
 9 A That's correct, yes.  
 10 Q And you mentioned your wife in the context of  
 11 these transactions. Is that Jill Strebel?  
 12 A Yes.  
 13 Q And did I hear you correctly that before she  
 14 was your wife, she was your business partner? Or  
 15 there's two separate individuals that you were referring  
 16 to?  
 17 A Two separate individuals.  
 18 Q So when you referred earlier to a "business  
 19 partner," who was that?  
 20 A Mark Clapper.  
 21 Q Can you spell the last name, please?  
 22 A C-L-A-P-P-E-R.  
 23 Q So is Mr. Clapper someone who also works at  
 24 4Eco?  
 25 A No.

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1 Q So when you say his -- sorry. Is he currently  
 2 a business partner of yours or formerly?  
 3 A Formerly.  
 4 Q At what point in time was he your business  
 5 partner?  
 6 A He was my business partner when we developed  
 7 two properties in El Segundo together.  
 8 Q Approximately what time frame are we talking  
 9 about?  
 10 A I'm sorry. I'm a little fuzzy on the timeline.  
 11 But I can tell you he's my business partner on the 1543  
 12 East Palm project, and he's also my business partner on  
 13 the 719 Maryland project.  
 14 Q So just to try to hone in on the time frame a  
 15 little bit, is this something that was prior to 2020?  
 16 A Yes.  
 17 Q Probably prior to 2015?  
 18 A No, I don't think so. I think it would have  
 19 been in that -- I'm not estimating here, but I would  
 20 have said we probably did the Palm project around 2016  
 21 maybe.  
 22 Q Okay.  
 23 A And then the Maryland project was right after  
 24 that, probably 2017, or something, maybe '18 at the  
 25 most. I'll say it's probably in there, yeah.

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1 Q Okay. And when you were working on this  
 2 project with Mr. Clapper, was that you in the context of  
 3 yourself, an individual, Kole Strebel? Or were you  
 4 working in your capacity as someone who works for 4Eco?  
 5 A Me, as an individual.  
 6 MS. MCDUFFIE: I just want to make sure the  
 7 court reporter heard that last response.  
 8 DEPOSITION OFFICER: His response is, "Me, as  
 9 an individual."  
 10 MS. MCDUFFIE: Thank you.  
 11 Q So then on these projects that you worked on  
 12 with Mr. Clapper, did you have to hire a licensed  
 13 contractor to work with you?  
 14 A Yes, we did.  
 15 Q And is there a particular contractor you would  
 16 use on your projects with Mr. Clapper?  
 17 A Yes.  
 18 Q And who is that contractor?  
 19 A Thomas Strebel or 4Eco Living.  
 20 Q So just to make sure I have this right, when  
 21 you were working on your project with Mr. Clapper, you  
 22 were working as Kole Strebel, not someone affiliated  
 23 with 4Eco. And then you and Mr. Clapper would hire 4Eco  
 24 Living as the general contractor on this project.  
 25 Is that right? Or did I get that wrong?

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1 A That's correct.  
 2 Q Had you ever worked on a construction project  
 3 with a general contractor other than 4Eco Living? And  
 4 to be clear, when I say "4Eco Living," that would  
 5 include the companies with its prior names that we  
 6 discussed earlier.  
 7 A Under what context? I guess I'm a little  
 8 confused with the question. Could you rephrase it.  
 9 Q Sure. So if you recall, I was asking you  
 10 earlier for a ballpark of how many construction projects  
 11 you've worked on. You gave me a number 30 to 40.  
 12 I'm trying to get a sense of when you do  
 13 projects, is 4Eco Living always the general contractor?  
 14 Or had you worked with other general contractors on  
 15 projects?  
 16 A I think what you're asking is has 4Eco Living  
 17 been the subcontractor on projects where there's another  
 18 prime general contractor? Is that what your question  
 19 is?  
 20 Q No. I'm asking when you, Kole Strebel, have  
 21 worked on these 30 to 40 construction projects we talked  
 22 about, is 4Eco Living only a general contractor? Or are  
 23 there instances where there's been a different general  
 24 contractor?  
 25 A No. I would be working in a capacity on behalf

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1 of 4Eco Living.

2 Q Okay. So we're going to go back to our

3 discussion about Ms. Schneider, Amie Schneider.

4 Had you ever been, essentially, a partner with

5 her on a project, or she just represents you as a real

6 estate agent?

7 A She only represents me as a real estate agent.

8 Q Has she ever invested in any of your project?

9 A No.

10 Q Has she ever earned a commission from her work

11 with you as your real estate agent?

12 A Yes.

13 Q Can you give me some sort of ballpark estimate

14 of the total amount of commissions that you think

15 Ms. Schneider had made from working with you?

16 A Ballpark estimate of what she has made would be

17 probably -- probably about maybe \$75,000 to \$100,000.

18 I'm estimating. I don't know how her split and stuff

19 work, but her broker and stuff like that. So I don't

20 really know. Again, this would be kind of a guess, as

21 you defined earlier.

22 Q Well, on these transactions that you worked on

23 with Ms. Schneider, you probably know the purchase

24 amount of that transaction. You might know a percentage

25 that she makes. So you would have some basis for giving

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1 me that estimate of \$75,000 to \$100,000. Is that

2 correct? It's not a wild guess. You have some basis

3 for that. Right?

4 A Yes, I do.

5 MR. CHAPMAN: Objection. Lacks foundation,

6 calls for speculation, vague and ambiguous.

7 You can answer as best you can.

8 THE WITNESS: Yes. That \$75,000 to \$100,000

9 is, as I mentioned, an estimate. But I don't know what

10 her commission splits and stuff are with her broker. So

11 she may not net that. We may have paid those kind of

12 commissions out, but I don't know if that's what she

13 made or not.

14 BY MS. MCDUFFIE:

15 Q Maybe the better question is what is your basis

16 for giving me that ballpark estimate of \$75,000 to

17 \$100,000?

18 A I'm estimating that she probably was paid

19 approximately 3 percent on the buyer of Mariposa. I'm

20 estimating that she probably was paid around 2.5 or

21 3 percent on the sale of Mariposa. I'm sorry. I said

22 Mariposa. I meant Maryland. Actually, it's kind of

23 close. I'm talking about the Maryland transaction that

24 she represented us in. I'm sorry for the confusion.

25 On the Maryland transaction, she represented us

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1 on the buy. I'm estimating she made around 3 percent on

2 the buy. Then she turned around and represented us on

3 the list of it. And I'm estimating that she made

4 probably around 3 percent on that. That's the basis of

5 my estimate.

6 Q Thank you for that. And when you referred to

7 the Maryland transaction, what are you referring to?

8 A The property located at 719 Maryland Street in

9 El Segundo, California.

10 Q And what was the nature of that transaction?

11 What was the project?

12 A It was an actual -- actually, the project is

13 very similar to this one. It was one that Mark and I

14 partnered up to go and developed. Once we purchased the

15 property, Amie Schneider approached us and said, "Hey,

16 I've got some buyers that would like to do a presale

17 with you and get, kind of, like a first option type deal

18 to buy the house once it's finished."

19 So we actually got involved in that one, almost

20 kind of presale. Amie represented us, and the

21 transaction went forward. It closed just fine. And

22 that's the nature of that transaction. It was a

23 development of a spec house, as you call it per your

24 definition earlier.

25 Q And I think you just anticipated the question I

Page 53

1 was about to ask you. Thank you for that.

2 A Okay, yeah. It was a spec house, yeah.

3 Q And did I hear you mention an individual named

4 Mark involved in that transaction?

5 A Yes. The gentleman -- sorry -- Mark Clapper.

6 I gave you his name earlier.

7 Q Thank you.

8 A Same guy.

9 Q And about what time period was this Maryland

10 transaction?

11 A I think Maryland, give or take, around 2018.

12 It might have lingered into a little bit of 2019. I'm

13 not quite sure on that. I feel like that transaction

14 was around 2017, 2018, something like that.

15 Q And did I hear you say that Amie Schneider was

16 the one who approached you about the Maryland

17 transaction?

18 A Yes.

19 Q Did you have a relationship with her before she

20 approached you about the Maryland transaction?

21 A Yes.

22 Q So on the other -- you mentioned you worked

23 with Amie on three transactions. In each of those three

24 transactions, did she approach about the project?

25 A No.

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1 Q Does Ms. Schneider try to identify potential  
2 projects for you?

3 A Yes.

4 Q Do you have an understanding of what she does  
5 to try to identify potential projects for you?

6 A I don't.

7 Q For example, does she send you leads of people  
8 to talk to? Does she set up meetings? Is she actively  
9 soliciting people on your behalf?

10 A No. She's a real estate agent. She peruses  
11 the MLS.

12 Q So it's your understanding that Ms. Schneider  
13 through the MLS or some listing service, perhaps sees a  
14 project that she thinks would be a good fit for you, and  
15 then reach out to you about it?

16 A Yes.

17 Q And is she still doing that through the present  
18 day?

19 A Yes.

20 Q Approximately how often does Ms. Schneider  
21 reach out to you with some sort of potential project?

22 A It really varied. But if I was to give you an  
23 estimate, probably, you know, twice a month or something  
24 we'll touch base and see what she got going on, if she's  
25 got any interesting listing, things like that that I

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1 would be interested in developing.

2 Q Do you currently own any real property?

3 A Yes.

4 Q How many pieces of real property do you  
5 currently own?

6 A Two.

7 Q And what are those properties?

8 A Single family residences.

9 Q Is one of those 728 West Mariposa in  
10 El Segundo?

11 A Yes.

12 Q And do you understand that to be the subject  
13 property that we are in this arbitration about?

14 A Yes.

15 Q What is the other property that you currently  
16 own?

17 A Just to clarify, you mean the property address.  
18 Correct?

19 Q Yes.

20 A 3506 Avenue Venice, in Venice California. I'm  
21 sorry. It's 350 6th Avenue, Venice, California.

22 Q Thank you. And when you say what you own those  
23 two properties, is that you, Kole Strebel, as an  
24 individual? Or do you own them through a company or in  
25 some other capacity?

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1 A Essentially, the clarification there, me and my  
2 wife own them. Jill Strebel, yeah.

3 Q So both those two properties, the one on  
4 Mariposa and the one on 6th Street are owned by you,  
5 Kole Strebel, and your wife, Jill Strebel. Correct?

6 A Correct, yeah. Thanks for helping me clarify  
7 that. I appreciate it.

8 Q Okay. So let's stick with the 728 West  
9 Mariposa property. Now, you own that, as you just said,  
10 with your wife, Jill Strebel.

11 At any point in time, did you guys own that  
12 property through a company, through an LLC for example?  
13 Or had it always been you and your wife owning the  
14 property, the Mariposa property, individually?

15 A I think the answer to your question is yes.  
16 But can you just rephrase it for me?

17 Q Sure. You testified that you own the 728 West  
18 Mariposa property with your wife, Jill Strebel, in your  
19 own personal capacity.

20 So I'm wondering if, at any point in time, it  
21 was instead held a different way such as through an LLC  
22 that you control or a trust or something of that nature?

23 A Yes.

24 Q Okay. And what was that other -- can you  
25 describe for me how it was held? Was it through a

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1 company or through a trust or what else?

2 A Through an LLC.

3 Q Okay. When we spoke earlier, you referenced  
4 that you are a member and a manager of an LLC called 728  
5 West Mariposa LLC is. That the same LLC that you're  
6 referring to now?

7 A Yes.

8 Q When you initially purchased the West Mariposa  
9 property, did you initially purchase it, you and your  
10 wife, personally? Or did you purchase it through the  
11 LLC?

12 A Personally.

13 Q So then, at some point in time, did you and  
14 your wife transfer the property to the LLC?

15 A Yes.

16 Q Did you and your wife retain any personal  
17 interest, or did you transfer 100 percent of your  
18 interest to the LLC?

19 A 100 percent transferred to the LLC.

20 Q And did, at some point in time, the LLC  
21 transfer the property to anyone else?

22 A Yes.

23 Q And who was that?

24 A Jill, I believe. It was either Jill and I or  
25 just Jill. I'm not sure on that one. Sorry.

**Page 58**

1 Q So, as we sit here today, who actually owns  
2 that project? Is it you and Jill? You? Just Jill?  
3 The LLC?

4 **A I believe it's Jill and I.**

5 Q And the other property you mentioned on  
6 6th Street in Venice, is that a construction project  
7 that you're working on?

8 **A Yes.**

9 Q And just to refresh my recollection, did you  
10 say that the 6th Street property is owned by you and  
11 your wife, Jill, in your personal capacities?

12 **A Yes.**

13 Q And you mentioned that that's a construction  
14 project as well. Is that a construction project where  
15 4Eco Living is a general contractor?

16 **A I'm sorry. We don't know yet. We haven't  
17 hired a general contract for that project yet. We still  
18 don't have approved plans from the City and stuff. So  
19 Jill and I are very early on in development stages of  
20 the project. And we may or may not hire 4Eco. We'd  
21 like to if it all works out, but we'll see.**

22 MR. CHAPMAN: Object. Move to strike the  
23 answer after no, nonresponsive.

24 We've been going about an hour and a half. Can  
25 we take a five-minute break?

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1 MS. MCDUFFIE: Yes, of course. That's fine.  
2 We can go off the record now.

3 MR. CHAPMAN: Okay. Thanks.  
4 (Off the record.)

5 BY MS. MCDUFFIE:

6 Q So, Mr. Strebel, before the break, we were  
7 talking about the property that you and your wife, Jill,  
8 own at 350 6th Street in Venice. And you mentioned  
9 developing that property, and the plans have not been  
10 approved yet. Did I get right?

11 **A Yes.**

12 Q And I believe you also mentioned, when I asked  
13 who the general contractor was on this project, you have  
14 not hired one yet, and you have not decided yet whether  
15 you will hire 4Eco Living as the general contract on  
16 that 6th Street project. Did I get that right?

17 **A Yes.**

18 Q Now, when he talked earlier, I asked if you've  
19 ever worked on a construction project with the general  
20 contractor that was not 4Eco Living.

21 And correct me if I'm wrong. I recall that  
22 your testimony was no. All of your construction  
23 projects, 4Eco Living has been the general contractor.  
24 Do I recall that correctly?

25 **A Yeah.**

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1 Q So then is there some reason why you would not  
2 hire 4Eco Living for your 350 6th Street project?

3 MR. CHAPMAN: Objection. Speculation, lacks  
4 foundation, vague and ambiguous.

5 Go ahead and answer.

6 **THE WITNESS: Not that we're aware of at this  
7 time.**

8 BY MS. MCDUFFIE:

9 Q Then perhaps you can help me understand your  
10 testimony that you are not sure yet that you want to  
11 hire 4Eco Living.

12 **A Just meaning that, at this point in time, we  
13 haven't hired anybody yet and see if there's a better  
14 opportunity or something else that comes up between now  
15 and when we get the permit.**

16 I mean, we're open. I mean, if we come across  
17 somebody that we think is better and more capable than  
18 4Eco. You know, I mean, it's not like 4Eco has a  
19 guaranteed job or anything.

20 Q Have you been talking to other general  
21 contractors other than 4Eco about working on your  
22 350 6th Street project?

23 **A Yes.**

24 Q About how many other general contractors have  
25 you been talking to?

**Page 61**

1 **A One.**

2 Q Is that one other general contractor in any way  
3 affiliated with your father, Thomas Strebel?

4 **A No.**

5 Q What type of development project is this  
6 350 6th Street in Venice?

7 **A It's a single family residence.**

8 Q Is it a project to build the entire residence  
9 or some portion of it?

10 **A Jill and I are developing a brand new ground up  
11 construction home.**

12 Q Is there currently a structure on that  
13 property?

14 **A Yes.**

15 Q So is it your plan to tear that down and  
16 construct a new home on the property?

17 **A Yes.**

18 Q Is it your intention that when you're finished  
19 completing that property, that you are going to sell it  
20 to someone else?

21 **A Undetermined at this point.**

22 Q Were there any community meetings regarding  
23 your project at 350 6th Street in Venice?

24 **A Yes, there are.**

25 Q Can you describe those for me, please.



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1 A Part of the time process is that you have to do  
 2 community caring for your project where you present your  
 3 project to the community. And, ultimately, the  
 4 community gives you, you know, feedback on your project.  
 5 Is that what you're referring to?  
 6 Q Yes. That would answer that question.  
 7 And so did you -- so you said you actually had  
 8 one of those meetings regarding your project on 6th  
 9 Street. Correct?  
 10 A Yes.  
 11 Q And what type of feedback did you receive from  
 12 the community regarding your project?  
 13 A From our immediate neighbors, we didn't get the  
 14 best response or feedback.  
 15 Q Can you be more specific about the type of  
 16 feedback you received?  
 17 A Yeah. It was negative feedback.  
 18 Q Was it negative for a particular reason? Did  
 19 they give a specific comment or made comments to a  
 20 specific part of the project?  
 21 A Yes.  
 22 Q What were those more specific comments?  
 23 A That the house being built is too large for the  
 24 square foot lot that we have, the size of the lot  
 25 basically. So like the house is too large for the size

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1 of the lot, in their opinion.  
 2 Q Do you now or have you ever lived at the  
 3 property on 350 6th Street?  
 4 A Yes.  
 5 Q Do you currently live there?  
 6 A No.  
 7 Q When did you live there?  
 8 A From 2018 approximately to the beginning of  
 9 2022.  
 10 Q Are you and your wife considering living at  
 11 that the property again after this development has been  
 12 completed?  
 13 A Yes.  
 14 Q We talked about how the plans for this project  
 15 has not yet been approved. Have you submitted plans for  
 16 approval?  
 17 A Yes.  
 18 Q And what was the response when you submitted  
 19 them?  
 20 A From who?  
 21 Q For example, from the City to get government  
 22 approval.  
 23 A To clarify, you're talking like, for example,  
 24 Planning Department?  
 25 Q Correct.

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1 A We have an approval from the Planning  
 2 Department.  
 3 Q Are there approvals from any governmental  
 4 agencies that you need to complete the project that you  
 5 have not received?  
 6 A Yes.  
 7 Q Have you sought any permits for this project  
 8 that were denied?  
 9 A No.  
 10 Q Where do you currently live?  
 11 A 728 West Mariposa, El Segundo, California.  
 12 Q So to be clear, this is the subject property  
 13 that we are talking about in this arbitration. Correct?  
 14 A Mariposa, the 728, yes. It's the subject  
 15 property of this litigation, yes.  
 16 Q Who lives with you at that property?  
 17 A Can you please be more specific?  
 18 Q Do you live at that property by yourself, or do  
 19 you live with other people?  
 20 A Just my wife and my daughter.  
 21 Q So your wife is Jill Strebel. How old is your  
 22 daughter?  
 23 A Almost -- almost two months, actually.  
 24 Q Do you have any pets?  
 25 A Yes.

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1 Q What kind of pets do you have?  
 2 A We have a dog.  
 3 Q One dog?  
 4 A One, yeah.  
 5 Q What type of dog?  
 6 A We don't know. She's a -- we rescued her when  
 7 she was just born as a puppy. So we don't know what she  
 8 is.  
 9 Q And how long have you lived at the Mariposa  
 10 property?  
 11 A We moved in in January of 2020.  
 12 MR. CHAPMAN: 2020?  
 13 THE WITNESS: I'm sorry, 2022. It's  
 14 approximately one year. Sorry, guys. Thank you for the  
 15 clarification.  
 16 MS. MCDUFFIE: Sure. And I would just ask  
 17 counsel not to testify or lead the witness, please.  
 18 MR. CHAPMAN: I apologize. He said he was in  
 19 Venice until early 2022.  
 20 THE WITNESS: We all know I moved in there in  
 21 January 2022, so. Sorry.  
 22 MS. MCDUFFIE: I just want to make sure that  
 23 the format we're following is I ask the question, and  
 24 Mr. Strebel answers. We're clear on that format.  
 25 Correct?

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1 MR. CHAPMAN: Oh, yeah. Yeah, my mistake.  
 2 MS. MCDUFFIE: No problem.  
 3 Q Okay. So just to clarify, since we had that  
 4 discussion, you said January of 2021 is when you moved  
 5 into the Mariposa address?  
 6 A No. I moved into the Mariposa address in  
 7 January of 2022.  
 8 Q 2022. Thank you. Now I was getting confused.  
 9 Okay. January 2022.  
 10 A Sorry if there was a confusion there, what have  
 11 you. I think my years kind of blend together.  
 12 Q I think we're not the only one.  
 13 A Yeah.  
 14 Q So to be clear, that was about a year ago?  
 15 A Yeah. I've lived there for a year, yeah.  
 16 Q Okay. So you've lived there for approximately  
 17 a year. Has your wife, Jill, been living with you there  
 18 the whole time?  
 19 A Yes.  
 20 Q And your daughter is only two months. So am I  
 21 correct that you were living at the Mariposa property  
 22 when your daughter was born?  
 23 A Yes, we were. Yes.  
 24 Q And during this year that you've been living  
 25 there, has there been anyone else other than you; your

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1 wife, Jill; your daughter; and your dog that have lived  
 2 at the Mariposa address during that time frame?  
 3 A In the main house? Just to clarify. Because  
 4 there's two properties.  
 5 Q We can break that down, but let's start with  
 6 what we're considering the main house.  
 7 A Okay.  
 8 Q Has anyone else other than you, your wife, your  
 9 daughter, and your dog lived there over the past year?  
 10 A No.  
 11 Q So because you just asked that clarifying  
 12 question, if I use the term ADU, do you know what I mean  
 13 by that?  
 14 A That's an accessory dwelling unit. Is that  
 15 what you're referring to?  
 16 Q I'm asking for your understanding. But, yes,  
 17 that's what I mean, an accessory dwelling unit.  
 18 A Yeah. Like a guest house, uh-huh.  
 19 Q Is there currently an ADU at that Mariposa  
 20 property?  
 21 A Yes.  
 22 Q How long has the ADU been there at the Mariposa  
 23 property?  
 24 A As an ADU, it's only been there for  
 25 approximately two years.

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1 Q When you say as an ADU, was there a different  
 2 type of structure in its place before?  
 3 A Yes.  
 4 Q What type of structure was that?  
 5 A Single family residence.  
 6 Q So currently there's an ADU on the property.  
 7 Where is that ADU located in relation to the main house?  
 8 A In the -- right in front of the property that's  
 9 closest to the Mariposa actual street.  
 10 Q Okay. Is there someone currently living in the  
 11 ADU?  
 12 A Yes.  
 13 Q Who is currently living in the ADU?  
 14 A Jason Marvin.  
 15 Q How long -- or I'm sorry. Is anyone other than  
 16 Jason Marvin currently living in the ADU?  
 17 A Not that I'm aware.  
 18 Q How long has Mr. Marvin been living there in  
 19 the ADU?  
 20 A I believe approximately two years.  
 21 Q Does your father, Thomas Strebel, live anywhere  
 22 on the Mariposa property?  
 23 A No. No, sorry.  
 24 Q Has he ever?  
 25 A No.

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1 Q Where does Thomas Strebel live?  
 2 A Las Vegas, Nevada.  
 3 Q To your knowledge, has Thomas Strebel been to  
 4 the Mariposa property before?  
 5 A Yes.  
 6 Q And what is the basis for your understanding  
 7 that he's been to the Mariposa property before?  
 8 A Could you rephrase? I'm not sure I follow you.  
 9 Q Sure. I just want to know how do you know that  
 10 he's been there? Were you with him? Did he tell you he  
 11 was there? How did you come to know that Thomas Strebel  
 12 has been at the property?  
 13 A I was with him.  
 14 Q Are you aware of any times that Thomas Strebel  
 15 has been at the property where you were not with him?  
 16 A Not that I'm aware of.  
 17 Q So how many instances has it been that Thomas  
 18 Strebel was at the Mariposa property with you?  
 19 A I'd probably say around half a dozen, give or  
 20 take six times, probably.  
 21 Q And during what time period was Thomas Strebel  
 22 going to the property?  
 23 A Let's see. I bought the property in, I bought  
 24 it in 2020. So between 2020 and 2022 would have been  
 25 the timeline, I guess, he would have been at that

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1 property. Somewhere --

2 Q I'm sorry, Mr. Strebel. I didn't mean to cut

3 you off.

4 A Give or take, like somewhere during that

5 timeline that I've owned the property.

6 Q Do you recall when the last time was that

7 Thomas Strebel was at the property?

8 A Yes.

9 Q When was that?

10 A December 2022.

11 Q Do you recall when in December 2022 he was at

12 the property?

13 A It was the 22nd or the 23rd probably of

14 December.

15 Q How long has Thomas Strebel lived in Las Vegas,

16 Nevada?

17 A Probably -- I would say like maybe ten years.

18 I don't know exactly when he, you know, officially moved

19 to Las Vegas. I'm not sure.

20 Q Is it fair to say that during the entire time

21 you're working on the Mariposa project, that Thomas

22 Strebel was living in Las Vegas, Nevada?

23 A Yes.

24 Q Mr. Strebel, have you ever been convicted of a

25 felony?

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1 A No.

2 Q Have you ever been convicted of a misdemeanor?

3 A No.

4 Q Have you ever been disciplined or sanctioned by

5 a professional board such as the CSLB?

6 A No.

7 Q Have you ever been sanctioned by a court?

8 A No.

9 Q To your knowledge, has your father, Thomas

10 Strebel, ever been convicted of a felony?

11 A I don't believe so. I don't believe so.

12 Q To your knowledge, has your father, Thomas

13 Strebel, ever been convicted of a misdemeanor?

14 A I don't -- I don't know. Actually, I've never

15 asked my father those types of questions.

16 Q To your knowledge, has your father, Thomas

17 Strebel, ever been disciplined or sanctioned by a

18 professional board such as the CSLB?

19 A I, again, don't know actually.

20 Q To your knowledge, has your father, Thomas

21 Strebel, ever spent any time in jail?

22 A No.

23 Q Okay. We've talked a little bit about your

24 wife, Jill Strebel. And can you clarify for me what, if

25 any, role she plays in your business currently?

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1 A Can you clarify what you mean by my business?

2 Q So you could provide some clarification on that

3 too, but I understand you're working on construction

4 project. We talked a bit about developing a project on

5 6th Street in Venice. And you mentioned your wife,

6 Jill's name in connection with that project.

7 So I'm wondering what she does with you when

8 you're working on these projects together?

9 A Got it. So you mean in her capacity as my

10 development partner. Yeah. She's mainly focusing on

11 the financial aspect of it. When I say that, she's

12 contributing financially to the actual projects. That's

13 pretty much her role.

14 Q Contributing financially meaning she makes

15 investments in the project or finances the project?

16 A Yes. She brings capital in, you know.

17 Q Does she find investors like third parties to

18 invest in your projects? Or it's her own money that

19 she's investing?

20 A Typically, it's her own.

21 Q And just to clarify, you referred to your wife

22 as your development partner. Is that correct?

23 A Yeah.

24 Q How long has she been your development partner?

25 A Since the beginning. 2000 -- let's see --

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1 2015-ish, something like that.

2 Q I believe you started answering the question by

3 saying from the beginning. The beginning of what?

4 A The beginning of me flipping houses, like

5 developing or flipping, whatever term you want to call

6 it, whatever. Yeah, her and I, kind of, partnered up

7 from day one.

8 Q So when you're talking about the beginning of

9 you flipping houses, your work flipping houses, is that

10 work that you're doing for 4Eco or work that you're

11 doing on your own in your personal capacity?

12 A On our own personal capacity, not just 4Eco.

13 Q Just so I understand, it sounds like you have

14 your own projects going on, and then you also have work

15 that you're doing with 4Eco. Is that right?

16 A Yes.

17 Q And if I'm understanding your testimony prior,

18 when you were doing this work flipping houses, 4Eco

19 Living is the general contractor on those projects.

20 Is that right?

21 A Yes.

22 Q In these instances, you're not working for

23 4Eco. Is that right?

24 A I still do work for 4Eco, yes, but that's --

25 yes.

**Page 74**

1 Q Okay. So starting in that time period you  
 2 mentioned, 2015, you began flipping houses up until the  
 3 present, has your wife, Jill, always been in the  
 4 capacity of development partner providing financing that  
 5 you discussed earlier? Or has she held other role  
 6 previously?  
 7 **A No other roles.**  
 8 Q Okay. So when you are flipping houses with  
 9 your development partner, your wife, Jill, is there  
 10 something that you call your business? Or is this just  
 11 Kole and Jill Strebel?  
 12 **A It depends on the project. Each project has,**  
 13 **you know, a different theme put together, possibly so.**  
 14 **Jill and I are the individuals on our end that are the**  
 15 **development partners. But for example, like on the Palm**  
 16 **project and the Maryland project, as I mentioned we**  
 17 **teamed up with Mark Clapper. And in that case, there's**  
 18 **Three's Company.**  
 19 Q And when say Three's Company is that due to  
 20 there's three of you? Or was there a business called  
 21 Three's Company?  
 22 **A There was a business called Three's Company**  
 23 **because there's three of us.**  
 24 Q And what type of entity was Three's Company?  
 25 **A I think it was a general partnership.**

**Page 75**

1 Q Okay. So when you and Jill Strebel, your wife,  
 2 and Mark Clapper worked together on projects, that would  
 3 be under the name Three's Company, which you believe is  
 4 a general partnership. Is that correct?  
 5 **A Yeah.**  
 6 Q When Mr. Clapper is not involved and it's just  
 7 you and your wife, Jill, is there any other entity or  
 8 name that you work under? Or if someone wanted to hire  
 9 you, would they just be hiring Kole and Jill Strebel?  
 10 **A Jill and I don't do for hire work. So nobody**  
 11 **can hire us.**  
 12 Q So when you say you don't do for hire work, how  
 13 would you describe the work that you do?  
 14 **A We're flippers. We're developers. You can**  
 15 **call it a developer, a flipper, a spec house, whatever**  
 16 **we want. But that's not for hire work.**  
 17 Q So there isn't, for example, an owner of a  
 18 property who hires you to flip their house. Right?  
 19 **A Not even close.**  
 20 Q Okay. So then am I correct that you and Jill,  
 21 as it is, you and Jill working on it together, would you  
 22 then purchase the property and be the owners of the  
 23 property that you will develop?  
 24 **A Yes.**  
 25 Q Okay. And then the way you would make money

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1 off of it would be then selling the project after it's  
 2 completed. Is that correct?  
 3 **A Uh-huh, yes. Sorry. Court Reporter, sorry**  
 4 **about that.**  
 5 Q Okay. So in this business that you have  
 6 flipping houses --  
 7 **A Uh-huh.**  
 8 Q -- do you have any sort of website for that  
 9 business?  
 10 **A No.**  
 11 Q Do you have any other website that you maintain  
 12 professionally?  
 13 **A Not that I personally maintain, no.**  
 14 Q Have you in the past?  
 15 **A I never personally have a website.**  
 16 Q So that includes Three's Company. That does  
 17 not have its own website?  
 18 **A Correct. Neither does 728 West Mariposa LLC.**  
 19 Q I'm sorry. Say that again. The LLC does not  
 20 have a website? Is that what you said?  
 21 **A Yeah, it doesn't. None of them does.**  
 22 Q Do you still do any work as Three's Company?  
 23 **A No.**  
 24 Q When did you stop doing work as Three's  
 25 Company?

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1 **A After we got done with the Maryland project.**  
 2 Q Mr. Strebel, have you ever been sued before?  
 3 **A Yes.**  
 4 Q Approximately how many times?  
 5 **A I think twice.**  
 6 Q On those two occasions, were you sued  
 7 personally as Kole Strebel, or was it some entity that  
 8 you control?  
 9 **A Personally as Kole Strebel.**  
 10 Q What was the nature of these lawsuits?  
 11 **A One of the lawsuits was finance related, and**  
 12 **another lawsuit was from a guy who wanted to be -- a guy**  
 13 **who claims he was owed money.**  
 14 Q Was that lawsuit with the guy who claims he was  
 15 owed money in relation to a construction or development  
 16 project?  
 17 **A Yes.**  
 18 Q Did either of those lawsuits result in a  
 19 judgment being entered against you?  
 20 **A No.**  
 21 Q Do you recall whether those lawsuits were in  
 22 California?  
 23 **A One of them was.**  
 24 Q Do you recall where the other lawsuit was?  
 25 **A Nevada.**

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1 Q Do you do work solely in California, or do you  
 2 do work in other states as well?  
 3 A Could you please clarify what you mean?  
 4 Personally or 4Eco Living?  
 5 Q Why don't we start with you personally.  
 6 A With me personally, it's pretty much just  
 7 California these days.  
 8 Q In the past, did you do work personally in  
 9 other states?  
 10 A Yes.  
 11 Q And what state?  
 12 A Nevada.  
 13 Q Did you previously live in Nevada?  
 14 A Yes.  
 15 Q What years approximately were you living in  
 16 Nevada?  
 17 A 2004 probably approximately to, give or take,  
 18 2011-ish.  
 19 Q And, now, in your capacity working for 4Eco, do  
 20 you do work in states other than California?  
 21 A Yes.  
 22 Q And what states are those?  
 23 A Utah and Nevada, California and Arizona.  
 24 Q When did you first come into contact with the  
 25 Kidambis in this -- when I say the Kidambis, just to be

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1 clear and also for the court reporter's benefit, if you  
 2 haven't seen this, it's K-I-D-A-M-B-I. It's the last  
 3 name I might be referring to for a while.  
 4 So when I speak of the Kidambis, I'm referring  
 5 to Tridivesh and Tulika Kidambi, who are my clients in  
 6 this case, the claimants and counter-respondents.  
 7 And for the court reporter, the first name  
 8 Tridivesh, T-R-I-D-I-V-E-S-H, and Tulika, T-U-L-I-K-A.  
 9 So, Mr. Strebel, when did you first come into  
 10 contact with the Kidambis?  
 11 A I think Alex Abad introduced me to the Kidambis  
 12 in late 2019.  
 13 Q And do I recall correctly that Alex Abad is the  
 14 father of Amie Schneider, the real estate agent that you  
 15 work with?  
 16 A Yes.  
 17 Q And do I recall correctly that you've also  
 18 worked with Alex Abad?  
 19 A I have.  
 20 Q When you worked with Alex Abad, has he  
 21 represented you as your real estate agent?  
 22 A Me as an individual?  
 23 Q Sure. Has he represented you as an individual?  
 24 A No.  
 25 Q Has he represented you in any other capacities,

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1 say through an LLC or some other company?  
 2 A Yes.  
 3 Q And what was that company?  
 4 A Actually, I'd like to correct something,  
 5 clarify something.  
 6 Alex Abad represented us on the sale, Mark  
 7 Clapper and us on the sale of the Palm project. And  
 8 then, also, Alex Abad represented Jill and I on the  
 9 purchase of the Mariposa project. So I apologize. I  
 10 misspoke a second ago. Now that I'm following your  
 11 question, he represented us actually personally and  
 12 through the LLC or the GP, the general partnership, or  
 13 what have you.  
 14 Q I appreciate the clarification. How long have  
 15 you known Alex Abad?  
 16 A I'd say starting approximately 2017, '16 or  
 17 '17, somewhere in there.  
 18 Q Did you meet Alex Abad before you met Amie  
 19 Schneider?  
 20 A Yes.  
 21 Q How did you first meet Alex Abad?  
 22 A Through Mark Clapper.  
 23 Q Has Alex Abad ever earned a commission from  
 24 representing you or a company you are affiliated with on  
 25 a transaction?

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1 A Yes.  
 2 Q Can you give me an approximation of how much  
 3 total commission do you think Mr. Abad has earned from  
 4 representing you on a transaction?  
 5 A I'd say probably around, give or take, \$75,000.  
 6 Q Do you have an understanding of why Alex Abad  
 7 introduced you to the Kidambis?  
 8 A Yes.  
 9 Q And what is that understanding?  
 10 A He told me that they are interested in buying a  
 11 spec house because they had seen my prior work in  
 12 El Segundo.  
 13 Q Do you know what prior work they're referring  
 14 to?  
 15 A The development project on 719 Maryland Street  
 16 that I developed with Jill and Mark.  
 17 Q And I think we mentioned this was in late 2019.  
 18 Is that correct?  
 19 A That I was introduced to them?  
 20 Q Yes.  
 21 A Yes, uh-huh.  
 22 Q Was the introduction an in-person meeting, an  
 23 email, a phone call? Something else?  
 24 A I think, if I recall correctly, the first  
 25 introduction I think was a phone call. And then, you

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1 know, it went on from there.

2 Q And on that initial phone call, was it Alex

3 Abad, you, and Tridi and Tulika Kidambi?

4 A I can't recall if Tulika was present or not,

5 but I believe the first person that I met was Tridi

6 Kidambi.

7 Q Was there anyone else there during that initial

8 meeting?

9 A Not that I recall. Amie Schneider might have

10 been. I don't know about that. But I don't really

11 recall who else was there.

12 Q Did you ever tell Alex Abad that you were

13 looking for business opportunities, potential buyers for

14 your project?

15 A No.

16 Q Okay. Now, did you ultimately come to some

17 sort of agreement with the Kidambis regarding the

18 Mariposa project?

19 A Yes.

20 Q Okay. So I just want to talk a little bit

21 about the time period from when you first met the

22 Kidambis in late 2019 until the time period when you

23 reached that agreement you just referenced.

24 Roughly, how many meetings or conversations did

25 you have with the Kidambis in that time period?

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1 A I don't know an exact count or what have you.

2 But it was -- it seemed like a fair amount of

3 conversation. And emails and things like that were

4 exchange between our initial intro and when we actually

5 agreed on a purchase contract.

6 Q Was email your primary method of communicating

7 with the Kidambis?

8 A No.

9 Q What was your primary method of communicating

10 with them?

11 A For me, it was my real estate agent, Amie

12 Schneider.

13 Q So just so I'm clear, are you saying that you

14 would send an email to Ms. Schneider, and then she would

15 send that communication to the Kidambis? Or would you

16 all be copied on the same email together?

17 MR. CHAPMAN: Lacks foundation.

18 MS. MCDUFFIE: I'm just trying to understand

19 Mr. Strebels thoughts.

20 Q So, Mr. Strebels, I asked you was your primary

21 method of communicating with the Kidambis have been in

22 effect through Amie Schneider. So I'm wondering, you

23 know, did you send email to Mr. Schneider? Did you call

24 her? What do you mean by through Ms. Schneider?

25 A Yes. So to clarify, for me, I had a real

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1 estate agent representing me. So there's really no

2 reason that the buyer and the seller should be

3 communicating directly. That's my primary and preferred

4 form of communication in a real estate transaction.

5 However, the Kidambis started emailing me and

6 texting me and calling me directly. So there was a lot

7 of communications through emails. Everybody was just

8 cc'd on it at a certain point, so.

9 Q At what point did that happen where everyone

10 became cc'd on email as you just said?

11 A I feel like Tridi did it right out the gate.

12 Q So out the gate meaning late 2019?

13 A Right when we met. Yeah, late 2019.

14 Q Okay. So just to go back, you mentioned that

15 Alex Abad introduced you to the Kidambis. Did he

16 represent someone as an agent in this transaction

17 ultimately?

18 A Yes.

19 Q Did he represent you?

20 A No -- well, excuse me. Can you clarify the

21 question? Did he represent me when?

22 Q I mean in this Mariposa transaction, was he

23 acting as your real estate agent?

24 A So just to clarify, is your question asking if

25 he represented me in the buy or the sell of the Mariposa

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1 house?

2 Q Have you sold the Mariposa house?

3 A No. But it was under contract, as you know.

4 Q Lets start with the buy.

5 A Yes. Alex Abad represented me on the buy of

6 the Mariposa property.

7 Q Now, you mentioned a sale contract.

8 Did he represent you as your real estate agent

9 in connection with that?

10 A No.

11 Q Did he represent someone else in connection

12 with that sale contract?

13 A Yes.

14 Q Who did he represent?

15 A The Kidambis.

16 Q Okay. So in this sale contract context, were

17 you represented by Amie Schneider as your real estate

18 agent?

19 A Yes.

20 Q Were there any other real estate agent

21 involved?

22 A No, not that I'm aware of.

23 Q At what point did you come to be represented by

24 Amie Schneider in that sale transaction?

25 A Late December -- or late 2019. Excuse me.

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1 December is late 2019.

2 Q Okay. So I am going to attempt to show you a  
3 document here. And what I'm going to do is put it in  
4 the chat window over to the right. And my understanding  
5 is that Mr. Strebel and Mr. Chapman should then both be  
6 able to open that PDF and look at it. I'm going to do  
7 that in a second, and we'll make sure that you're able  
8 to open it. Please bear with me here.

9 MR. CHAPMAN: And when are we going to break  
10 for lunch?

11 MS. MCDUFFIE: I'm thinking around a half-way  
12 mark. Is there anything about your schedule I should  
13 know for planning purposes?

14 MR. CHAPMAN: Well, yeah. I should probably  
15 find out because our office, I think, has ordered lunch  
16 for Mr. Strebel and me. I don't know when that's  
17 coming.

18 But if you're flexible, I'd like to take a  
19 break around the time when our lunch comes. I can find  
20 out and let you know.

21 MS. MCDUFFIE: Okay. Can we go off the record  
22 for a few minutes, and Mr. Chapman can let us know about  
23 his lunch time, and I can work on getting my documents  
24 keyed up. So let's take a few minutes. Let's go off  
25 the and come back. Does that work for you, Mr. Chapman?

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1 MR. CHAPMAN: Yes.

2 MS. MCDUFFIE: Great.

3 (Off the record.)

4 BY MS. MCDUFFIE:

5 Q So while we're on our break, I did put a  
6 document in the chat feature. I'm going to ask a few  
7 questions before we open that up and take a look at it.

8 So we were talking about when you initially met  
9 with the Kidambis, and you mentioned that was in late  
10 2019. At that time, did you own the property at 728  
11 West Mariposa?

12 A No.

13 Q Okay. And you mentioned that you ultimately  
14 came to some sort of agreement with the Kidambis.

15 Can you describe for me what your understanding  
16 of that agreement is. And to clarify, I'm also looking  
17 for your understanding of what this transaction is, the  
18 nature of the transaction, how it works.

19 MR. CHAPMAN: Can I just have a running  
20 objection? Calls for a legal conclusion.

21 But, obviously, he can tell you his state of  
22 mind as far as the transaction.

23 BY MS. MCDUFFIE:

24 Q Yes. And just in case it wasn't clear, I am  
25 asking for your understanding, Mr. Strebel. I'm not

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1 asking for your legal interpretation of the contract.

2 A Okay. There's a lot said there. I just want  
3 to make sure I understand what you're asking.

4 You are asking what is my interpretation of the  
5 contract you just attached? Or does it have anything to  
6 do with the --

7 Q Let's forget about that particular document for  
8 a second.

9 A Okay.

10 Q I know you met the Kidambis in late 2019. And  
11 if I recall correctly, you said that Mr. Abad introduced  
12 you because the Kidambis had liked the work you did on  
13 another project, and they were interested in meeting  
14 with you.

15 Now, I'm trying to understand what was the  
16 project that you ultimately agreed to work on with the  
17 Kidambis. If you could just explain your understanding  
18 how this project was going to work.

19 A My understanding is it was just like the prior  
20 project that I had just got done with on Maryland Street  
21 with Amie Schneider and stuff where it, basically, was a  
22 purchase contract to buy a spec house. It's a  
23 residential purchase contract. It's, you know, it has a  
24 purchase price to it. I was just under the  
25 understanding that they were buying the spec house from

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1 Jill and I, and we're done.

2 Q If I'm understanding correctly, you and Jill  
3 would buy the property, develop it, and then sell it to  
4 the Kidambis. Is that correct?

5 A Yes.

6 Q Is there any nuance to that that I crossed  
7 over?

8 MR. CHAPMAN: Objection. Vague and ambiguous,  
9 overbroad.

10 But go ahead.

11 THE WITNESS: Are you asking if there's more to  
12 the residential purchase contract like an addendum or  
13 something?

14 BY MS. MCDUFFIE:

15 Q I'm asking -- first, we're talking generally  
16 about this project that you're working on with the  
17 Kidambis, and I described it in relatively simple term.  
18 I just want to make sure that the way I described it is  
19 not in some way wrong or misleading.

20 MR. CHAPMAN: And objection. Vague as to time.

21 BY MS. MCDUFFIE:

22 Q Did the nature of the project change over time,  
23 Mr. Strebel?

24 A No, it didn't.

25 Q Okay. So then we're talking about the nature

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1 of this transaction as I've described it was that -- I'm  
 2 sorry -- you've described it is that you and your wife,  
 3 Jill, would purchase the property, develop it, and then  
 4 the Kidambis would buy it from you when it's completed.  
 5 Is that correct?  
 6 A Yeah. I mean, they approached us and said,  
 7 "Hey, if you guys are building a spec house, we'd like  
 8 to buy it from you." Yeah, it really how it was.  
 9 Q Did I hear you just say that this project with  
 10 the Kidambis was intended to be a spec project?  
 11 Is that your understanding?  
 12 A Yes, and it's not a project. I would like to  
 13 correct that. It's not a project with the Kidambis.  
 14 Jill and I are on our own. We paid the  
 15 mortgage and stuff. So I guess I don't understand your  
 16 question here. Could you maybe clarify it?  
 17 Q Sure. So it is important that you and I use  
 18 the same -- we understand the terms that we're using.  
 19 So how about if I use the term Mariposa project?  
 20 Do you understand what I mean by Mariposa  
 21 project? Or do you have an understanding what I mean by  
 22 that?  
 23 A Yeah. As it pertains to Jill and I?  
 24 Q Yes.  
 25 A Yeah, uh-huh.

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1 Q So previously I had used the phrase "project  
 2 with the Kidambis." If I use the phrase "Mariposa  
 3 project," does that address the concern that you were  
 4 just trying to clarify?  
 5 A It causes more confusion because we didn't do  
 6 the project on Mariposa with the Kidambis. So it wasn't  
 7 a joint venture with them, like you're saying.  
 8 Q Correct. I want to make sure I'm using the  
 9 term you understand. If I say the "Mariposa project,"  
 10 do you understand what I'm saying?  
 11 A Yes, I do. But I wouldn't say it was with the  
 12 Kidambis. I want to be clear about that. It wasn't  
 13 with them. Jill and I had our own project, and then  
 14 they came in and said, "Hey, we'll buy your spec house."  
 15 Q So you and your wife, Jill, planned to develop  
 16 728 West Mariposa before you met the Kidambis in late  
 17 2019?  
 18 A Yes.  
 19 Q At what point in time did you first consider  
 20 developing a property at 728 West Mariposa?  
 21 A When Alex Abad brought me the property, and  
 22 Jill and I looked at it, talked about it, and then we  
 23 decided to move forward and make an offer on the  
 24 property.  
 25 Q About what point in time was that?

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1 A I think we made the offer in, you know, I'm  
 2 kind of estimating here. But I think our offer went in  
 3 like -- it was after September, I would think, in 2019,  
 4 at some point. It could have been like October-ish,  
 5 something like that.  
 6 Q Did I hear you say that Alex Abad brought you  
 7 that property?  
 8 A Uh-huh.  
 9 Q When you say he brought you that property, what  
 10 do you mean?  
 11 A He called me up and said, "Hey, there's a house  
 12 that's going on the market, but it's not on the market  
 13 yet. It's going to hit the market any day now. I think  
 14 you should check it out for your next development  
 15 project since you just finished the Maryland project."  
 16 And so he sent me the property, and the house  
 17 got listed. And right when it got listed, I requested  
 18 that Alex go ahead and make an offer on behalf of Jill  
 19 and I because we thought it would be a great spec house  
 20 property.  
 21 Q And do you recall when you closed on that  
 22 house?  
 23 A Beginning of 2020, I believe it was in January.  
 24 Q So at the point in time when you were, I guess  
 25 taken some steps to purchase the house that hasn't

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1 closed yet but before you met the Kidambis, what were  
 2 you planning to do in terms of developing that property?  
 3 A I was going to -- I shouldn't say I -- Jill and  
 4 I, we were going to essentially build another house like  
 5 we did on Maryland, similar development project to  
 6 719 Maryland was what we were planning on doing.  
 7 Q Did you have any discussions with the Kidambis  
 8 where you discussed that being a spec house or a spec  
 9 project?  
 10 A I don't think so, no.  
 11 Q And in your dealings with the Kidambis  
 12 regarding the Mariposa project, did the Kidambis provide  
 13 any input regarding the plans for that project?  
 14 A Yes.  
 15 Q What type of input did they provide?  
 16 A They provided input as to all the upgrades that  
 17 they wanted.  
 18 Q What do you mean by all the upgrades that they  
 19 wanted?  
 20 A The Kidambis, throughout the entire project,  
 21 have made upgrades along the way. So in the very  
 22 beginning, we were talking to -- you know, they started  
 23 talking to us about all the changes and the upgrades  
 24 that they wanted to do.  
 25 Q You say change or upgrade.



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1 Does that mean there was a set of plans that  
 2 existed prior to the Kidambis giving their input? What  
 3 was it that they were changing when you referred to  
 4 changes?  
 5 A We did give them a schematic, and then they  
 6 started making changes to it, yes.  
 7 Q At what point in time did you have a -- you  
 8 just used the phrase schematic developed for the house.  
 9 A I don't know the exact date, but I think it was  
 10 sometime -- by the time the schematics came out, I think  
 11 it was like February of 2020, something like that,  
 12 maybe.  
 13 Q So it's correct that you did not have a  
 14 schematic before you met the Kidambis?  
 15 A That is correct.  
 16 Q Did the Kidambis have any input on the  
 17 schematics?  
 18 A Yes.  
 19 Q Did the Kidambis give you input such as how  
 20 many bedrooms would be in the house?  
 21 A Yes.  
 22 Q Or how many bathrooms would be in the house?  
 23 A Yeah. They gave us input on that.  
 24 Q Did they give input on amenities in the house?  
 25 A Yeah. Yes, yes.

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1 Q Did they give input on the fixtures that would  
 2 be in the house?  
 3 A Yes.  
 4 Q And did this input -- was any input like that  
 5 given before you entered into a contract with the  
 6 Kidambis?  
 7 A I don't recall.  
 8 Q Okay. So we're moving back to that initial  
 9 point in time in late 2019 when you first met them.  
 10 Was it pretty much immediately that they  
 11 started providing that type of input? Or was there a  
 12 longer period of time before they were giving you that  
 13 type of input?  
 14 A They were giving us that type of input pretty  
 15 much right out of the gate. Yeah, right from the  
 16 get-go, they were giving us input, late 2019.  
 17 Q So I believe you described this as your and  
 18 Jill's project, a spec com that you would sell to the  
 19 Kidambis. And you mentioned that this was the same type  
 20 of project that you did on Maryland, I believe you said.  
 21 So help me understand why the Kidambis are  
 22 giving input like how many bedrooms, how many bathrooms  
 23 are in the house if this is your spec project that  
 24 you're working on?  
 25 A Well, to put it lightly, it's market research.

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1 Right? Because when you're designing and developing  
 2 something that you're going to be selling to the general  
 3 public, ideally you want to know what the general public  
 4 wants and is looking for, you know.  
 5 So Jill and I are open to those, you know, that  
 6 input as you said. You know, tell us what you're  
 7 looking for. Tell me do you want a purple house? Do  
 8 you want a blue house? What are you guys looking for?  
 9 We'll take that into consideration when we're  
 10 doing the design and the development of the project. I  
 11 ask random real estate agents all the time what kind of  
 12 stuff is selling. It's clearly just that. It's market  
 13 research. Give us your input. Tell us what you're  
 14 looking for.  
 15 Q And when the Kidambis were giving you that type  
 16 of input, and it's still in the time frame before you  
 17 entered into your contract, at that point in time, were  
 18 there email communications with that input? Were there  
 19 verbal communications or through Ms. Schneider? How was  
 20 that transmitted from the Kidambis to you?  
 21 A D, all of the above.  
 22 Q All of the above?  
 23 A Uh-huh.  
 24 Q Okay. At some point in time, do you recall  
 25 receiving an email from the Kidambis which outlined some

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1 general specifications about what they might want to see  
 2 in the house?  
 3 A Yeah. Yes, yes. Sorry.  
 4 Q Do you recall whether you responded to that?  
 5 A I'm not sure. I believe I did. Yes, I'm sure  
 6 I did, I think.  
 7 Q At any point in time that you recall, did you  
 8 tell the Kidambis that you considered that input to be  
 9 market research?  
 10 A No.  
 11 Q Did you tell the Kidambis that the house would  
 12 be constructed according to that input that they  
 13 provided?  
 14 A No.  
 15 Q What, if anything, did you tell the Kidambis  
 16 about that input and about whether or not it would be  
 17 implemented in the development of the house?  
 18 A I said that it would be considered in the  
 19 design when Jill and I are going through the design  
 20 process.  
 21 Q When you told them that it would be considered,  
 22 do you recall whether that communication was in an email  
 23 or some other form?  
 24 A It was written in the purchase contract.  
 25 Q If you'll bear with me, I am going to put

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1 another document. And I think it might be easier if I  
 2 do this through a shared screen so we can all look at  
 3 the same thing. So, again, if you don't mind bearing  
 4 with me, I will pull up the document that I intend to  
 5 mark as Exhibit 1.  
 6 (Exhibit 1 was marked for identification.)  
 7 MR. CHAPMAN: Are we doing anything with the  
 8 first one you put in the chat box?  
 9 MS. MCDUFFIE: We're not quite there yet, and  
 10 we might not get there before the lunch break. I just  
 11 wanted to get that in there. That will be marked as an  
 12 exhibit, but we're just not there yet.  
 13 MR. CHAPMAN: Okay.  
 14 MS. MCDUFFIE: And, again, I apologize if this  
 15 takes up the minutes. It will go faster as we move  
 16 along here.  
 17 MR. CHAPMAN: That's fine. We're adapting to  
 18 the technology of the era we live in.  
 19 MS. MCDUFFIE: Sorry. I apologize.  
 20 MR. CHAPMAN: That's okay.  
 21 And it just occurred to me. Kole, is your  
 22 lunch cold or hot?  
 23 **THE WITNESS: Mine is hot, but I don't mind**  
 24 **waiting until the 12:00 o'clock mark.**  
 25 / / /

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1 MS. MCDUFFIE: Okay. You know, let's just look  
 2 at this one document I'm about to pull up.  
 3 Do you need to -- I'm sorry, Mr. Chapman. Did  
 4 you say that your hot lunch has arrived?  
 5 MR. CHAPMAN: No, no, no. It occurred to me  
 6 that mine is a cold even though it has, I think ahi or  
 7 something in it. It's a cold salad. So for my part, I  
 8 was going to say I could keep going.  
 9 But if Mr. Strebel has a hot lunch, I prefer to  
 10 take a break at noon if we can.  
 11 BY MS. MCDUFFIE:  
 12 Q Okay. So I've just now shared a document on  
 13 the screen. Do you see this, Mr. Strebel?  
 14 MR. CHAPMAN: The Bates number is probably  
 15 there. I just can't see it.  
 16 MS. MCDUFFIE: For everyone's benefit, I'm  
 17 going to scroll down to the bottom of the page, and  
 18 you'll see that this is Bates stamped Kidambi 000636.  
 19 **THE WITNESS: Now I'm having a little bit of a**  
 20 **technical difficulty here.**  
 21 BY MS. MCDUFFIE:  
 22 Q So this should be just up on the screen. This  
 23 is not something that you need --  
 24 MR. CHAPMAN: Yes. Kole, it's on the -- do you  
 25 see --

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1 **THE WITNESS: Oh, here. I got my screen back.**  
 2 **Okay. Now all I see is just your faces. Hello? I lost**  
 3 **you guys.**  
 4 THE TECHNICIAN: Do you have your Zoom window  
 5 open right now?  
 6 **THE WITNESS: Hey, guys. Is anybody there?**  
 7 MR. CHAPMAN: Yeah, we're here.  
 8 **THE WITNESS: I can hear you guys. I don't**  
 9 **know what just happened. But I can't see anybody's**  
 10 **faces, but I can now see the document.**  
 11 MR. CHAPMAN: That's perfect.  
 12 BY MS. MCDUFFIE:  
 13 Q Okay. Let's hope it will get us through the  
 14 next five minutes before we break.  
 15 So for the Court Reporter, I do intend to mark  
 16 this as Exhibit 1, and I just gave you the Bates number.  
 17 Mr. Strebel, do you recognize this document?  
 18 **A It looks like it's an email.**  
 19 Q Okay. If we look at the top left, I see the  
 20 sender's email address as Kole@4EcoLiving.com.  
 21 Is that your email address?  
 22 **A Yeah.**  
 23 Q So is it fair to say that this is an email that  
 24 you sent?  
 25 **A Yeah, uh-huh.**

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1 Q And we see here it's going to Tridivesh  
 2 Kidambi. So this is an email that you sent to  
 3 Mr. Kidambi, copying Amie Schneider, Alex Abad, and  
 4 Tulika Kidambi. Does that look right to you?  
 5 **A Yes, uh-huh.**  
 6 Q Okay. And now you see in the first line, "Hi.  
 7 I hope you guys are having a great week. You guys have  
 8 some good ideas. Keep them coming. This is all about  
 9 customizing the house for your needs."  
 10 So, Mr. Strebel, I'm wondering if you could  
 11 tell me what you mean by "This is all about customizing  
 12 the house for your needs."  
 13 **A Yes. So in the purchase contract, we had known**  
 14 **that the Kidambis were going to want to make changes and**  
 15 **upgrades along the way and kind of, you know, "make the**  
 16 **house their own," quote, unquote.**  
 17 So Jill and I had committed to that very early  
 18 on in the transaction, and we wanted them to send over  
 19 whatever inspiration that they had, any ideas or things  
 20 that they are looking for. Again, it's not only Jill  
 21 and I can consider it in the design process, but then  
 22 also, you know, the Kidambis could make those changes  
 23 and upgrades that they would like to see to kind of  
 24 customize things for their ultimate use at the end when  
 25 they buy it from us. Like I said before, ultimately, we

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1 want to build a spec house that the Kidambis would buy  
 2 from us, so yeah.  
 3 Can you guys hear me?  
 4 Q Yes.  
 5 A Sorry. I can't see anything in here.  
 6 Q Did you have any concerns that you would not be  
 7 able to sell it on the general market if it had been  
 8 customized for the Kidambis?  
 9 A Jill and I have the ultimate say because it's  
 10 our property, we own it. And it's our spec house as to  
 11 what goes in it because, at the end of the day, just  
 12 like you said, if something happens and the Kidambis  
 13 don't close on it, Jill and I own the house. We need to  
 14 sell it to somebody else.  
 15 So, for example, if Kidambis had said, "Listen,  
 16 we want to live in a purple house. We want the entire  
 17 outside of the house. Should we paint it purple?"  
 18 Jill and I would say, "Hey, listen. You guys  
 19 would have to do that after you own the house. Because  
 20 in the event that Jill and I own this and you guys don't  
 21 buy it, we're going to have a hard time selling a purple  
 22 house."  
 23 So they can make their request. They can do  
 24 these things. But ultimately, you know, that's what it  
 25 is.

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1 Q Was it your intention that you actually would  
 2 consider implementing the Kidambis' input into the  
 3 project?  
 4 A Yeah. I think the Kidambis have a lot of great  
 5 ideas for upgrades and things like that, and we really  
 6 did try to incorporate it as much as we possibly could.  
 7 Q So is it fair to say that the --  
 8 A Excuse me.  
 9 Q -- that the input they gave you was more than  
 10 just market research?  
 11 A No. It's not more than market research. I  
 12 mean, it's what we want to know as we're building spec  
 13 houses, what makes people want to buy, and what people  
 14 are looking for.  
 15 And then, like I said, in this particular case,  
 16 if there's something that the Kidambis want to upgrade  
 17 or change, we extended that courtesy to them.  
 18 Q And just so I understand, at all times, it's  
 19 your understanding that this is a spec house and a spec  
 20 project. Is that right?  
 21 A Yes, uh-huh.  
 22 MS. MCDUFFIE: Okay. Bill, it looks like we're  
 23 at noon. Does it work for you to break for a half hour  
 24 now, or do we need to wait for your food delivery?  
 25 MR. CHAPMAN: Let me doublecheck.

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1 THE WITNESS: My food is here.  
 2 MR. CHAPMAN: Okay. Then mine would be here  
 3 too.  
 4 MS. MCDUFFIE: Okay. Then I would suggest we  
 5 go off the record and resume at 12:30 if that works for  
 6 everyone.  
 7 THE WITNESS: Yeah.  
 8 DEPOSITION OFFICER: Okay.  
 9 MS. MCDUFFIE: We'll see you at 12:30.  
 10 (Lunch recess.)  
 11 BY MS. MCDUFFIE:  
 12 Q We're going back on the record after taking  
 13 about a 30-minute lunch break.  
 14 Mr. Strebel, before our lunch break, we were  
 15 talking about input that the Kidambis were giving you  
 16 regarding what they wanted in the Mariposa house.  
 17 And I recall you saying that you would consider  
 18 that input, but that you and your wife, Jill, as the  
 19 owners, would have the final say.  
 20 Is that accurate?  
 21 A Yes.  
 22 Q And did you ever communicate that to the  
 23 Kidambis that you and Jill would have the final say  
 24 about whether their input would actually be implemented?  
 25 A Yes, I believe so.

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1 Q And do you recall how you communicated that to  
 2 the Kidambis, meaning by email? phone conversation?  
 3 Something else?  
 4 A I believe it was verbal.  
 5 Q Do you recall any emails or other writings  
 6 where you communicated to the Kidambis that you and Jill  
 7 would have the final say about whether their input would  
 8 be implemented in that Mariposa house?  
 9 A Just the reference in the purchase contract  
 10 where it states that Jill and I would consider it, but  
 11 that's it.  
 12 Q Okay. So if you could now go ahead and open  
 13 that contract document that I had put in the chat  
 14 feature, and I am marking this document as Exhibit 2.  
 15 (Exhibit 2 was marked for identification.)  
 16 BY MS. MCDUFFIE:  
 17 Q Do you recognize this document, Mr. Strebel?  
 18 A It looks like the residential purchase  
 19 contract. Let me scroll up through and see if any  
 20 addendums are attached here. It looks like Addendum 1  
 21 is attached, which I recognize, and it looks like  
 22 Exhibit A to Addendum 1 is attached as well.  
 23 Yeah. I recognize this document.  
 24 Q What is this document?  
 25 A It's a residential purchase contract.

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1 Q For which property?

2 A 728 West Mariposa, El Segundo, California

3 90245.

4 Q And who is this contract -- who are the parties

5 to this contract?

6 A Jill and Kole Strebel and/or 728 Mariposa LLC

7 as the sellers, it looks like. And it looks like the

8 buyers are Tridivesh and Tulika Kidambi.

9 Q I think you just mentioned just now "and/or 728

10 Mariposa LLC."

11 A Uh-huh.

12 Q Is it your understanding that 728 West Mariposa

13 LLC is a party to this purchase agreement?

14 A The way I understand it is that the escrow can

15 be closed in Jill and Kole Strebel's name or 728 West

16 Mariposa LLC. Is that your question?

17 Q My question was, originally, who were the

18 parties to this contract?

19 A Right. I thought I answered that. Sorry.

20 Q Your answer was you, Jill, and/or the LLC.

21 A Uh-huh.

22 Q And so because you used the phrase "and/or,"

23 it's unclear to me whether it's your position that the

24 LLC is a party to this agreement or not.

25 A It is.

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1 Q Okay. So --

2 A I'm sorry. Really quick, just to interrupt.

3 I'm looking at the contract that you sent over.

4 Where -- can you tell me what page you're looking at

5 really quick that says the "and/or 728 Mariposa LLC"?

6 I cannot find it.

7 Q I'm only asking about what you testified to.

8 So I asked you who's your understanding as to the

9 parties are. And your response involved the phrase

10 "and/or 728 Mariposa LLC." That's where the question

11 came from.

12 A Oh, okay.

13 Q Any particular part of this document, just to

14 be clear, when I am referring to a particular part of

15 the document, I will direct your attention to it.

16 A Oh, okay. That was my misunderstanding because

17 the document does call out 728 Mariposa LLC. I thought

18 you were on a particular page. I'm sorry.

19 Q So just to clarify, is it your understanding

20 that the LLC is a party to this agreement?

21 A Yes.

22 Q So, Mr. Strebel, can you turn to the third page

23 of that PDF.

24 A Third page, okay.

25 Q And if you actually can, kind of, look at the

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1 bottom, starting at that third page, if you can kind of

2 flip through the subsequent pages, looking at the bottom

3 right-hand corner. And I see a section that says

4 seller's initials. Do you see that?

5 A Yes.

6 Q And then I see some initials next to that, and

7 it looks to me like one of them is KS, and one of them

8 is JS. Do you recognize those initials as yours and

9 your wife's, Jill's, initials?

10 A Yes, I do.

11 Q So flipping through, we can see your initials

12 on the bottom right hand of almost every page in this

13 form contract. Did you put those, your initials, there

14 on the contract?

15 A Let me -- let me scroll through and see.

16 Yes. It looks like we got our initials there,

17 yes.

18 Q Okay. Then I'm asking you to turn to what is,

19 I believe, the 14th page of the PDF. At the bottom, it

20 says page 12 in the bottom right-hand corner. Just let

21 me know when you find that page, please.

22 A Bottom right-hand corner, you said?

23 Q The bottom right-hand corner says NCPA, page 12

24 of 12?

25 A Oh, I'm not on page 12 and 12.

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1 MR. CHAPMAN: Mine was page 8.

2 THE WITNESS: My page 14 on the PDF page, page

3 12 of 12 on that NCPA.

4 BY MS. MCDUFFIE:

5 Q Can you please go to the page marked NCPA, page

6 12 of 12, on the bottom right corner.

7 A Actually, it jumps actually. There's no -- it

8 stops actually at 8 of 12. I don't have -- oh, no,

9 wait. I'm sorry. The page above that is actually

10 page 12 of 12. They are out of order. The page 13 of

11 the PDF is page 12.

12 Q Okay. Have you found the page that's marked 12

13 of 12 on the bottom right-hand corner?

14 A I have, yes.

15 Q Can you look towards the top of that page.

16 A Uh-huh.

17 Q And it says section or paragraph 45, Acceptance

18 of Offer. And then there's section with signature block

19 for the seller. And you see printed in there Kole

20 Strebel and Jill H. Strebel as the sellers, and their

21 signature is there.

22 Do you recognize that as your signature and

23 your wife, Jill's signature there?

24 A Yes, I do.

25 Q So is it fair to say that you and Jill signed

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1 this contract?

2 **A Yes.**

3 Q When you signed this contract, did you intend

4 to sell the 728 Mariposa property to the Kidambis?

5 **A Yes.**

6 Q Okay. So this contract, not the addendum

7 section, but before the addendum, you can see this is a

8 form, the California Association of Realtors. And at

9 the bottom of the pages that we're just looking at, it

10 says New Construction Residence Purchase Agreement.

11 Are you familiar with this form?

12 **A I'm not familiar with it. It was given to us.**

13 **It was provided by the real estate agent. So I**

14 **understand it a little bit, but I'm not like overly**

15 **familiar, like, to what capacity, I guess, is your**

16 **question.**

17 Q So when you say the real estate agent provided

18 it, are you referring to Alex Abad? Amie Schneider?

19 Both of them or someone else?

20 **A I believe Alex Abad presented it to Amie**

21 **Schneider, and Amie Schneider presented it to Jill and I**

22 **because this is really an offer -- right? -- I believe.**

23 Q Just as a reminder, the format is I will ask

24 you some questions. You can ask for clarification. But

25 I'm not going to be testifying about anything

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1 involving --

2 **A Well, I guess that is my question. I think**

3 **this is the offer document that came from -- all right.**

4 **Anyway, so what's the question?**

5 Q So I had asked the question, and you've

6 answered it. I'm going to ask a new question now.

7 **A Okay.**

8 Q So you mentioned previously that this Mariposa

9 project would be similar to a project you had completed

10 in Maryland.

11 **A Uh-huh.**

12 Q Is that correct?

13 **A Yes.**

14 Q On that other Maryland project, did you use the

15 same California Association of Realtor form in that

16 transaction?

17 **A I'm not sure. I believe so. I believe so. It**

18 **was a CAR form. I don't know exactly. I'm not sure if**

19 **that CAR form was updated, but it was a CAR residential**

20 **purchase contract, I think.**

21 Q In your time working in the construction

22 industry, about how many CAR form contract had you

23 entered into whether in your personal capacity or on

24 behalf of an entity?

25 **A So, as an individual, not working like -- I**

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1 **guess I don't understand the question.**

2 **Can you rephrase it?**

3 Q I'm trying to get a sense of how many times you

4 have entered into a CAR form contract. And so my second

5 part of that was to clarify I mean in any capacity,

6 whether for yourself personally or on behalf of the

7 company.

8 **A So I've entered into real estate contracts with**

9 **the CAR contracts personally. I've never entered into**

10 **them like on behalf of, you know, 4Eco Living or**

11 **anything because general construction companies don't**

12 **use CAR forms. So I guess that's why I'm confused in**

13 **your line of questioning. I'm assuming that you're**

14 **asking me if I have I personally used CAR forms, and the**

15 **answer is yes. I've personally used CAR forms.**

16 Q Have you used CAR forms, not in your personal

17 capacity, on behalf of any entity?

18 **A No.**

19 Q And about how many times have you entered into

20 a CAR form agreement?

21 **A Personally, four.**

22 Q Were they all this particular new construction

23 residential purchase agreement forms? Or are there

24 other types of CAR forms that you've dealt with?

25 **A I believe there's other forms.**

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1 Q Okay. So going back to now this contract that

2 we've marked as an exhibit for the Mariposa property, as

3 you see here, there are certain interlineation, crossing

4 out, certain references to see addendum on here.

5 Who made those interlineations and strikeouts

6 and comments?

7 **A I don't know. One of the real estate agents, I**

8 **presume, but I don't know for sure. It's part of their**

9 **offer. So I could speculate that it was Alex Abad that**

10 **did that because it came across in their offer.**

11 Q Other than the real estate agent, Amie

12 Schneider, were you consulting with anyone in connection

13 with this transaction?

14 **A No.**

15 Q Were you represented -- and to be clear, I'm

16 not asking for any communication -- but were you

17 represented by an attorney in connection with entering

18 into this contract?

19 **A No.**

20 Q Okay. Now, you probably don't need to look at

21 this page. But if you do, it's the first page of the

22 NCPA. And I do see Section 1-C says the purchase price

23 of \$3,750,000. Do you have an understanding of how that

24 purchase price was arrived at?

25 **A It was the offer that came across from the**

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1 Kidambis.  
 2 Q And you and Jill accepted that offer. Correct?  
 3 A We did, yeah.  
 4 Q So, then, is it your understanding that by  
 5 signing this agreement, you agree to sell the  
 6 728 Mariposa property to the Kidambis for \$3,750,000?  
 7 A Yes.  
 8 Q Do you have any understanding about a time  
 9 frame or a closing date or deadline that you would need  
 10 to sell it to them under the contract?  
 11 A Yes. I believe the contract has a close of  
 12 escrow date as to be determined, and then it also says  
 13 that the buyers are supposed to close escrow, I believe,  
 14 it's something like 14 days after a certificate of  
 15 occupancy, I believe. But you'd have to verify this in  
 16 the contract.  
 17 Q So you had no understanding outside of what is  
 18 actually in the contract. Correct?  
 19 A I tend to revert to what's in contracts, yeah.  
 20 Q Okay. So if we look at -- and you might not  
 21 have to look at this, but it's on page 2 of NCPA form  
 22 contract. And Section 6A, which says Initial Deposit,  
 23 it says that buyer shall deliver deposit of \$500,000.  
 24 Do you know if the Kidambis made that deposit  
 25 of \$500,000?

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1 A Yes.  
 2 Q And just to be clear, I asked did you know if  
 3 they made that. Is the answer to that, yes, the  
 4 Kidambis did make that \$500,000 deposit?  
 5 A No. Your question was if -- you asked me if I  
 6 know if they made it. My answer is yes, I know if they  
 7 made it or not.  
 8 To answer your second question, yes, I know if  
 9 they made it, yes.  
 10 Q So the answer is --  
 11 A And, yes, I know they made it.  
 12 Q To your knowledge, the Kidambis made that  
 13 \$500,000 deposit?  
 14 A Uh-huh, yes.  
 15 Q Okay. Can you find the portion of this  
 16 document that says Addendum No. 1 at the top of it, and  
 17 this is something that's not a part of the CAR form.  
 18 Let me know when you see that, please.  
 19 A Yeah. Addendum No. 1 to new residential  
 20 purchase agreement and joint escrow instruction.  
 21 Is that what you're talking about?  
 22 Q Yes.  
 23 A Got it, okay.  
 24 Q Is it your understanding that this Addendum  
 25 No. 1 is part of the purchase contract?

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1 A It is.  
 2 Q And what is your understanding about what this  
 3 addendum does?  
 4 A This addendum specifies the release of their  
 5 escrow deposits due to the progress of the project.  
 6 They also outline the different phases where the  
 7 Kidambis would be able to give input and talk about if  
 8 they want to make any upgrades, things like that.  
 9 If they want to make upgrades, they're called  
 10 out on how -- or what the project is, the compensation  
 11 for the sellers. It called out, you know, landscape  
 12 allowances and budgets that were given to the buyers,  
 13 all those kinds of things. It talks about default in  
 14 the event that the sellers default or the buyers  
 15 default. Yeah, I'm familiar with it.  
 16 Q Do you know who drafted Addendum No. 1?  
 17 A I don't know who drafted it.  
 18 Q You may need to flip through a different page  
 19 to confirm this, but I do see at the end of the  
 20 addendum, a section with buyers' initials and sellers'  
 21 initial. It's, at least, third-to-the-last page, I  
 22 believe. I just want to confirm where it says KS, it's  
 23 sellers' initial, that that is, in fact, your initial  
 24 and Jill's initial?  
 25 A Yes, it is.

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1 Q And did you sign that addendum at the same time  
 2 that you signed the CAR form that we were just looking  
 3 at?  
 4 A Yes, we did.  
 5 Q And then if you look at the last two pages of  
 6 that document, there's something called Exhibit A to  
 7 Addendum 1 and NCRPA. Do you see that Exhibit A?  
 8 A Yes.  
 9 Q And if you flip to the last page, the second  
 10 page of that Exhibit A to Addendum 1, you see at the  
 11 bottom signature block for seller and buyer, the seller  
 12 in the left corner. And can you confirm that that is  
 13 your signature and Jill's signature there on this  
 14 Exhibit A to Addendum 1?  
 15 A Yes, it is.  
 16 Q Did you sign that at the same time as the  
 17 Addendum 1 and the CAR form agreement that we were just  
 18 looking at?  
 19 A Yes.  
 20 Q So it's your understanding that this -- the CAR  
 21 form, the Addendum No. 1, and Exhibit A to Addendum  
 22 No. 1 is the purchase agreement with the Kidambis?  
 23 A Yes.  
 24 Q Okay. I'm going to ask you to look at the  
 25 second page of Addendum 1. At the top where it says

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1 Phase 1, Approval of Design and Architect Plans.  
 2 You don't necessarily need to read this. I'm  
 3 also going to be asking about your understanding of what  
 4 the contract says. I understand you are not a lawyer,  
 5 and I'm not asking for legal interpretation.  
 6 So just to clarify, when I'm asking questions,  
 7 it's really going to be about your understanding of what  
 8 you're agreeing to. Is that fair?  
 9 **A Yeah. You just want my interpretation basely**  
 10 **is what you're saying. Correct?**  
 11 Q Right. So when you signed this, you must have  
 12 had some idea in your mind of what you're agreeing to.  
 13 So that's really what I'm trying to get at, not anything  
 14 you discussed with your lawyers or any legal conclusion.  
 15 So what you understood you were agreeing to.  
 16 Does that make sense?  
 17 **A Yes, I does.**  
 18 Q Okay, great. So at Phase 1 says Approval of  
 19 Design and Architect Plan. What is your understanding  
 20 of how this Phase 1 worked?  
 21 **A My understanding of how Phase 1 works is that**  
 22 **after we have an agreed-upon purchase contract, we would**  
 23 **go ahead and provide a first set of schematics, which**  
 24 **would have four different floor plan options. The**  
 25 **Kidambis can pick a floor plan. And then, at that point**

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1 whichever floor plan that they picked, the architects  
 2 would then do a revision to that floor plan, and then at  
 3 that point, present it again to -- they give it to me,  
 4 and I'll present it to the buyers.  
 5 The buyers would have an opportunity to take  
 6 one of the floor plans and redline it. And at that  
 7 point in time, we would give it back to the architect,  
 8 and they would have the green light to go forward and  
 9 start doing their plan set for City submittals with  
 10 their engineers involved -- with them getting engineers  
 11 involved and all that kind of stuff.  
 12 It's our understanding that we were giving the  
 13 Kidambis only two revisions -- that's all -- to that  
 14 initial schematic that was provided. That's what we  
 15 understand this to be.  
 16 Q Who were the architects on this project?  
 17 **A Jill and I hired AAHA Studio.**  
 18 Q Is there a particular individual who act as the  
 19 architect?  
 20 **A At their office, I think the main architect was**  
 21 **Harper Harley.**  
 22 Q Okay. So when you actually got to Phase 1 in  
 23 this transaction for the Mariposa project, did you and  
 24 the Kidambis agree on what the schematics would be?  
 25 **A Reask the question. Sorry.**

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1 Q Maybe I should use the phrase -- I believe you  
 2 used the phrase floor plan. And please help me out if  
 3 I'm using the wrong phrase.  
 4 So I believe that you said there were three --  
 5 two or three floor plans provided to the Kidambis. Then  
 6 they would choose one or you would agree on one.  
 7 So what happened? Did you provide the Kidambis  
 8 with a few options?  
 9 MR. CHAPMAN: Objection. Compound.  
 10 You can go ahead and answer.  
 11 **THE WITNESS: Okay. We gave them the first set**  
 12 **of schematics, which are the floor plan, which is**  
 13 **synonymous. So schematic, floor plan, same thing. So**  
 14 **we gave them the first draft of their option.**  
 15 They went ahead and picked the floor plan,  
 16 schematic option, gave it back to us. We gave it to  
 17 AAHA Studio. AAHA Studio took that floor plan and made  
 18 two different options, two or three different options  
 19 from it, gave it back to us.  
 20 We gave it to the Kidambis to pick one and  
 21 redline, which the Kidambis did. And we took that and  
 22 gave it back to the architect to move forward on the  
 23 project because, as you can see, there's a timeline that  
 24 they -- or there's only so many days they have to review  
 25 these things and make their comment to get them back to

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1 us.  
 2 We don't want them to be in a position where  
 3 they're making changes to schematic for months on end  
 4 because Jill and I have carry cost. We got architects  
 5 waiting, all this kind of things. So, as a result,  
 6 there is a time limit on how long they have to make this  
 7 change and revision.  
 8 One of the things that did transpire on this  
 9 date is that the Kidambis didn't just make two  
 10 revisions. They made six. And when they started making  
 11 all these revisions, that's when a lot of their changes  
 12 and upgrades actually came out. And you can see it in  
 13 the schematics, to be honest with you, if you look at  
 14 the first schematic versus the final schematic.  
 15 MR. CHAPMAN: Move to strike the last half of  
 16 that answer, which is nonresponsive.  
 17 And, again, my objection was just compound. It  
 18 was calling for a narrative.  
 19 But go ahead.  
 20 MS. MCDUFFIE: I'm not sure I see a problem  
 21 with calling for a narrative question, but we're going  
 22 to go ahead move on.  
 23 Q So, Mr. Strebel, you mentioned that your  
 24 understanding that the Kidambis had a certain deadline  
 25 or time frame to provide you with initial comment on the

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1 schematics. Is that right?

2 **A Yes.**

3 Q And is it your -- based on your understanding,

4 what would be -- what would happen if they failed to

5 give you comments within that time frame?

6 **A They would be in default or breach of contract**

7 **or whatever. They need to follow the contract as**

8 **written.**

9 Q So is it your belief that the Kidambis failed

10 to provide you with their comments within that specified

11 time period?

12 **A Yes.**

13 Q And did you give some sort of notice of default

14 or some other notice to the Kidambis about that at that

15 time?

16 **A I communicated this through my real estate**

17 **agent.**

18 Q What did you communicate specifically?

19 **A That they -- that they made more than two**

20 **revisions, and it's taking longer than specified in the**

21 **contract.**

22 Q To your knowledge, did you or anyone on your

23 behalf give any notice of default or notice of breach to

24 the Kidambis regarding this issue?

25 **A I don't know what Amie did.**

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1 Q Did you personally give any notice of default

2 about this to the Kidambis?

3 **A No.**

4 Q At this point in time, when you felt that the

5 Kidambis did not give you their input within a specified

6 time period, did you take any steps to try to terminate

7 the transaction?

8 **A No.**

9 Q So in addition to the Kidambis providing input

10 on the schematic, did you and Jill provide any input?

11 **A Only our opinions to the changes that the**

12 **Kidambis were making.**

13 Q Were there -- just to be clear, we're still

14 talking about this Phase 1.

15 Was there something that the Kidambis wanted

16 that you and Jill essentially vetoed and said, "No.

17 We're not making that change to the schematic"?

18 **A Yeah, actually, yes.**

19 Q Do you recall what these were?

20 **A At one point, the buyers made a comment that**

21 **they wanted a hydraulic, like a hydraulic turntable for**

22 **their cars. So when they pull in the drive, they don't**

23 **have to back up and turnaround.**

24 Q And how did you -- or did you communicate to

25 the Kidambis that that would not be -- that change will

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1 not be made to the schematics?

2 **A We did, and it was -- we communicated that to**

3 **the Kidambis, yes.**

4 Q And to be clear, that was during this Phase 1

5 time period?

6 **A To be honest, I don't recall at what point he**

7 **made that request, if it was exactly in this stage or**

8 **not. But I do know that there was a request in**

9 **communications from the Kidambis regarding their -- I**

10 **call it the Batmobile driveway. They commented about**

11 **it, and it didn't go very far.**

12 Q Okay. So just to be clear and to go back to my

13 prior question, it's just limited to Phase 1. So when

14 the Kidambis are providing input on the schematics in

15 Phase 1, was there some sort of input they gave that you

16 and Jill said, "No. We're not making that change to the

17 schematic:?"

18 **A I think it's a repeat question. Right? The**

19 **answer is yes.**

20 Q It is, but I believe your answer went --

21 **A I just don't know if it was during that phase.**

22 **I believe it was.**

23 Q Okay. I'm sorry. Then I misunderstood. So

24 you believe what we just discussed would be a Batmobile

25 car.

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1 **A The Batmobile driveway.**

2 Q The Batmobile driveway, you recall that may

3 have been during Phase 1. Is that accurate?

4 **A Yes.**

5 Q Were there other such changes or input made

6 during Phase 1 that the Kidambi's wanted that you and

7 Jill, essentially, vetoed and said no?

8 **A No. We really were -- no, uh-huh.**

9 Q Is there anything at that -- during that

10 Phase 1 that the Kidambis wanted where the architect

11 said, "No, we can't do that"?

12 **A Not that I recall.**

13 Q So if I recall correctly, you said that you and

14 Jill hired the architect. Is that right?

15 **A Yes.**

16 Q So do you and Jill have a written contract with

17 the architects for their work on Mariposa?

18 **A Yes, we do.**

19 Q So other than you and Jill personally and the

20 architect, did anyone else, any companies or any

21 individual, a party to that contract with the architect?

22 **A Can you clarify that really quick? Maybe ask**

23 **the question again.**

24 Q You said you have a contract with the architect

25 for the Mariposa project.



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1       **A**    Uh-huh.

2       **Q**    And I'm wondering who the parties are to that

3 contract. Is it just you and Jill personally and the

4 architect? Or are there other person or entity who is a

5 party to that contract?

6       **A**    It's just Jill, myself, and the architect, AAHA

7 Studio.

8       **Q**    How much was the architect paid for their work

9 on the Mariposa project?

10      **A**    I don't recall, but I can give you an estimate,

11 around \$45,000.

12      **Q**    Was this, like, a flat fee that you agreed to?

13 Or was it dependent upon how much work they ultimately

14 did on the project?

15      **A**    They had a scope of work, and it was a flat

16 fee.

17      **Q**    What did that scope of work include?

18      **A**    A 4,000 square-foot single family residence,

19 two story. That's about it.

20      **Q**    Okay. So the schematic that you presented to

21 the Kidambis, how many options did they have to choose

22 from?

23      **A**    I don't recall off the top of my head how many

24 options were in the first round of schematic. I believe

25 there was three option in the first round of schematics.

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1       **Q**    And, ultimately, did the Kidambis choose the

2 schematic?

3       **A**    Yes.

4       **Q**    And then, just to round that out, based on what

5 you're saying previously, the Kidambis choose the

6 schematic, some changes were made, and then at a certain

7 point in time, did those schematics take a final form

8 that was then submitted to the City?

9       **A**    Yes. The schematic took a final form, which

10 was then used to make a plan that went to the City, yes.

11      **Q**    Do you recall when the plans were submitted to

12 the City?

13      **A**    I believe the plans -- again, this is going to

14 be an estimate on the date, but I believe the plans were

15 submitted to the City around April or May of 2020.

16      **Q**    And did those plans that were submitted to the

17 City include the ADU that we had discussed earlier?

18      **A**    You are going to need to get more specific on

19 that question.

20      **Q**    Well, when we're talking earlier, you mentioned

21 that there was ADU in the front of the property that is

22 being constructed. So I'm wondering was that ADU a part

23 of that plan that you submitted to the City or the work

24 submitted to the City in approximately the spring of

25 2020?

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1       **A**    There was no details in the plan about the ADU.

2 It was -- no.

3       **Q**    So the ADU, as far as you understand it, was

4 not shown on the plans that were submitted to the City

5 in spring of 2020?

6       **A**    That's not what you just asked me, Sara.

7       **Q**    I'm trying to understand what your answer is.

8       **A**    Let me elaborate then. The plans, they were

9 done by AAHA Studio. Their scope of work was just for a

10 4,000 square-foot main house. So there was no plan or

11 detail in those drawings for the ADU. The site plan is

12 on the part of that plan set, just a site plan. It has

13 a little square that's drawn on it, or a rectangle,

14 whatever, that says ADU on it, but there's no plans or

15 details in the plan set for that ADU. The ADU is a

16 totally separate thing.

17      **Q**    So on the plan set, to use your term, that was

18 submitted to the City in the spring of 2020, did that

19 include that, as you described it, a rectangle or box

20 for the ADU? Is that in those plans?

21      **A**    Yes.

22      **Q**    And was that plan set that was submitted to the

23 City in spring of 2020 approved by the City as is?

24      **A**    The plans were approved, but it didn't approve

25 the ADU. The ADU was not part of the plan submission.

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1 I want to be very clear about that one. There's a

2 separate permit all together for the ADU.

3       **Q**    Can you explain to me that process for the ADU

4 then?

5       **A**    So -- go ahead. Do you want to say something,

6 Bill?

7            MR. CHAPMAN: No. I was clearing my throat.

8 Sorry.

9            THE WITNESS: Okay. So, for clarification,

10 what happens here is that the architects draw a set of

11 plan for the main house. The site plan called out

12 things like the ADU, a future pool, things like that.

13 It shows where the house is located in reference to all

14 these things. Right?

15            So back on the site plan and part of the

16 original plan submission for the main house. At that

17 time, when plan that was submitted, and such, you got to

18 remember the existing dwelling had not been converted

19 and permitted as an ADU, yes. It was in process.

20 That's a whole separate process, and it's separate from

21 the application. It's part of the submission for the

22 main house. That's why we gave the -- yeah, anyway

23 that's it. That's it.

24 BY MS. MCDUFFIE:

25       **Q**    So, at a certain point in time, did you apply

Page 130

1 for a permit for the ADU?  
 2 **A Yes.**  
 3 Q Was that during the Phase 1 or during a  
 4 different time period?  
 5 **A I don't recall the exact date that we submitted**  
 6 **the application for the ADU permit.**  
 7 Q Do you recall whether it was Phase 1?  
 8 **A I would not think it's in Phase 1 because it**  
 9 **wouldn't have happened until after we had submitted the**  
 10 **plans for the main house to the City, which Phase 1**  
 11 **would have been completed by the time the plan got**  
 12 **submitted to the City.**  
 13 Q Okay. I'm going to try put another document in  
 14 the chat feature here. Bear with me for one moment.  
 15 **A Are we done with the contract addendum?**  
 16 Q We may come back to that.  
 17 **A I'll keep it open.**  
 18 Q We'll come back to that.  
 19 **A I'll keep it open. All good. Sorry.**  
 20 Q Mr. Strebek, do you see in the chat function to  
 21 the right another PDF document that begins with the  
 22 Phrase Schematic Design'?  
 23 **A I do, yes.**  
 24 Q Do you mind opening that up for me, please?  
 25 **A Okay. I'm open.**

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1 Q Do you recognize -- sorry.  
 2 I'm going to go ahead and mark this document as  
 3 Exhibit 3.  
 4 (Exhibit 3 was marked for identification.)  
 5 BY MS. MCDUFFIE:  
 6 Q Do you recognize this document, Mr. Strebek?  
 7 **A Yes, I do.**  
 8 Q You can feel free to flip through it, if that  
 9 helps. What do you recognize this document to be?  
 10 **A This would have been the sixth revision that**  
 11 **the buyers made and the final schematic that took us to**  
 12 **plan set.**  
 13 Q So when we're talking about the schematic that  
 14 the Kidambis ultimately chose, that was then for the  
 15 plan submitted to the City. Is that this final  
 16 schematic?  
 17 **A Yes, it is.**  
 18 Q And you could see towards the bottom of, I  
 19 think, every single page, there are some either initial  
 20 or signature. So if you see at the bottom right the  
 21 initial KS, is that your initials there?  
 22 **A It is, yes.**  
 23 Q And if you go to starting at page 4 and page --  
 24 and the subsequent pages 5 and 6, there is a signature  
 25 block down in the bottom right. Do you recognize that

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1 as your signature?  
 2 **A Yes, uh-huh.**  
 3 Q And then do you see to the left the signatures  
 4 of Tridi and Tulika?  
 5 **A I do, yes.**  
 6 Q And then I think we can see -- testing my  
 7 eyesight -- by the signature block the date 4/3/2020.  
 8 Is it accurate to say that you signed this on April 3 of  
 9 2020?  
 10 **A Yes, uh-huh.**  
 11 Q Okay. And just in case you want to X out of  
 12 this, I think we're done with this document for now.  
 13 **A Okay.**  
 14 Q You mentioned that in arriving at that final  
 15 schematics, the Kidambis had given some input and making  
 16 changes.  
 17 In your view, did that change the amount of the  
 18 \$3,750,000 purchase price that we saw was set forth in  
 19 the purchase agreement?  
 20 **A Yes.**  
 21 Q And how did that change the purchase price?  
 22 **A Well, it added to their upgrades. It added to**  
 23 **the purchase price.**  
 24 Q So just to be clear, my question was really  
 25 directed at the Phase 1 changes that we were discussing

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1 to the schematic as opposed to a separate phase that  
 2 we're going to talk about or a separate thing that says  
 3 upgrades.  
 4 So in making changes to that schematic, right  
 5 at the final, were there any changes that in your mind  
 6 changed that purchase price?  
 7 **A Yes.**  
 8 Q So if I had to ask you once they made those  
 9 changes and you felt like the purchase price should be  
 10 changed, what would you have thought would be a fair  
 11 purchase price at that point?  
 12 **A I don't have necessarily a price because the**  
 13 **contract specifies the terms for the upgrades. So it**  
 14 **would be whatever the upgrades are costing, plus the**  
 15 **15 percent on labor to the seller. That's what the**  
 16 **contact says. So I don't have a specific dollar for you**  
 17 **because, as I mentioned earlier, I'm really not an**  
 18 **expert, so I can't tell you cost and things like that.**  
 19 Q Just to make sure I understand from us talking  
 20 about the Kidambis giving input and asking for changes  
 21 during Phase 1 to the schematic, is it your  
 22 understanding that those are upgrades as referred to in  
 23 this addendum?  
 24 **A I'm sorry. Just repeat the question there.**  
 25 Q We talked about Phase 1 and the Kidambis

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1 providing input to schematics. Do you consider any  
 2 changes made pursuant to that input to be an upgrade?  
 3 And when I say upgrade, I mean you just  
 4 mentioned the word upgrade when we're talking about the  
 5 upgrade to the addendum. So I want to know what we've  
 6 just been talking about Phase 1 where the Kidambis said  
 7 that they wanted changes, do you consider those to be  
 8 upgrades under this contract and addendum?  
 9 A Yes.  
 10 Q Okay. So I am going back to that, still on  
 11 that addendum. And you can feel free to look at the  
 12 document if that helps refresh your recollection. Now  
 13 I'm going to be talking about portion that said Phase 2,  
 14 which is entitled Approval of Finished Material Spec  
 15 Book.  
 16 Can you tell me your understanding of what is  
 17 meant by "finished material spec book" in the context of  
 18 this contract?  
 19 A Yeah. So, and at this point in time, what  
 20 transpired is that we take all of the, you know, upgrade  
 21 requests that the buyers had made. We take all those  
 22 request and get them into a spec book.  
 23 Ultimately, we gave the buyers two different  
 24 spec book options. One of them was your base included  
 25 spec materials, and then the other one was upgraded

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1 material.  
 2 And so we gave them the specs. We let them go  
 3 through it, make any changes or upgrades, additional  
 4 upgrades, or what have you, you wanted. And then we  
 5 had, kind of, a finished upgraded spec book to go with  
 6 the Kidambis request.  
 7 So our understanding was we would be giving the  
 8 spec books to the Kidambis. They would have about ten  
 9 days to review it, make some changes. If they want to  
 10 change the tile, or what have you.  
 11 And then we would look at it again and see if  
 12 there was more upgrades or not that need to be changed  
 13 out, and ultimately agree on the finished spec of  
 14 materials, and that will be what goes into the plan set  
 15 reflecting all of their upgrades, changes, and things  
 16 like that.  
 17 Q Okay. So is it fair to say that the finished  
 18 spec book is something that is agreed to by you and  
 19 Jill, sellers on one hand, and the Kidambis as buyers on  
 20 the other hand?  
 21 A Yes.  
 22 Q And when you entered into this contract, was it  
 23 your intention that what was in the spec book would be  
 24 actually implemented in the project? Or is that merely  
 25 suggestions that you were considering?

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1 A No. The spec book implemented all of the  
 2 upgrades that the Kidambis had requested. So it was the  
 3 collaboration of what Jill and I were willing to do --  
 4 were initially intending to do with the spec house and  
 5 then also their upgrades that they had made along the  
 6 way.  
 7 So that way we had a complete plan set and spec  
 8 book for what needs to be built. We can take that plan  
 9 and spec book and give it to a contractor and  
 10 subcontractor and say, "This is what we're building.  
 11 This is what's going to installed. Here's everything."  
 12 It was a place where everybody had, you know, one  
 13 document for everybody to work with essentially.  
 14 Q Okay. And so you mentioned that the finished  
 15 spec book included the Kidambis' request. The "request"  
 16 was the word that you used.  
 17 I just want to clarify, is it once it was in  
 18 the final spec book, at that point in time did you  
 19 consider that to be a request? Or was it you had agreed  
 20 that whatever is in that spec book is going to be in the  
 21 project?  
 22 A I viewed it as requests that the buyers had  
 23 made, that the sellers are willing to do for upgrades,  
 24 yeah.  
 25 Q So is it fair to say that if something made it

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1 into this finished spec book, that you as the seller had  
 2 agreed to that?  
 3 A It was not agreeing to put their upgrades in  
 4 the finished spec book. We agreed to put those upgrades  
 5 in the spec book knowing that it was an upgrade under  
 6 the purchase contract, and the Kidambis were going to be  
 7 paying for those upgrades. It wasn't put in the spec  
 8 book and included in the 3.7 purchase price, if that's  
 9 what you're asking. I'd like to clarify that the answer  
 10 is no to that question, if that's what you're implying.  
 11 Q I was not implying anything. So just to be  
 12 clear, when we're talking about the finished spec book,  
 13 my understanding of your testimony is that that finished  
 14 spec book includes upgrades, and that upgrade term  
 15 meaning referring to upgrades in the contract.  
 16 Am I getting that right?  
 17 A Yes, that's right.  
 18 Q So what was the form of this spec book? Was it  
 19 like a physical book? Was it something electronic?  
 20 What was it?  
 21 A From what I recall, there was a few different  
 22 formats of it. There was a digital format that was  
 23 shared back and form in the form of a PDF. But there  
 24 was also a hard copy of the spec materials like the  
 25 actual samples of tile or flooring or countertop, or

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1 whatever it was. So it was actual physical specs that  
 2 they were giving to the buyers to review and look at  
 3 along with a hard copy of the full plan set which had  
 4 the materials spec book in it.

5 Q Okay. So just so we're clear, when you say the  
 6 finished material spec book, what does that consist of?

7 A Usually it's mainly your finished materials.

8 Q So by finished material, is that like what type  
 9 of floor you want, what type of appliance you might  
 10 want? What do you mean by "finished material"?

11 A It's a lot of what you're talking about. It's  
 12 the, you know, what the millwork is going to look like,  
 13 what color is the cabinets, what color is paint, what  
 14 color is tile, what color is the countertop, back  
 15 splashes, whatever, it's all in that material spec book.  
 16 It's all your finished material.

17 One way you can look at it is like everything  
 18 kind of after drywall, the nice pretty stuff that  
 19 everybody see. That's your finished material. And  
 20 that's all, by the way, I would like to add that  
 21 finished material is for the interior and exterior.

22 Q Did that spec book include anything with  
 23 respect to the ADU?

24 A No.

25 Q At some point in time, did you transmit the

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1 spec book whether electronically or otherwise to the  
 2 Kidambis?

3 A Yes.

4 Q Do you recall when that was?

5 A Mid to late 2020. It would have been after,  
 6 obviously, Phase 1 got handled and the architects and  
 7 engineers got the plan set, turned it into the city  
 8 automatically. And then from there, typically they  
 9 start to work on the spec book item. So I would guess  
 10 the spec book -- I would estimate, excuse me, that spec  
 11 book got done and presented to them maybe five, give or  
 12 take. I'm not really sure what the date was really.

13 Q And what was this format of the spec book that  
 14 you transmitted to the Kidambis?

15 A We did it in two different formats. We gave  
 16 them the hard copy, and then we also gave them a digital  
 17 PDF in an email, I believe.

18 Q Okay. I'm going to share a document with you.  
 19 One moment. I'm going to mark this as Exhibit 4.  
 20 (Exhibit 4 was marked for identification.)  
 21 BY MS. MCDUFFIE:  
 22 Q And just scroll to the bottom. We can see that  
 23 the first page is Bates stamped Kidambis 000866. Now,  
 24 I'm going to scroll down to the portion I want to  
 25 discuss with you here.

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1 So do you see this email dated Thursday,  
 2 September 10, 2020? That looks like it is from you,  
 3 Kole@4Eco Living to the Kidambis.

4 Do you recall this email at all?

5 A It looks familiar, but let's see. Okay.

6 Q So do you see in the second paragraph, actually  
 7 the third paragraph in that email, it says, "You should  
 8 have the plumbing PDF as well as a set of spec plans  
 9 PDF. On this project, we have a spec book in plan form.  
 10 This is actually a better way to do it and is broken out  
 11 by room, et cetera." Did I read that right?

12 A Yeah.

13 Q What do you mean by you have this project in  
 14 spec book in plan form?

15 A Instead of like having a completely separate  
 16 three-ring binder for the spec book, AAHA Studio, who  
 17 was hired to do the spec booking, they actually just put  
 18 it right on the blueprint in the plans. So that way  
 19 it's actually a better way to do it, like a said. But  
 20 it's actually literally in the plan set as one of the  
 21 pages of the plan.

22 Q So is it different than what you've done in the  
 23 past for the second project?

24 A It was different, yes.

25 Q Why do you think it's a better way to do it in

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1 plan form?

2 A Because the benefit to having everything in one  
 3 place, all you're upgrades, your specs, all these kinds  
 4 of things in one place, is because, when you're building  
 5 a house, you give those plans to all the subs to do the  
 6 work.

7 And so if it's all there in one place, the tile  
 8 guy can see what kind of tile he can install in which  
 9 room, and how the patterns, or whatever, go. You can  
 10 give it to the framer who knows what he is framing for,  
 11 you know, the different trades basically.

12 So when you give the plan set out to the trade,  
 13 the subcontractors, the contractor, whatever, they don't  
 14 have to have a separate book with a spec book when they  
 15 are wondering what is going on in there, what they're  
 16 installing and stuff. It's all in one place.

17 Q So after you -- actually, I'm going to stop  
 18 sharing. Okay. So you testified that you provided the  
 19 spec books to the Kidambis. After you did that, in this  
 20 Phase 2, did the Kidambis make any changes to that spec  
 21 book in this Phase 2.

22 A I don't recall if they did or not.

23 Q Okay. So bear with me. I'm going to share a  
 24 few more documents in the chat.  
 25 Mr. Strebel, do you see three PDFs that I just

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1 added to the chat?

2 **A I do see three of them. Let me start**

3 **downloading them.**

4 Q If you could first pull up the one that says

5 Architectural Plan, 11/6/2020.

6 **A You go it, okay. It's downloading now. I'll**

7 **let you know when I have that.**

8 MR. CHAPMAN: This is Exhibit 5?

9 MS. MCDUFFIE: I was just checking my

10 numbering. And yes, this will be Exhibit 5, and I will

11 find the Bates number.

12 **THE WITNESS: Okay. Architectural Plan,**

13 **11/6/20.**

14 MS. MCDUFFIE: Yes.

15 **THE WITNESS: Okay. I got it up.**

16 MS. MCDUFFIE: It's printed very small. So I'm

17 having trouble reading the Bates number, but I believe

18 it is Kidambi 449 is the first page.

19 (Exhibit 5 was marked for identification.)

20 BY MS. MCDUFFIE:

21 Q So, Mr. Strebel, do you recognize this document

22 that we're marking as Exhibit 5?

23 **A Just scrolling through, but this looks like it**

24 **is the plan set that was submitted to the City.**

25 **Actually, this looks like it's the plan set that has the**

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1 **spec book attached to it actually.**

2 Q So right. That was --

3 **A I have to scroll all the way down, but yes.**

4 MR. CHAPMAN: 498 on the Bates number? Is that

5 it. It's the page PDF. Right?

6 MS. MCDUFFIE: Correct.

7 Q So, Mr. Strebel, I'm wondering if this document

8 that we're looking at right now, is it part of what you

9 consider to be a spec book?

10 **A Yes.**

11 Q Okay. Now, if you are able to blow up this

12 document and that's so that you can read it.

13 MR. CHAPMAN: Well, it's 50 pages. Where are

14 you asking?

15 MS. MCDUFFIE: I'm going to go ahead and share

16 my screen with you just so you could see exactly what

17 I'm looking at.

18 Q So I'm currently on -- are you able to see the

19 document I'm sharing on my screen, Mr. Strebel?

20 **A I can, yes.**

21 Q This is page 50, the last page of the document

22 that we're looking at Exhibit 5. I believe the portion

23 I want to draw your attention to is on every page, but

24 this is the page we're currently looking at. Do you see

25 where it says Owner's Consultant?

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1 **A Owner's Consultant, yeah.**

2 Q And then do you see where it says Property

3 Owner/Contractor, and then underneath it, it says Kole

4 T. Strebel?

5 **A Uh-huh.**

6 Q Were you a contractor on this project?

7 **A No, I was the owner. I think it says -- no,**

8 **I'm not the contractor. Sorry. Can you repeat your**

9 **question? I don't think I heard you.**

10 Q Were you, Kole Strebel, the contractor on this

11 project?

12 **A No.**

13 Q Do you have any understanding why the word

14 "contractor" appeared above your name on this document.

15 MR. CHAPMAN: And, Mr. Strebel, I'll just

16 instruct you not to speculate or guess. If you know,

17 you can answer.

18 BY MS. MCDUFFIE:

19 Q The question was do you have an understanding

20 of why it said contractor above your name?

21 MR. CHAPMAN: Same instruction. I just want to

22 make sure he --

23 **THE WITNESS: I don't know why. I would like**

24 **to point out that it does say "property owner" right**

25 **there. So maybe they -- I don't know. But it does say**

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1 **Property Owner, Kole Strebel.**

2 BY MS. MCDUFFIE:

3 Q I'm going to --

4 **A So your question exactly, I don't know why. I**

5 **have no idea why they used it.**

6 Q Did you ever tell the architect that you were

7 not the contractor on this project?

8 **A Yeah.**

9 Q Was that through an email or some sort of

10 written communication?

11 **A I'm sure it was -- I would imagine verbal.**

12 Q I'd like to stop sharing, and we're going to

13 move on.

14 So, Mr. Strebel, I've added two other documents

15 in there. Can you please open the PDF that says

16 Appliance Lookbook, and that is going to be marked as

17 Exhibit 6.

18 (Exhibit 6 was marked for identification.)

19 BY MS. MCDUFFIE:

20 Q Please let me know when you have that up.

21 **A I have that up.**

22 Q Okay. If you look at the Bates number on the

23 first page of that document, it's Kidambi 574.

24 MR. CHAPMAN: Can you hold just a second? He's

25 faster than I am. Let me put the exhibit numbers on it.

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1 For some reason this one -- okay. There we go. What  
 2 page number?  
 3 MS. MCDUFFIE: We're not on any page yet.  
 4 Q Mr. Strebel, do you recognize this document?  
 5 A I do. Hang on one second. Let me scroll  
 6 through it, please.  
 7 Q Sure. Let me know when you're ready.  
 8 A Yes. I recognize this document.  
 9 Q What is this document?  
 10 A It is a -- it's an appliance lookbook that is  
 11 put together with the Kidambis' upgrades in it.  
 12 Q Is this document part of what we were referring  
 13 to as the spec book?  
 14 A It is.  
 15 Q Now, please open up the next document that says  
 16 Plumbing Lookbook. This is going to be marked as  
 17 Exhibit 7. If we scroll to the bottom of the first  
 18 page, it's marked, Bates stamped Kidambis 582.  
 19 MR. CHAPMAN: Hang on a second.  
 20 (Exhibit 7 was marked for identification.)  
 21 MR. CHAPMAN: I'd like to mark these. Do you  
 22 have a sticker on this?  
 23 MS. MCDUFFIE: My understanding is that the  
 24 reporter will mark these after the deposition.  
 25 MR. CHAPMAN: Okay. I'm ready now.

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1 BY MS. MCDUFFIE:  
 2 Q Mr. Strebel, please let me know after you had a  
 3 chance to look through this document.  
 4 A I have, yes.  
 5 Q And do you recognize this document?  
 6 A Yes, I do. It's the -- yes, I do.  
 7 Q What is it?  
 8 A It is the plumbing lookbook reflecting all of  
 9 the upgrade request that the Kidambis made.  
 10 Q Was this plumbing lookbook a part of the spec  
 11 book?  
 12 A Yes.  
 13 Q Okay. So far we've looked at the architectural  
 14 plan, the appliance lookbook, and the plumbing lookbook.  
 15 And you said that those are part of the spec book.  
 16 A Uh-huh.  
 17 Q Is there anything else that is a part of the  
 18 spec book other than those three documents?  
 19 A No. From what I recall, I think you got it  
 20 all.  
 21 MS. MCDUFFIE: Great. So I think at this  
 22 point, I'd like to take a five-minute break. Can we go  
 23 off the record and come back at 1:55, please.  
 24 MR. CHAPMAN: Okay.  
 25 (Off the record.)

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1 BY MS. MCDUFFIE:  
 2 Q Mr. Strebel, before the break, we were talking  
 3 about the spec book. Correct me if I'm wrong. You  
 4 testified that the spec book consists of the  
 5 architectural plan, appliance lookbook, and plumbing  
 6 lookbook that we went over before the break.  
 7 Is that correct?  
 8 A Yes.  
 9 Q So when we say "spec book," that's what we're  
 10 referring to. So it's three documents just for clarity.  
 11 So at the point in time, that was Phase 2, approval of  
 12 this spec book.  
 13 Was it your understanding that you were  
 14 obligated to sell the property to the Kidambis for the  
 15 purchase price of \$3,750,000?  
 16 MR. CHAPMAN: Vague and ambiguous.  
 17 THE WITNESS: Repeat the question.  
 18 BY MS. MCDUFFIE:  
 19 Q Before, we looked at your purchase contract.  
 20 A Uh-huh.  
 21 Q And you had agreed to sell the property to the  
 22 Kidambis for a purchase price of \$3,750,000. Now, we've  
 23 gone through Phase 1 and Phase 2, and we have a spec  
 24 book.  
 25 At this point in time, once the spec book is

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1 completed, is it your understanding that you will still  
 2 be obligated to sell this project to the Kidambis for  
 3 that same purchase price of \$3,750,000?  
 4 MR. CHAPMAN: Objection. Vague and ambiguous,  
 5 incomplete hypothetical.  
 6 But you can answer.  
 7 THE WITNESS: No.  
 8 BY MS. MCDUFFIE:  
 9 Q What was your understanding about what the  
 10 purchase price would be at this point in time?  
 11 A It would be 3.75 million plus the cost of  
 12 15 percent on labor for all their upgrades that they  
 13 made during the schematic -- throughout the entire  
 14 project, to be honest. It's not limited. But up until  
 15 that point, that's what I've anticipated whether it was  
 16 3.75 plus the cost of their upgrades that they made and  
 17 everybody agreed to, I guess.  
 18 Q Did you ever execute a new or different  
 19 purchase contract with a purchase price that was  
 20 different from \$3,750,000?  
 21 A A new purchase contract you said?  
 22 Q Yes. I'm asking if there's a different  
 23 purchase contract other than what we've already looked  
 24 at, yeah, with a different purchase price.  
 25 A No.

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1 Q At this point in time, we're at Phase 2.  
 2 Did you ever tell the Kidambis that you believe  
 3 the purchase price would be more than \$3,750,000?  
 4 A Yes.  
 5 Q When did you tell them that?  
 6 A During -- I mean during all the phases, during  
 7 the schematic and the spec book phase.  
 8 Q Was that through email? verbal? Some other  
 9 means?  
 10 A It was through email communication and verbal  
 11 communication.  
 12 Q What specifically did you say?  
 13 MR. CHAPMAN: Objection. Overbroad, vague and  
 14 ambiguous.  
 15 THE WITNESS: That's a vague answer.  
 16 BY MS. MCDUFFIE:  
 17 Q Are you going to answer?  
 18 A Oh. Should I answer? So, at one point in  
 19 time, the Kidambis said that they wanted to -- let me  
 20 make sure I understand this first before I go ahead and  
 21 answer.  
 22 Repeat the question, please.  
 23 Q Sure. I'm going to back up a little bit. So  
 24 you had a purchase contract. The purchase price is  
 25 \$3,750,000. And now we've gone through Phase 1 and

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1 Phase 2. You testified that, in your mind, the purchase  
 2 price is now more than \$3,750,000. I asked you whether  
 3 you communicated that to the Kidambis, and you said yes.  
 4 Now my question is what were the content of  
 5 that communication? What did you say to them?  
 6 A Got it. So throughout the first two phases, I  
 7 had illustrated to them a number of different things for  
 8 upgrades. They changed the overall stair design. I  
 9 noticed them in writing saying that that was going to be  
 10 an upgrade charge with them.  
 11 They changed the design from French doors at  
 12 the back to bifold. I noticed him that that was going  
 13 to be a change in upgrade at his expense.  
 14 At one point, he decided to cover the second  
 15 floor balcony and make it a second covered porch, so  
 16 just like the first floor. And I noticed him, "Hey,  
 17 that's not what Jill and I would do. That would be an  
 18 upgrade," you know, all those things we talked about.  
 19 They made upgrades for pop pillars that's in  
 20 there. They made upgrades for the bathroom towel racks  
 21 that's in there. They made upgrades for the heater  
 22 units that's in there. They -- all these things were  
 23 communicated with the buyers that these were all  
 24 upgrades.  
 25 Q Okay. I'm going to stop you because I don't

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1 believe what you're saying is actually responsive to my  
 2 question.  
 3 A Okay.  
 4 MR. CHAPMAN: Wait, wait, wait. No, no, no.  
 5 The witness gets to answer you question. You don't get  
 6 to cut him off.  
 7 So, Mr. Strebel, counsel asked you a question,  
 8 and I think you've listened to it, and you should  
 9 respond to the question. It's a long -- I think it  
 10 asked for a long answer.  
 11 So you go ahead and answer it as best you can,  
 12 and then she gets to ask another question.  
 13 MS. MCDUFFIE: I'd like to strike what  
 14 Mr. Strebel said as nonresponsive. I feel like he  
 15 didn't understand my question.  
 16 MR. CHAPMAN: No, no.  
 17 (Overlapping speakers.)  
 18 MR. CHAPMAN: The witness has not finished his  
 19 answer. You cannot stop him. We'll call the  
 20 arbitrator. Would you like to call the arbitrator?  
 21 MS. MCDUFFIE: If you let me speak, I was about  
 22 to ask Mr. Strebel to please finish his response.  
 23 MR. CHAPMAN: Or you can withdraw the question,  
 24 either one.  
 25 MS. MCDUFFIE: I thought he was -- I thought he

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1 misunderstood my question.  
 2 Q Mr. Strebel, if there's something else you'd  
 3 like to add, please do. And then I'm going to ask a  
 4 more specific question because I'm not sure you really  
 5 understood what I was asking. So if there's something  
 6 you want to add to what you're just saying, please do  
 7 so.  
 8 A So all of these upgrades that I just  
 9 referenced, there was communication in writing to the  
 10 buyers that they were all upgrades, and their contract  
 11 has a cost for upgrades, and that's what I expected  
 12 everybody to follow.  
 13 Like I said, in this spec book even, there was  
 14 a note in there for them to upgrade the stairs and all  
 15 the steel. There was a cost for that. So I had noticed  
 16 them. It's in the spec book. It's been in writing, in  
 17 email that these things were upgraded.  
 18 Q Okay. Have you finished your response?  
 19 A Yes, I have.  
 20 Q Okay. So that, I do not believe you understood  
 21 the question I was asking. So I don't feel like --  
 22 MR. CHAPMAN: Counsel, that's argumentative.  
 23 MS. MCDUFFIE: He didn't answer the question.  
 24 MR. CHAPMAN: Counsel, wait a second. Wait a  
 25 second. You are arguing with the witness. You have no

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1 right to argue with the witness. You get to ask  
 2 questions, and he gives answers. So it doesn't matter  
 3 whether he understood your question or not. He probably  
 4 understood. He gave his best answer.  
 5 You can now ask another question. But to test  
 6 him whether he understood what you think he should have  
 7 understood, it's question and answer.  
 8 MS. MCDUFFIE: Counsel, I want to make sure  
 9 that the witness understands my question, and I'm going  
 10 to ask a question now, and I would like the witness to  
 11 please answer.  
 12 Q So, Mr. Strebel, previously you testified that  
 13 you communicated to the Kidambis that, as of Phase 2,  
 14 when we have the spec book, you believe that the  
 15 purchase price was no longer \$3,750,000. And I'm trying  
 16 to figure out your communications to the Kidambis that  
 17 the purchase price had changed.  
 18 Other than what you just described were the  
 19 upgrades, did you ever specifically tell the Kidambis  
 20 that the purchase price, in your mind, is no longer  
 21 \$3,750,000?  
 22 A Yes, I told them that.  
 23 Q Other than the upgrade communications that you  
 24 just described, is there any other email communication  
 25 where you communicated to the Kidambis that you felt the

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1 purchase price is more than \$3,750,000?  
 2 A You said email. Correct?  
 3 Q I'm asking if there was an email communication,  
 4 yes.  
 5 A No -- well, I don't recall seeing any specific  
 6 email communication.  
 7 Q Okay. So now verbal communication, I just want  
 8 to make sure you understand the question. So I'm  
 9 asking, specifically using the word "purchase price,"  
 10 did you have a verbal conversation with the Kidambis  
 11 where you told them that the purchase price was no  
 12 longer \$3,750,000?  
 13 A Yes.  
 14 Q Okay. And what specifically did you say? What  
 15 were your words to the best of your recollection?  
 16 A That they had now made upgrades and changes to  
 17 the original schematic. And, you know, specifically we  
 18 were talking about the steel staircase.  
 19 Q Okay. So after you have this spec book with  
 20 these three pieces that we discussed -- architectural  
 21 plan, the appliance lookbook --  
 22 MR. CHAPMAN: I think Mr. Strebel was asking  
 23 you a question clarifying. Were you, Mr. Strebel?  
 24 THE WITNESS: I don't -- I don't know. I think  
 25 I answered it.

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1 MS. MCDUFFIE: No question pending.  
 2 MR. CHAPMAN: Okay.  
 3 BY MS. MCDUFFIE:  
 4 Q Okay. So we're talking about the spec book.  
 5 A Uh-huh.  
 6 Q Once you have the final spec book with those  
 7 three pieces, is it your understanding that it would be  
 8 feasible for the project to be completed pursuant to  
 9 that spec book?  
 10 A Yes.  
 11 Q What, if anything, did you do to determine that  
 12 it would be feasible to build the project pursuant to  
 13 the spec book?  
 14 A I reviewed the blueprints and the plans.  
 15 Q Bear with me for a moment. I'm going pull up  
 16 another document.  
 17 A No problem. Take your time.  
 18 Q Okay. So you should see a document that just  
 19 popped up on my screen.  
 20 Mr. Chapman, you can correct me if I'm off, but  
 21 incorrect this is now Exhibit 8. We're going to go  
 22 ahead and mark this as Exhibit 8.  
 23 (Exhibit 8 was marked for identification.)  
 24 BY MS. MCDUFFIE:  
 25 Q And scrolling to the bottom, we can see it's

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1 Bates stamped Kidambi 97. Okay. So we see at the top,  
 2 it's dated September 1, 2020, and it looks like the  
 3 sender is Kole@4EcoLiving.  
 4 Mr. Strebel, do you recognize this as an email  
 5 that you sent to the Kidambis, Amie Schneider, and Alex  
 6 Abad on September 1, 2020?  
 7 A This is a response to an email that Tridi sent  
 8 me.  
 9 Q This is a response that you sent to Tridi  
 10 Kidambi?  
 11 A Yes. In response to an email he sent me, yes.  
 12 Q Okay. So I'm going to look at the second  
 13 paragraph here, the third sentence which says one thing  
 14 to keep in mind is that the spec book is what I'm paying  
 15 for, if you will. The additional items will go on a  
 16 separate document and tracked that way.  
 17 Did I read that correctly?  
 18 A Yes.  
 19 Q What do you mean by "the spec book is what I'm  
 20 paying for"?  
 21 A There's portions of the spec book that him and  
 22 I met about that are going to be my responsibility, and  
 23 then there's going to be a lot of things in that spec  
 24 book that are upgrade and changes.  
 25 As Mr. Kidambi mentioned in the first sentence



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1 of this email where he says -- excuse me -- I mentioned  
 2 in response to Tridi's email where I said, "Yes. We  
 3 need to adjust a few things so we can track changes."  
 4 Mr. Kidambi had created a shared document with  
 5 everybody to track all of his changes. And what I meant  
 6 by the additional items will go on a separate document  
 7 and tracked that way is that Amie Schneider, who was my  
 8 real estate that was representing me, had told me that  
 9 all of the addendum -- all of the upgrades would go into  
 10 an addendum with a schedule of value and everything as  
 11 per the contract.  
 12 And so that's what I was referring to, that the  
 13 additional items will go on separate document and  
 14 tracked way. The purchase contract said that there's  
 15 going to be an addendum that will call these things out,  
 16 and that Amie Schneider said that that's what needs to  
 17 happen. And then Amie Schneider took the document that  
 18 Tridi created tracking the changes, and she went ahead  
 19 and created Exhibit B to Addendum 1, which is the  
 20 schedule of value for his upgrades. And that's what  
 21 we're referring to in this email.  
 22 Q Just so I understand, the phrase in this email  
 23 "additional items," what does that refer to?  
 24 A All of the buyer's upgrades.  
 25 Q I think you testified previously that the spec

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1 book included buyer upgrades. Did I get that wrong?  
 2 A Actually, no, you didn't. It does include both  
 3 actually. The spec book has everything in there, both.  
 4 Q So then help me understand what are the  
 5 additional items that are referred to in this email?  
 6 A It's the items that the buyers are responsible  
 7 to pay for that are in the spec book. The spec book  
 8 consists of both items, both buyer and seller  
 9 responsibility.  
 10 So there's an addendum that came out for the  
 11 real estate agents which was addendum -- it was Exhibit  
 12 B to Addendum 1, I believe, is the title. And that's  
 13 what the real estate agent had told us will take the  
 14 schedule of value and everything for the upgrade portion  
 15 of the buyer's responsibility for the spec book.  
 16 Q So when you say here, "One thing to keep in  
 17 mind is that the spec book is what I'm paying for."  
 18 Are you now testifying that it's not your  
 19 responsibility to pay for everything in the spec book?  
 20 A That's correct. But you guys are, I think  
 21 missing, the context of Tridi's email to me. Like I  
 22 said, this is a response to him. And what I am  
 23 referring to is differentiating between what stuff the  
 24 sellers are responsible to pay for and what stuff is  
 25 actually upgrade that the buyers are responsible for.

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1 That's why the first sentence here where Tridi  
 2 says -- or the first sentence back, Tridi said, "Yes.  
 3 We need to adjust a few things so we can track changes,"  
 4 because Tridi and I were talking about the spec book has  
 5 cost for both of us inside of it. How do we know what  
 6 cost were mine and what cost are his.  
 7 And so that's why I referenced, you know, "Your  
 8 additional items are going to go into a separate  
 9 document, which is Exhibit B to Addendum 1, created by  
 10 the real estate agent from the shared Google doc that  
 11 Tridi is using to track his changes.  
 12 BY MS. MCDUFFIE:  
 13 Q Okay. So you referred to this separate  
 14 document.  
 15 A Uh-huh.  
 16 Q And that was something that was created?  
 17 A It was by the -- yes.  
 18 Q Okay. Help me understand this.  
 19 So is the separate document, is it your  
 20 understanding that that separate document lists  
 21 everything in the project that would be the financial  
 22 responsibility of the Kidambis in addition to the  
 23 \$3,750,000 purchase price?  
 24 A Yes, to date. Keep in mind that these projects  
 25 go on for long periods of time. So, you know, up until

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1 let's just say February 2021, there's an Exhibit B to  
 2 Addendum 1. That's only going to be all the changes or  
 3 upgrades that Tridi and Tulika made up to that point,  
 4 meaning that if in, you know, March they walk in and  
 5 say, "Hey, guess what, we want heated floors," or  
 6 something, that wouldn't be in that addendum because it  
 7 happened after that addendum got drafted. Right?  
 8 Q So then after the addendum was drafted, did you  
 9 have some way of tracking what was the financial  
 10 responsibility of the Kidambis?  
 11 A Yes. We had a way of tracking it, yeah.  
 12 Q And how did you track that?  
 13 A Through the Google shared document that Tridi  
 14 Kidambi created during one of the schematic phases or  
 15 the spec book phase, or something. That's why everybody  
 16 was tracking all the upgrades and changes was through  
 17 Tridi's shared document.  
 18 Q So you mentioned a shared document. If  
 19 something was an upgrade, how would that be shown on  
 20 that shared document?  
 21 A There's not necessarily anything that indicates  
 22 anything -- I mean, basically anything in that shared  
 23 document is an upgrade. That's what the document is  
 24 for. It's not there to track what Jill and I are  
 25 already doing, that I'm aware of.

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1 Q Okay. And so still looking at this addendum to  
 2 the Addendum No. 1 to the purchase contract, we were  
 3 just talking about upgrades, can you help explain to me  
 4 at what point in time something becomes an upgrade?  
 5 I need to clarify this a little bit. So  
 6 there's something that you, as the owner, are going to  
 7 be responsible for. And then you said that on top of  
 8 that, the Kidambis have requested upgrades or changes.  
 9 I believe your testimony is that the Kidambis are  
 10 financially responsible for those upgrades.  
 11 Was there a certain point in time when those  
 12 changes were considered upgrades? Or is it that every  
 13 single time the Kidambis say, "I want something," that  
 14 is an upgrade and something that's outside of the  
 15 purchase price, in your understanding?  
 16 MR. CHAPMAN: I'm going to object to the  
 17 preface. It's your testimony. It's not -- it wasn't a  
 18 question.  
 19 If you could frame it as a question, maybe he  
 20 can focus on that because it was so compound and  
 21 convoluted. I don't see how he can answer that.  
 22 And he does not have to accept your premise or  
 23 preface to the question, but he can. You can have the  
 24 reporter read it back, but it's just completely  
 25 convoluted.

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1 MS. MCDUFFIE: I'm trying help figure out  
 2 Mr. Strebels testimony about what constitutes an  
 3 upgrade.  
 4 MR. CHAPMAN: That's a question.  
 5 MS. MCDUFFIE: Will you let me finish,  
 6 Mr. Chapman.  
 7 Q Mr. Strebels, what is your understanding of what  
 8 is an upgrade under the contract?  
 9 A Any and all requests made by the buyers.  
 10 Q At any point in time?  
 11 A Yeah.  
 12 Q Okay. And in this Addendum 1, you probably  
 13 don't need to look at this, but you can if you want to.  
 14 Below the section marked Upgrade, there's paragraph  
 15 number two, it says Landscape. It says Landscaping  
 16 Budget, \$30,000, built into the purchase price. Upgrade  
 17 to the landscape would be handled as in Section 1  
 18 upgrade per Addendum 1.  
 19 Do you have an understanding of what landscape  
 20 means?  
 21 A Yes.  
 22 Q What is that understanding based on?  
 23 A El Segundo Building Code, Building and Safety  
 24 Code.  
 25 Q Do you know the particular Code section that

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1 you are referring to?  
 2 A I don't off the top of my head.  
 3 Q Is your understanding of what landscape is  
 4 based on anything other than that Building and Safety  
 5 Code section that you just referenced?  
 6 A No.  
 7 Q What is your understanding of what landscape  
 8 is?  
 9 A My understanding of landscape is any kind of  
 10 hard and softscape, any kind of outdoor living spaces  
 11 like pergolas, like outdoor patios, things like that.  
 12 It's irrigation. It's drainage, yeah. It's irrigation  
 13 drainage. It's hard and softscape. It's all those  
 14 things, plants, all that, yeah.  
 15 Q So I just heard you use the phrase hard and  
 16 softscape?  
 17 A Uh-huh.  
 18 Q So my next question is going to be whether you  
 19 have an understanding of the difference between the term  
 20 landscape and the term hardscape.  
 21 Are those two terms synonymous to you or is  
 22 there a difference?  
 23 A They're synonymous.  
 24 Q So is it your understanding that a driveway is  
 25 landscape?

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1 A Yes. It's hardscape.  
 2 Q All right. Is it your understanding that a  
 3 deck is landscape?  
 4 A Yes.  
 5 Q Is it your understanding that a patio is  
 6 landscape?  
 7 A Yes, I believe so, it is.  
 8 Q Did you ever have a conversation with the  
 9 Kidambis about the meaning of the word landscape?  
 10 A No.  
 11 Q Okay. So I'm going to go back to the upgrades  
 12 that we were talking about before, and you mentioned  
 13 that you believe that the Kidambis are financially  
 14 responsible for upgrades.  
 15 Now, if you can help me understand, we talked  
 16 about this before.  
 17 Was that -- is that money that they owed to you  
 18 when you were making the upgrade, or something that will  
 19 be tacked onto the purchase price if eventually sold or  
 20 paid for in some other way?  
 21 MR. CHAPMAN: Compound.  
 22 THE WITNESS: Go ahead and answer though.  
 23 Right?  
 24 MR. CHAPMAN: Yeah.  
 25 / / /

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1 BY MS. MCDUFFIE:  
 2 Q Do you understand the question?  
 3 A Yeah, I believe I understand the question.  
 4 My understanding for the upgrades with the  
 5 Kidambis is that once there was a schedule of value  
 6 associated to the upgrade, which we won't know on a cost  
 7 plus project until the actual work is completed. We  
 8 don't know how much something cost.  
 9 Our understanding is that, you know, within  
 10 seven days of getting that schedule of value, they would  
 11 deposit the money into escrow and then, you know, then  
 12 we would be able to get everything -- or continue to get  
 13 everything moving forward.  
 14 But, yeah, our understanding was that once  
 15 there's a schedule of value, they would deposit the  
 16 money into escrow, and then we would move everything  
 17 forward.  
 18 Q Did you have some understanding about what  
 19 would happen under the contract if the Kidambis did not  
 20 make that deposit into escrow within the time period you  
 21 just mentioned?  
 22 A Yes.  
 23 Q What is your understanding of what would happen  
 24 in that instance?  
 25 A The default cost of the contract would kick in

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1 because there had been default at that point, they did  
 2 not follow the contract.  
 3 Q If I'm understanding your claims in this  
 4 arbitration correctly, you contend that there are  
 5 upgrades or change orders that the Kidambis are  
 6 responsible for, but have not fully paid.  
 7 Is that accurate?  
 8 A Yes.  
 9 MR. CHAPMAN: Wait, wait, wait, wait. I'm  
 10 going to instruct him not to reveal any attorney-client  
 11 communication or work product. The contentions in the  
 12 case are the lawyers. I won't let him answer that. You  
 13 can ask him about his dealings, his understanding. But  
 14 when you use the word "contentions" in this case, that  
 15 implicates the attorney's work product, and I'm going to  
 16 instruct him not to answer as phrased.  
 17 MS. MCDUFFIE: Counsel, contentions are a fair  
 18 question in discovery.  
 19 Q But to be clear, Mr. Strebel, I'm not asking  
 20 about legal advice. I'm not asking about your  
 21 communications with your counsel.  
 22 MR. CHAPMAN: Wait, wait, wait.  
 23 Are you rephrasing the question? Because  
 24 contentions are legal, and those claims were made with  
 25 the assistance of counsel. So I'm not going to let him

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1 answer as phrased unless you can rephrase it and get  
 2 what you want. But that wording calls for invasion of  
 3 the attorney-client and work product protection.  
 4 MS. MCDUFFIE: Okay. In a second, I'm going to  
 5 ask the court reporter to please repeat the question.  
 6 But, for the record, I do not agree that asking for a  
 7 party's contention necessarily involved attorney-client  
 8 privileged communication. I do believe that's a fair  
 9 question in discovery.  
 10 But I, at this point, have forgotten how I  
 11 phrased the question. So if the Court Reporter would be  
 12 kind enough to repeat it, I would appreciate that.  
 13 MR. CHAPMAN: Just to respond to that on the  
 14 record, you're correct. In written discovery, that is  
 15 totally appropriate as contention interrogatories  
 16 because the attorney is involved in the response.  
 17 At a deposition, absolutely not appropriate,  
 18 and I instruct the witness not to answer as phrased.  
 19 MS. MCDUFFIE: I think the Court Reporter will  
 20 read it back. Mr. Chapman, perhaps after this is over,  
 21 you could send me some authority in support of your  
 22 proposition that there are different rules for  
 23 interrogatories and scope of the deposition.  
 24 I'm not sure this is the appropriate time to  
 25 have that argument on the record. But, you know, I

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1 would need to see that authority. I'll ask the Court  
 2 Reporter to please read back the question.  
 3 (Record read as follows:  
 4 "Question: If I'm understanding your claims in  
 5 this arbitration correctly, you contend that  
 6 there are upgrades or change orders that the  
 7 Kidambis are responsible for, but have not  
 8 fully paid. Is that accurate?  
 9 "Answer: Yes.")  
 10 MS. MCDUFFIE: Okay. Then I'm going to  
 11 rephrase that question a bit.  
 12 Q So not talking necessarily about what you've  
 13 alleged in this litigation, but just you, Kole Strebel,  
 14 in your understanding of this transaction, do you  
 15 believe or have an understanding that the Kidambis owe  
 16 you money for upgrades pertaining to this Mariposa  
 17 project?  
 18 A Yes.  
 19 Q So then would it follow that the Kidambis did  
 20 not make the deposit that you were talking about for  
 21 those upgrades that you believe are unpaid?  
 22 A Yes.  
 23 Q So in the instance where you believe that the  
 24 Kidambis did not make the deposit for the upgrades, what  
 25 did you do when they failed to make that deposit?

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1       **A**    I had noticed -- or I had discussed it with my  
2   **realtor who is representing me, Amie Schneider. And I**  
3   **believe she gave a notice to perform to Alex Abad, their**  
4   **representative real estate agent.**

5       **Q**    Do you recall when that notice to perform was  
6   sent?

7       **A**    **May or June, 2021 or somewhere in there.**

8       **Q**    So are there upgrades that you believe need to  
9   be paid by the Kidambis, but have not been?

10      **A**    **Yes.**

11      **Q**    Sorry. I'm trying to think of the best way to  
12   phrase this question if you'll bear with me.

13      **A**    **No problem at all.**

14      **Q**    So this is going to be a little bit of a long  
15   question, because I want to make sure we understand it.  
16            So my understanding of how you are describing  
17   the contract, if the Kidambis want an upgrade, they make  
18   a deposit in an agreed amount, and then you can make  
19   that upgrade. Is that right?

20      **A**    **Yes. That's very -- that's correct. But it's**  
21   **very broad, but yes.**

22      **Q**    Are there instances where the Kidambis did not  
23   make that deposit for a particular upgrade, and then you  
24   built the upgrade?

25      **A**    **Yes, uh-huh.**

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1       **Q**    Do you have an approximation of about how many  
2   upgrades that was the case for where the Kidambis had  
3   not made the deposit, but yet you built the upgrades?

4       **A**    **All of them.**

5       **Q**    When you say all of them, ballpark how many are  
6   we talking?

7       **A**    **Well, there's a lot of upgrades. As you guys**  
8   **know, there are like 20, I think, invoices or something**  
9   **out there, and I know the two of them for the ADU and**  
10   **the landscaping are consolidated invoices with a lot of**  
11   **upgrades inside of each one of those. So to quantify, I**  
12   **don't even know exactly how many there are. There's a**  
13   **lot. And they've never made any deposit into the**  
14   **escrow, which is what the purchase contract said they're**  
15   **supposed to do.**

16      **Q**    So are there any upgrades for which the  
17   Kidambis did make a deposit?

18      **A**    **Not into escrow, no.**

19      **Q**    Were there change orders -- I'm sorry --  
20   upgrades where the Kidambis made a deposit somewhere  
21   else other than escrow?

22      **A**    **Oh, you mean like did they break contract and**  
23   **send me money directly? Yes, they did.**

24      **Q**    That was not my question, but I'm going to go  
25   ahead and ask what you mean by what you said, "did they

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1   break contract."  
2            Actually, can we have the Court Reporter read  
3   that response back please.  
4            (Record read as follows:  
5            "Answer: Oh, you mean like did they break  
6            contract and send me money directly? Yes, they  
7            did.")

8   BY MS. MCDUFFIE:  
9       **Q**    Can you explain what you mean by that  
10   statement, Mr. Strebek?

11      **A**    **Yes. From what I understand the process or**  
12   **whatever was in the purchase contract is that the buyers**  
13   **are supposed to be depositing the money into escrow.**  
14            But my point is they never ever did that at  
15   all. They did not follow the contract. They took it  
16   upon themselves to actually send money directly to  
17   728 West Mariposa LLC, which is not part of the  
18   contract. The contract does not say to do that.

19      **Q**    So let me make sure I understand it. Are you  
20   saying that the Kidambis paid for upgrade by making a  
21   payment to the 728 West Mariposa LLC?

22      **A**    **They paid for something, but we don't really**  
23   **have a breakdown, I believe. But, yes, they made some**  
24   **sort of payment for something directly to 728 West**  
25   **Mariposa LLC.**

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1       **Q**    How is that payment made? Was it check? wire?  
2   Some other way?

3       **A**    **Yes, a wire transfer.**

4       **Q**    Did you give the Kidambis wire transfer  
5   information to wire money to that LLC?

6       **A**    **I mean, yes, of course. I mean, the guy asked**  
7   **me for my account, and they're going to send money, why**  
8   **won't you give your information for them to send money?**  
9   **Yeah, I did.**

10      **Q**    Did you have a discussion with the Kidambis  
11   about making payments to the LLC?

12      **A**    **No.**

13      **Q**    Do you have any understanding why the Kidambis  
14   made payments to the LLC?

15      **A**    **Not really, no.**

16      **Q**    So am I understanding correctly that  
17   Mr. Kidambi, Tridi, asked you for wire transfer  
18   information to make a payment to the 728 Mariposa LLC?

19      **A**    **He did.**

20      **Q**    And when did he that, did you ask him why he  
21   wanted that wire transfer information?

22      **A**    **I did not ask him why he was going to be**  
23   **sending some money for something to me. Like I said, I**  
24   **mean somebody said, "Give me your information, I'm going**  
25   **to send you some money," I did it. I guess that's**

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1 stupid of me. I'm kind of laughing about it because I  
 2 didn't ask anything else why he wanted the information.  
 3 I just did it. It was during a job walk one time.  
 4 And so he, kind of, caught me off guard. He  
 5 said, "Give me your account information." So I gave it.  
 6 In hindsight, I probably should not have given it to him  
 7 with such little information, but I did.  
 8 Q Did you or did the LLC actually receive those  
 9 payments from the Kidambis?  
 10 A Yes, uh-huh.  
 11 Q Did you ever make any attempt to give that  
 12 money back to the Kidambis?  
 13 A No.  
 14 Q Did you ever tell them that they should be  
 15 making those payments to a different account or a  
 16 different entity other than that LLC?  
 17 A Yes.  
 18 Q And what did you tell them?  
 19 A I told them and their real estate agent that  
 20 they needed to follow the purchase contract, and they  
 21 needed to deposit their money in escrow.  
 22 Q When did you tell them that?  
 23 A Multiple times throughout the transaction. I  
 24 don't recall the specific dates, but it was multiple  
 25 occasions.

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1 Q Do you recall whether any of those occasions  
 2 where by email or in some other writing?  
 3 A I think it was in the -- it was verbal  
 4 conversation, I believe, we were having. But I don't  
 5 recall the specifics of it.  
 6 Q Do you recall the Kidambis' response?  
 7 A No.  
 8 Q Did you ever give the Kidambis information for  
 9 where they should deposit their funds to pay for the  
 10 upgrades?  
 11 A No. Well, actually, can I clarify something  
 12 there just really quick before you move on?  
 13 Q Yes.  
 14 A I didn't give them any information, but escrow  
 15 did because they already had the escrow information  
 16 where they deposited the original \$500,000. So the  
 17 deposit for the upgrades should have gone to escrow,  
 18 which is the exact same place that they sent their  
 19 original \$500,000. They should have had it at that  
 20 point.  
 21 Q Who was the escrow officer in this transaction?  
 22 A I would have to look at the purchase contract.  
 23 I don't remember off the top of my head the name of the  
 24 company. But I remember the escrow officer, his name is  
 25 Luke Wolrich (phonetic), I think, is his name. But the

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1 name of the company escapes me at the moment.  
 2 Q So then was it your intention that the upgrades  
 3 procedure set forth in this Addendum 1 to the purchase  
 4 contract, that should be followed in every instance that  
 5 there's an upgrade?  
 6 A Yes. Follow it as much as you can.  
 7 Q Did you and the Kidambis ever agree to change  
 8 that contractual procedure for the upgrades?  
 9 A No.  
 10 Q When you actually got to the point where you're  
 11 dealing with the upgrades during the project, in  
 12 practice, did the parties deviate from what was in the  
 13 contract?  
 14 And I realize you've already partially answered  
 15 this. I just want to know were there any other ways  
 16 that we haven't talked about yet where you believe that  
 17 the upgrade procedure deviated from what is set forth in  
 18 the contract?  
 19 MR. CHAPMAN: Objection. Vague and ambiguous,  
 20 overbroad.  
 21 But you can answer, if you can.  
 22 THE WITNESS: I don't think so, off the top of  
 23 my head.  
 24 BY MS. MCDUFFIE:  
 25 Q So how would you know when there was an

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1 agreement to an upgrade?  
 2 A Per the contract, there was going to be an  
 3 additional addendum with the schedule of values for the  
 4 upgrade, which was done and produced by the real estate  
 5 agents and given to the buyers.  
 6 Q And I think -- correct me if I'm wrong -- but  
 7 you previously testified that there may be upgrades  
 8 beyond what was in that document, for example, upgrades  
 9 that were subsequent in time.  
 10 A Correct.  
 11 Q In that type of instance, how would you know  
 12 that you have an agreement for a particular upgrade at a  
 13 particular price in agreement with the Kidambis?  
 14 A Can you ask the question one more time? I just  
 15 want to make sure I'm following.  
 16 Q Sure. I'm trying to understand how do you know  
 17 that you have an agreement with the Kidambis for a  
 18 particular upgrade for a particular price?  
 19 And you testified about a document that was  
 20 being created that would list that. You've also  
 21 testified that there might be some upgrades that are not  
 22 listed on that document.  
 23 I'm trying to figure out how would you know  
 24 that there is an agreement for a particular upgrade at a  
 25 particular price?

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1 A So it's one of those things we're on the front  
 2 end. Everybody kind of moves forward and acts in good  
 3 faith for the upgrades and, I believe on the concept of  
 4 the upgrade to get into plan set.  
 5 And then, as I mentioned, once you have the  
 6 permit set of plans, you can actually take those out to  
 7 bid and get pricing and things like that.  
 8 So in our minds, when we played that, you know,  
 9 good faith commitment on the front end between both the  
 10 buyers and the sellers about the upgrades, that once  
 11 they got time to figuring out the value of these  
 12 upgrades, it would be put into Exhibit B to Addendum 1,  
 13 and then that would be agreed upon, executed. The funds  
 14 would then be placed into escrow.  
 15 And if there were subsequent upgrades, or what  
 16 have you, that came along like heated floors, for  
 17 example, then there would be an Addendum C to it -- or  
 18 Exhibit C to Addendum 1. And it would list out a  
 19 handful, you know, the most recent upgrade up to that  
 20 date. And they would go back over, they look at it,  
 21 review it, and send the money into escrow on and on  
 22 until the work is finished. That's how we thought it's  
 23 going to go.  
 24 Q So were there written change orders executed  
 25 for all of these upgrades that you just described?

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1 A No.  
 2 Q So for all of these upgrades, did the Kidambis  
 3 clearly tell you, "Yes, I want you to do this upgrade,  
 4 and I agree to this price"?  
 5 A Yes. On a lot of stuff, it was done, yes. The  
 6 answer to your question is yes.  
 7 Q And would all of that be in writing or like  
 8 emails? How is that transmitted?  
 9 A It's all of the above. It's in emails,  
 10 communications, things like that. It's part of the spec  
 11 book. It's part of the realtor addendum -- Exhibit B to  
 12 Addendum 1. It's in multiple different areas depending  
 13 on which upgrade you're talking about.  
 14 Q And just to make sure I understand, for those  
 15 instances where there was an upgrade, and the Kidambis  
 16 did not make a deposit or a payment for that upgrade,  
 17 but you still built the upgrade, do you believe that  
 18 you're entitled to be paid some amount of money for that  
 19 upgrade?  
 20 A Yes.  
 21 Q And would that amount of money be something  
 22 that's added to the purchase price, or is that something  
 23 else?  
 24 A That's part of the -- that's part of the  
 25 purchase contract. It would be part of the close of

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1 escrow, which I think would be part of the purchase  
 2 price, yeah.  
 3 Q Okay. And then we talked about 728 Mariposa  
 4 LLC. Did you ever have a conversation where you told  
 5 the Kidambis what that LLC -- what its purpose was?  
 6 A I don't know. I don't recall, but I'm not  
 7 sure.  
 8 Q Okay. I'm going to put another document in the  
 9 chat. Bear with me, please.  
 10 Okay. Mr. Strebel, do you see a document that  
 11 I just added to chat?  
 12 A Is this Addendum B Last Revised?  
 13 Q Yes. Can you open that please.  
 14 A Yes, working on it.  
 15 MR. CHAPMAN: Exhibit 9?  
 16 MS. MCDUFFIE: Yes. Thank you, Bill. This  
 17 will be marked as Exhibit 9. And at the bottom, we  
 18 could see that the first page is Bates stamped Strebel  
 19 149.  
 20 (Exhibit 9 was marked for identification.)  
 21 BY MS. MCDUFFIE:  
 22 Q Mr. Strebel, please let me know after you had a  
 23 chance to look at this document and ready to answer  
 24 questions.  
 25 A Okay. This is Exhibit B to Addendum 1. It

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1 looks like Tridi and I have comments on. Correct? Is  
 2 that what I'm looking at?  
 3 Q I'd like you to tell me what you're looking at.  
 4 A I just want to make sure I got the right  
 5 document. That's all I'm trying to get at.  
 6 Q What you described was correct.  
 7 A Okay.  
 8 Q So is this the document that you were referring  
 9 to earlier when you mentioned that there would be a  
 10 document setting forth the upgrades?  
 11 A Yes. It is Exhibit B to Addendum 1 that I was  
 12 referring to, yes.  
 13 Q Can you remind me who drafted this document?  
 14 A This was drafted by Amie Schneider. Actually,  
 15 let me back up. The original document was drafted by  
 16 Amie Schneider. This document that you just put up has  
 17 been edited and turned into a Google shared document by  
 18 the buyers, Tridi. So it was created by Tridi, what  
 19 you're showing me.  
 20 Q Do you see the date at the top that says  
 21 1/29/2019?  
 22 A Yes.  
 23 Q Does that date seem right to you in the context  
 24 of this transaction?  
 25 A No.

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1 Q Do you have an idea or a memory of when this  
2 document was originally drafted?

3 A It was -- this document was originally drafted  
4 by Amie and shared with -- well, Amie originally drafted  
5 up the addendum, sent it to Alex Abad.

6 Alex Abad gave it to Tridi. Tridi converted it  
7 to a Google document, which is what you see before us,  
8 and started to make comments and changes to the addendum  
9 that was drafted by Amie Schneider. The document was  
10 drafted by Amie in early 2021. I would say it was  
11 probably February-ish when she delivered it to Alex  
12 Abad, the buyers' representative, the original one.

13 Q So are you able to ascertain which portions of  
14 this document or the original document that  
15 Ms. Schneider drafted, what portion is comment from  
16 Tridi or you or someone else? I do see that there are  
17 different colors here.

18 Does that help distinguish what the comments  
19 versus what Amie drafted?

20 A It kind of does. The issue I got with that is  
21 that Tridi has read -- like changed documents before.  
22 He's edited the original purchase contract. He made  
23 some adjustments to the note, things like that. So I  
24 don't really know in this document from Tridi on what's  
25 original and what's not original.

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1 What I can tell you is that Tridi's comments  
2 are in the footnotes in red, which should be, you know,  
3 I mean on a shared document, it's all timestamped. But  
4 the PDF, I guess you don't see the timestamp on the  
5 comments.

6 Q Do you have a version of this document that's  
7 timestamped that you have not produced yet?

8 A The documents that I produced in my document  
9 production, I believe, was not a PDF. I believe it was  
10 pages or document, like pages, slash, or document. It  
11 looks like the word document was printed to PDF here. I  
12 don't know if because mine got printed to PDF or what.  
13 But you can go ahead with your question as far as  
14 whatever it is.

15 MR. CHAPMAN: Sara, I can look into that. I  
16 wasn't at their place. But what may have happened --  
17 because I'm sensitive to meta-data and all that -- I  
18 also request for all meta-data, native format. But I  
19 can certainly, if our client gave it to us, I can find  
20 it and produce it.

21 MS. MCDUFFIE: Okay. Why don't you look into  
22 that. Thank you.

23 MR. CHAPMAN: Okay.

24 BY MS. MCDUFFIE:

25 Q So, Mr. Strebel, I believe you just mentioned

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1 that the footnote that appear in red were created by  
2 Tridi Kidambi. Is that right?

3 A I believe they are, yes.

4 Q Now, do you see some other writing in here  
5 that's, kind of, a gold or brown color?

6 A I do.

7 Q Do you know who wrote that in?

8 A I believe those are my comments on the Google  
9 shared document that Tridi created.

10 Q So are those more responses to Tridi's  
11 footnote?

12 A I believe so, yes.

13 Q And did you send this version of this document  
14 with the gold comments to Tridi and to Tulika Kidambi  
15 somehow?

16 A Not that I'm aware of. I believe I shared this  
17 with Amie Abad, my real estate agent. But at the same  
18 token, it was a shared document. So if I made the  
19 comment, I would think possibly Tridi could have gotten  
20 that, could have responded that way. I don't know.

21 Q You don't know one way or the other whether the  
22 Kidambis saw that?

23 A I don't know if they saw it or if Amie gave it  
24 to them. I don't know. But these were supposed to be  
25 my comment between me and my real estate agent.

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1 Q Okay. Was that Exhibit D ever signed by the  
2 parties?

3 A No. Tridi and Tulika never signed it.

4 Q Did you sign it?

5 A I would have signed it assuming we had agreed  
6 to something. But they -- as you can tell from the  
7 comments in red, Tridi started not -- he basically --  
8 no. I did not sign it. They didn't sign it, no.

9 Q Did you ever do anything to follow up about  
10 getting this document signed?

11 A Yeah, yes.

12 Q What did you do?

13 A Multiple conversations with Amie regarding  
14 trying to get this resolved and get everybody on the  
15 same page. I also believe we had multiple meetings  
16 regarding a lot of these items, a lot of job walks, all  
17 kinds of stuff. But this document was really the  
18 beginning and the end of the project.

19 Q So at what point in time are we talking about?  
20 Do you have an approximate date?

21 A Yes, early 2021. So probably February-ish  
22 sometime, give or take.

23 Q Did the Kidambis give you a loan in connection  
24 with the Mariposa project?

25 A A loan? Oh, you mean the hard money loan?

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1 Yeah, yeah. They gave me a hard money loan before the  
 2 purchase contract and stuff was ever agreed upon, I  
 3 believe, the purchase of the property. Is that what  
 4 you're talking about?  
 5 Q I'm asking if they give you a loan in  
 6 connection with the property?  
 7 A They gave us a personal hard money loan.  
 8 Q For how much?  
 9 A \$250,000.  
 10 Q And when you say they gave you the loan, was  
 11 that you, Kole Strebel?  
 12 A Yes.  
 13 Q And you may have answered this, and I didn't  
 14 necessarily hear it. What was the purpose of that loan?  
 15 A It was a hard money loan. Jill and I used the  
 16 funds to acquire the land.  
 17 Q Did you ask the Kidambis for that loan?  
 18 A No. Actually, I didn't.  
 19 Q Did the Kidambis offer to loan you that money?  
 20 A Yeah.  
 21 Q Did you have an agreement about paying back  
 22 that loan?  
 23 A Yes.  
 24 Q How was it to be paid back?  
 25 A Actually, the note specifies that there's

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1 multiple ways for that hard money loan to be paid back.  
 2 It could be paid back concurrent with the close of  
 3 escrow. It could be paid back anytime I wanted. There  
 4 was no prepayment penalties on anything like that on the  
 5 note, which means that it did not have to be concurrent  
 6 with the close of escrow. I -- yeah. So there's  
 7 multiple forms or ways that I could repay that note.  
 8 Q Did you repay that note?  
 9 A I tried to.  
 10 Q What do you mean by that?  
 11 A Lewis Adelson won't give us the payoff. I  
 12 attempted to pay that note, and it was -- I tried to get  
 13 the payoff information from Lewis Adelson, but he  
 14 refused to give it.  
 15 Q And for the record, who is Lewis Adelson?  
 16 A From Adelson & Costell -- right? -- their  
 17 attorney?  
 18 Q I'm going to tell Mr. Costell you said that.  
 19 It's actually Costell & Adelson.  
 20 A It's all right. I don't -- I don't fight. I  
 21 wasn't trying to hurt any feelings out there.  
 22 Q So is it your understanding that Lewis Adelson  
 23 is an attorney for the Kidambis?  
 24 A Yeah. Is he not their attorney?  
 25 Q He is. I'm asking for your understanding.

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1 A Sorry.  
 2 Q You were saying that the attorney didn't give  
 3 you payoff information. So there was a point in time  
 4 before the Kidambis had attorneys involved. So was  
 5 there a point in time where you had discussed paying off  
 6 the loan with the Kidambis directly and not their  
 7 attorneys?  
 8 A No.  
 9 Q Other than the loan from the Kidambis, did you  
 10 have other financing for this Mariposa project?  
 11 A Yes.  
 12 Q Is it bank loan?  
 13 A Yes.  
 14 Q Who is the borrower on that loan?  
 15 A I don't recall if it's just Jill by herself or  
 16 if it's Jill and I on the loan. I don't recall. It's  
 17 one of those two.  
 18 Q Would 728 Mariposa LLC be a borrower on that  
 19 loan, or is it you and/or Jill personally?  
 20 A Personal, no LLC.  
 21 Q When was that loan to be paid back?  
 22 A It's a 30-year mortgage. So in 30 years, I  
 23 guess, it would be due. Are you asking when it's due?  
 24 Q So this is a mortgage loan?  
 25 A Yes. A mortgage bank, yeah. A bank loan -- a

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1 mortgage through a bank, yeah.  
 2 Q Had you ever defaulted on that mortgage loan?  
 3 A Thank God, no.  
 4 Q Had you refinanced that loan?  
 5 A Yes.  
 6 Q When?  
 7 A Late 2021, probably October-ish, November,  
 8 something like that.  
 9 Q Okay. So who was the general contractor on the  
 10 728 Mariposa project?  
 11 A 4Eco Living.  
 12 Q So you, Kole, in your personal capacity and  
 13 your wife, Jill, have a contract with 4Eco Living to  
 14 construct this project in Mariposa?  
 15 A Yes.  
 16 Q Is that a written contract?  
 17 A No.  
 18 Q Verbal contract?  
 19 A Yup -- yes.  
 20 Q So when you entered into that verbal contract  
 21 with 4Eco Living, were you -- was the individual you  
 22 were dealing with your father, Thomas Strebel, on behalf  
 23 of 4Eco Living?  
 24 A Yes.  
 25 Q And what was that agreement?



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1 A Plus 5 percent, which cost includes overhead,  
 2 I'd like to point out. So it's cost plus 5 percent,  
 3 which is a great deal coming from a general contractor.  
 4 He can't hear me today. I'd like to say thank you,  
 5 Thomas Strebel for extending that deal to everybody  
 6 because it helps keep the cost down in this project, not  
 7 only Jill and I's cost but also the upgrades cost to  
 8 buyers. So it's really a good deal for Jill and I and  
 9 actually for the Kidambis to be honest.

10 MR. CHAPMAN: Strike after cost plus 5 percent  
 11 as nonresponsive.

12 MS. MCDUFFIE: I think we should let the  
 13 witness finish his responses.

14 THE WITNESS: I was done.

15 MR. CHAPMAN: Thank you, Kole.

16 BY MS. MCDUFFIE:

17 Q Before hiring 4Eco Living as the general  
 18 contractor on the Mariposa project, did you consider  
 19 using any other general contractor?

20 A Not as a GC, no, not as a general contractor.

21 Q But you didn't meet with any other general  
 22 contractors about this project?

23 A No, unh-unh.

24 Q And you mentioned earlier that you felt like  
 25 this was a good deal that 4Eco Living was giving. What

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1 is the basis for you saying that that was a good deal?

2 A Just market, market -- just understanding of  
 3 how much things cost in the open market, how much  
 4 general contractors normally charge.

5 Q So where did your understanding of what general  
 6 contractors normally charge come from?

7 A Just different experiences, things that I've  
 8 seen in the marketplace, friends who told me what  
 9 they're doing with their general contractors and how  
 10 much they're paying, et cetera, et cetera, things that  
 11 I've just observed over the last however many years, you  
 12 know, as a developer and things.

13 Q What did your father, Thomas Strebel, actually  
 14 do on this project at Mariposa?

15 A He had all the control and oversight for the  
 16 construction piece of it.

17 Q Who were the individuals from 4Eco that were  
 18 actually working on the project?

19 A Jason Marvin was the project manager for 4Eco  
 20 Living. And then, you know, I also tried to help and  
 21 fill any record, just to help push the project along and  
 22 get us closer to completion.

23 Q So when you say that you were helping and  
 24 pushing things along, what were you doing?

25 A It could be any -- any task, not too big or too

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1 small. I'm willing to jump in and try to help. They  
 2 could be placing order for some tiles, drywall. I could  
 3 be, you know, meeting somebody on the job site to let  
 4 them in, just really anything that needed to be done,  
 5 just all hands on deck, just trying to get this house  
 6 completed as quickly as possible.

7 Q Were you doing that on behalf of 4Eco Living?

8 A I would say I was just doing it for the greater  
 9 good. I was doing it on behalf of 4Eco and Jill and I.  
 10 Just, like I said, trying to get the project completed.

11 Q And you mentioned Jason Marvin from 4Eco was  
 12 the project manager. Is that correct?

13 A Oh, yeah.

14 Q I think you mentioned before that Mr. Marvin is  
 15 living in the ADU on the Mariposa property. Is that  
 16 right?

17 A Uh-huh, yes.

18 Q Does Jason Marvin have a lease to live in the  
 19 ADU?

20 A Yes.

21 Q Who is that lease with? Is that with you?

22 A It's with Jill and I.

23 Q What is the term of that lease?

24 A The term of the lease currently is \$3,000 a  
 25 month. The owners/landlord, which is Jill and I, pays,

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1 I believe for his water, and then it's \$3,000 a month.  
 2 Actually, we just extended it, his lease.

3 Q And is there a length of time that that lease  
 4 is good for?

5 A Yeah. Originally, his lease was over in the  
 6 beginning of 2022, and then it went for 12 months. It  
 7 just went, and we just extended it another 12 months.

8 Q Did you ever have a discussion with the  
 9 Kidambis about renting out that front ADU?

10 A Yeah, I did actually.

11 Q At what point in time?

12 A It was late 2019, right as we -- right as work  
 13 started on the, you know, kind of transitioning from the  
 14 existing house to the ADU. We -- the whole goal the  
 15 entire time for Jill and I, which the Kidambis are aware  
 16 of, was that Jason Marvin was going to be living and  
 17 occupying that house during construction. And Jill and  
 18 I were going to be renting it out to Jason during  
 19 construction. In fact -- anyway, that's the answer.  
 20 Yeah.

21 Q Did you ever tell the Kidambis that you entered  
 22 into a lease with Mr. Marvin for the ADU?

23 A No, I don't -- well, so I did. The Kidambis  
 24 knew that he was going to be moving and living there  
 25 during the construction. I did not get into details

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1 about lease or anything with them.

2 Q Approximately how many subcontractors work on

3 the Mariposa project?

4 A I don't even know. A lot. If I was to

5 estimate, probably maybe 40 or more, give or take 40.

6 Q So who would the subcontractors contract with?

7 Would that be 4Eco?

8 A Yup.

9 Q Did you and Jill enter into any direct contract

10 with the subcontractor?

11 A Not that I recall off the top of my head. Oh,

12 wait, wait, wait. Let me ask a clarifying question.

13 Sorry. Do you consider architects, engineers, soil

14 engineers, surveyors as subcontractors?

15 Q Do you?

16 A Yes.

17 Q Okay. Then we can use that.

18 A Then, yes, Jill and I did contract with

19 subcontractors directly.

20 Q Are you aware of any subcontractors who worked

21 on the project who did not have a written contract?

22 A A written contract? There's probably some that

23 don't have a written contract.

24 Q For those that do not have a written contract,

25 was there a verbal contract?

Page 195

1 A Yes.

2 Q Are you aware of any documentation supporting

3 those verbal contracts?

4 A Yes.

5 Q What would those documents be?

6 A There's usually like invoices or something that

7 that was given or paid against or something like that, I

8 would imagine.

9 Q We talked earlier about upgrades. How would

10 the price of those upgrades be determined?

11 A Well, per the purchase contract. It says that

12 it's cost plus 15 percent on labor. So when there's a

13 specific scope of work for an upgrade, you know, the

14 work would be bid out to, you know, to different

15 subcontractors or workers, what have you.

16 Somebody would be doing that work. They

17 perform on the work. And once we knew what the total

18 cost was, at that point in time, we then would invoice

19 the buyers cost plus 15 percent on labor per the

20 contract. So we would have to unfortunately wait until

21 we got the cost in from 4Eco Living really who was

22 getting it from the subcontractors. Right?

23 Q Did you say that you bid that house? So you

24 received multiple bids from different subcontractors?

25 A Depending on what, which upgrade. Not all of

Page 196

1 them did that, but some of them did.

2 Q Did you have any say in that price?

3 A The price from the subcontractors?

4 Q Yes.

5 A No.

6 Q So as 4Eco is coming to an agreement with a

7 subcontractor for a particular price, are you, Kole

8 Strebel, involved in that process?

9 A Sometimes, not all --

10 Q I'm sorry. Make sure you finish that.

11 A Sometimes, not all the time.

12 Q If not you, who would be the individual?

13 A Typically it's Jason Marvin, if not me. Or it

14 could be Thomas Strebel directly himself if it is

15 something that he needed to do, but.

16 Q So if there's a particular change order and

17 4Eco told you this is the price for that change order,

18 that's what the price would be? Or there would be some

19 negotiation between you and 4Eco?

20 A A lot of times 4Eco wasn't the one performing

21 the upgrade. So the cost of the upgrade would come from

22 the sub, which 4Eco is always very transparent with

23 everybody about. And 4Eco would only put on their

24 little bit of profit and overhead, and that was the

25 bill. So we feel pretty confident that 4Eco Living is

Page 197

1 doing exactly that. So they're not, you know, trying to

2 add anything to it, or what have you.

3 We still like, when we went with stuff for bids

4 from 4Eco Living, when Jill and I went with their bids

5 and their work, we felt very confident in their pricing.

6 Q We're talking about 4Eco Living in the context

7 of the Mariposa project. You referred to 4Eco Living as

8 they. Who are the individuals that you're referring to?

9 A Just whoever is putting like their bid, if I'm

10 talking to Jason or my dad, or Tom, or whatever, whoever

11 it is. Like 4Eco Living, I know it's a sole proprietor,

12 and it's owned by one person. But I feel like these

13 days, it's a group effort. And that's why I refer to

14 things as they. It's not they as owners. It's they as

15 in like they're multiple people at 4Eco working for, you

16 know -- yeah. When I say "they," I mean just anybody

17 who is working at 4Eco.

18 Q Who besides you, Thomas Strebel, and Jason

19 Marvin work at 4Eco?

20 A Currently?

21 Q In the context of working on the Mariposa

22 project, was there anyone else from 4Eco Living other

23 than you, Thomas Strebel, and Jason Marvin?

24 A Not that I'm aware of.

25 Q Does 4Eco currently have anyone else other than

Page 198

1 those three individuals?

2 **A No.**

3 Q On this Mariposa project, who paid for the

4 material?

5 **A On the Mariposa project, it was either Jill and**

6 **I paid for things directly or 4Eco did. One of them**

7 **did.**

8 MS. MCDUFFIE: I think Mr. Strebel might be

9 frozen.

10 THE TECHNICIAN: I think that might be you,

11 Ms. McDuffie.

12 MS. MCDUFFIE: Are we -- okay. Are we back up

13 running now? I think I can see you.

14 THE TECHNICIAN: Yes. I think we're good.

15 MS. MCDUFFIE: Okay. And I apologize. I

16 missed Mr. Strebel's response. Can the Court Reporter

17 read it back?

18 (Record read as follows:

19 "Question: On this Mariposa project, who paid

20 for the material?

21 "Answer: On the Mariposa project, it was

22 either Jill and I paid for things directly or

23 4Eco did. One of them did.")

24 BY MS. MCDUFFIE:

25 Q Where 4Eco Living paid for the material, would

Page 199

1 you and Jill pay back 4Eco Living for those materials?

2 **A Yes.**

3 Q In the instances where you and Jill purchased

4 the materials yourself, what was the form of payment?

5 Would this be a check to a material-man or some other

6 method?

7 **A Typically, it was done via check or credit**

8 **card.**

9 Q Is there some sort of paper documentation for

10 all of the materials that were purchased for this

11 project?

12 **A Yeah, yes.**

13 Q Is there some documentation supporting all of

14 the work by subcontractors on the project?

15 **A There's documentation, yes.**

16 Q Is there any work by subcontractors for which

17 there's no written documentation of that work?

18 **A I don't know.**

19 Q To the extent there is documentation, what

20 would that include?

21 **A Some sort of probably invoices from the**

22 **subcontractors or the material providers. There's also**

23 **probably a proof of payment on a credit card or a check.**

24 Q So on those documents, is there a way that it's

25 labeled to make it clear that it refers to this

Page 200

1 particular project?

2 **A I think there is. I don't know exactly, but I**

3 **think there is.**

4 Q Do you have some document repository or some

5 other place where you kept all of your documentation

6 from this Mariposa prong?

7 **A Which document specifically are you referring**

8 **to?**

9 Q Any and all documents from this project.

10 **A Are you talking about like canceled checks and**

11 **credit card statements?**

12 Q I don't know what you have. I'm just wondering

13 if you have a place where you put your documents from

14 this project. And you can feel free to clarify what

15 those documents are.

16 **A I do, yes.**

17 Q Okay. Where are those documents then?

18 **A They are in the construction management**

19 **software system that 4Eco Living uses would be one**

20 **place. Another place would be my accountant and then**

21 **also my bank credit cardholders, I suppose, yeah.**

22 **That's it.**

23 Q What is the construction management software

24 that you just referenced?

25 **A It's a construction management software system**

Page 201

1 called Builder Trend.

2 Q And I believe you mentioned that's what 4Eco

3 uses. Did I get that right?

4 **A Yeah, that's their system. The stuff I'm**

5 **referring to would be stuff that 4Eco would have, and it**

6 **would be most likely in their Builder Trend system,**

7 **yeah.**

8 Q Were there any instance where the Kidambis

9 directly purchased materials for the project?

10 **A Yes, there was.**

11 Q And how many instances did that happen?

12 **A I don't recall exact total of how many**

13 **instances, but it did happen.**

14 Q Do you have a recollection of where those

15 materials are?

16 **A I know that they purchased the papers for the**

17 **landscaping. I know that they purchased the limestone**

18 **for the exterior facade. Off the top of my head, I**

19 **think that's the only thing.**

20 Q Did you ask them to buy those materials?

21 **A I did not.**

22 Q Do you have an understanding of why the

23 Kidambis purchased those?

24 **A I don't.**

25 Q Did you have discussions with the Kidambis

Page 202

1 about purchasing that material?

2 A I did. They said that they wanted to hurry and

3 buy this material because they were getting some sort of

4 discount I feel like. But, again, this is kind of what

5 I vaguely recall.

6 Q Did you have any discussions with the Kidambis

7 about whether or not they would be reimbursed for those

8 materials that they directly purchased?

9 A I did.

10 Q What were those conversations?

11 A The conversation was regarding the pavers that

12 they purchased. There was no reason to do any sort of,

13 you know, purchase credit type of thing between the

14 buyers and the sellers because they had already gone

15 over the landscaping allowance at the time.

16 So the pavers, they bought them. They might as

17 well not do any paperwork there. It's their landscaping

18 budget they're spending on the lot.

19 And then on the limestone, what had transpired

20 was that Jill and I originally, we were going to put up

21 a brick veneer, and they got this limestone and removed

22 the brick veneer. So I told the Kidambis that Jill and

23 I would issue them a credit for the brick veneer that

24 they could use towards their limestone purchase.

25 Q Did you issue that you credit?

Page 203

1 A I did.

2 Q You used the term "pavers" in your response.

3 A Uh-huh.

4 Q Okay. Is it your understanding that pavers are

5 landscaping.

6 A Yes. It's part of the hardscape.

7 Q And you previously mentioned Builder Trend.

8 Can you explain to me a little bit more what that is and

9 how, if at all, that was used in the context of the

10 Mariposa project?

11 A Builder Trend is just a construction management

12 software that allows, you know, for tracking of like

13 bills, POs, things like that, payments made. You can

14 also load documents and stuff in it. They are pertinent

15 to the project like a set of plan or something.

16 You can use it as a portal to also, you know,

17 receive, drop payments and stuff from vendors, things

18 like that. So it's really just a construction

19 management software.

20 Q And before we go too far down, Bill, did you

21 say that you needed a short break?

22 MR. CHAPMAN: It would be nice, but.

23 THE WITNESS: Can we do a quick restroom break?

24 MS. MCDUFFIE: Yes. Let's do five minutes. Go

25 off the record, please.

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1 (Off the record.)

2 BY MS. MCDUFFIE:

3 Q Mr. Strebel, before the break, we were talking

4 about the Builder Trend platform.

5 A Yeah.

6 Q So for this Mariposa project, who set up the

7 Builder Trend platform for that project?

8 A Jason Marvin.

9 Q Who would have access to Builder Trend on that

10 project?

11 A Jason Marvin, myself, any of the subcontractors

12 probably. They use the system and the platform. Not

13 every subcontractor uses it. I think I actually -- I

14 think Tom Strebel has access to that software system. I

15 don't know that he uses it a whole lot, but I'm not sure

16 on. But, yeah, just a handful of people.

17 Q Did the Kidambis have access to that platform

18 during the project?

19 A They did, yes.

20 Q Was there any point in time when the Kidambis

21 did not have access to that platform for the project?

22 A Absolutely, yes.

23 Q When was that?

24 A I'm not exact -- I don't even know when the --

25 when it was deactivated for the Kidambis. I don't know.

Page 205

1 It was probably early 2021.

2 Q When you say it was deactivated for the

3 Kidambis, who deactivated it?

4 A Jason Marvin.

5 Q Do you have an understanding of why Mr. Marvin

6 deactivated the Kidambis' access?

7 A The buyers were using the software system to

8 take advantage.

9 Q Can you explain what you mean by that, what you

10 said they were doing?

11 A We gave the Kidambis access to Builder Trend in

12 an effort to be transparent on what Jill and I's cost

13 basis was. Tridi took it upon himself to start

14 communicating directly with 4Eco Living and telling them

15 to do certain things that were incurring cost and stuff

16 which then 4Eco was turning to Jill and I, wanting us to

17 pay for what Tridi was telling them to do.

18 And so we just said that, you know, it would be

19 best for everybody if we removed Tridi from the system

20 so that that way he can't continue to make request

21 directly to the contractors.

22 Q In the context of the response that you just

23 gave and your references to 4Eco Living, what individual

24 would you be talking about for 4Eco Living?

25 A Tridi, the buyer, was communicating directly

Page 206

1 with Jason Marvin and telling him what to do.  
 2 Q Were you involved in the communications from  
 3 Tridi Kidambi to Jason Marvin?  
 4 A Yes, some of them. Not all of them, I'm sure.  
 5 Q Did you, at some point in time, tell Tridi to  
 6 stop communicating with Jason Marvin?  
 7 A Multiple times, yes.  
 8 Q When did you tell him to stop communicating  
 9 with Jason Marvin?  
 10 A I believe it was the beginning of 2021, at some  
 11 point, probably around the same time that we took him  
 12 off the Builder Trend system.  
 13 Q Was there a point in time when you told the  
 14 Kidambis not to go to the project at Mariposa?  
 15 A Oh, yes, absolutely. The contract says you  
 16 can't. It's new construction contract. It's got a  
 17 provision in it that they're not supposed to come back  
 18 for liabilities.  
 19 MR. CHAPMAN: Move to strike after absolutely,  
 20 nonresponsive.  
 21 MS. MCDUFFIE: I believe that was responsive.  
 22 I'm going to ask another question.  
 23 Q At what point in time did you tell the Kidambis  
 24 that not to go to the project at Mariposa?  
 25 A I don't know the exact dates, but I'd say it's

Page 207

1 probably April or May. I would say it was prior to us  
 2 going to mediation the first time.  
 3 Q So is that April or May of 2021 or 2022?  
 4 A Yes, 2021.  
 5 Q When you told the Kidambis not to go to the  
 6 project, was that in an email or some written form or  
 7 through some other means?  
 8 A From what I recall, I definitely talked to Amie  
 9 Schneider about it and told her that she needed to Alex  
 10 Abad that he needs to talk to his clients and explain to  
 11 them that they just can't be stopping by the job site.  
 12 I also had a couple of verbal conversations with Tridi  
 13 about it as well.  
 14 Q And did the Kidambis stop going to the project  
 15 after you told them to?  
 16 A No.  
 17 Q So after you told them not to go to this  
 18 project, how often did they return?  
 19 A To my knowledge, I think they showed up a  
 20 couple more times. But that is just to my knowledge. I  
 21 mean, nobody -- I don't know if they just stopped by  
 22 without any knowledge. They could have.  
 23 Q So when you say to your knowledge, does that  
 24 mean you were there and saw them at the property?  
 25 A There was times I was there and saw them at

Page 208

1 property. But then there was also times when I was  
 2 given notification on our camera system that somebody  
 3 was on property because we have cameras. And also I got  
 4 a lot of notifications from Jason Marvin who was living  
 5 in the front house, saying, "Hey, Tridi and his family  
 6 just stopped by with his kids and everything."  
 7 Q Has the project at 728 Mariposa been completed?  
 8 A Yes.  
 9 Q When was it completed?  
 10 A We completed the project October-ish 2021.  
 11 Q Did you receive a certificate of occupancy?  
 12 A Yes, we did.  
 13 Q When did you receive that?  
 14 A From what I recall, it was sometime in October.  
 15 It might have -- I think sometime in October that I got  
 16 that.  
 17 Q October of 2021?  
 18 A 2021. Yeah, sorry.  
 19 Q After you received that certificate of  
 20 occupancy, did you transmit a copy of it to the  
 21 Kidambis?  
 22 A I don't know if it got to the Kidambis or not.  
 23 Q Did you personally send it to the Kidambis?  
 24 A No.  
 25 Q Did you provide any notice to the Kidambis that

Page 209

1 the certificate of occupancy had been issued?  
 2 A I had notified my attorney at the time, Wayne  
 3 Marshall. I believe Wayne Marshall let Lewis Adelson  
 4 and everybody know that I have it.  
 5 Also, I'm aware that the Kidambis went down to  
 6 the City and verified themselves in November. I believe  
 7 it was in 2021.  
 8 Q Did you ever directly communicate to the  
 9 Kidambis that the certificate of occupancy had been  
 10 issued?  
 11 A No.  
 12 Q Prior to what you just described where you  
 13 notified Wayne Marshall, is it your understanding  
 14 that -- I'm sorry. Strike that.  
 15 You mentioned that you had communicated to  
 16 Wayne Marshall. Again, I do not want any  
 17 attorney-client communication. My questions are not  
 18 designed to elicit that. I just want to know if before  
 19 that point in time, with what you just described with  
 20 Wayne Marshall, did you ever somehow notify the Kidambis  
 21 that the certificate had been issued?  
 22 A No.  
 23 Q Remind me when you moved into the property at  
 24 728 Mariposa?  
 25 A January of 2022.

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1 Q At what point did you decide to move in there?  
 2 A **January 2022.**  
 3 Q So between the time when you had the  
 4 certificate of occupancy issued in October of 2021 and  
 5 when you moved in there in January of 2022, was anyone  
 6 living at that property?  
 7 A **No. Just to clarify, nobody was living at the**  
 8 **main house.**  
 9 Q Thank you. But just clarify, Mr. Marvin was  
 10 living in the ADU?  
 11 A **Yes.**  
 12 Q Have you made any attempt to sell this property  
 13 to anyone other than the Kidambis?  
 14 A **No.**  
 15 MS. MCDUFFIE: Okay. Bear with me for just a  
 16 moment. I'm going to share a document on the screen.  
 17 MR. CHAPMAN: Exhibit 10?  
 18 MS. MCDUFFIE: It will be, yes.  
 19 (Exhibit 10 was marked for identification.)  
 20 BY MS. MCDUFFIE:  
 21 Q Mr. Strebel, do you see a document that I just  
 22 put up on the screen here?  
 23 A **I sure do, yeah.**  
 24 Q Okay. And this is marked as Exhibit 10. Do  
 25 you recognize this?

Page 211

1 A **I actually don't. No, I don't. Can you scroll**  
 2 **down, please.**  
 3 Q Yes.  
 4 A **Okay. I do recognize this, yes.**  
 5 Q What is this document?  
 6 A **I believe this was revision that was done to**  
 7 **the 4Eco Living website. But from my understanding,**  
 8 **this was an error that was done by the website**  
 9 **developer, and it's no longer on the 4Eco Living**  
 10 **website. But that's a little of what I know about.**  
 11 Q When you said it was an error, what about this  
 12 is an error?  
 13 A **The girl who did the website, in the first**  
 14 **sentence it says, "Kole Strebel is an owner and designer**  
 15 **of 4Eco Living." That's not true. I'm not the owner of**  
 16 **4Eco Living.**  
 17 Q Who created this website?  
 18 A **A girl by the name of Hillary.**  
 19 Q Do you know Hillary's last name?  
 20 A **I don't no.**  
 21 Q Do you have any idea how Hilary developed the  
 22 belief that you were the owner and designer of 4Eco  
 23 Living?  
 24 A **I don't know.**  
 25 Q This is now the what is the top paragraph of.

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1 I'll just scroll down. In the left-hand here which  
 2 mentions that "Kole launched 4Eco Living."  
 3 Is that an inaccurate statement?  
 4 A **Yeah, uh-huh.**  
 5 Q At some point in time, did you become aware  
 6 that this statement had been posted to 4Eco's website?  
 7 A **I did, yes.**  
 8 Q And what did you do when you became aware of  
 9 that?  
 10 A **I reached out to the person that was handling**  
 11 **this for 4Eco Living, and I brought it to their**  
 12 **attention. And then they reached out to Hillary, the**  
 13 **website girl and corrected -- corrected it on her end,**  
 14 **and then I believe she corrected this as well on the**  
 15 **website.**  
 16 Q Who was that person at 4Eco Living that you  
 17 communicated that to?  
 18 A **It was Jill Strebel.**  
 19 Q Your wife?  
 20 A **Yes, uh-huh.**  
 21 Q Did Jill Strebel have an involvement in  
 22 creating this website page?  
 23 A **No. She doesn't do websites.**  
 24 Q Is Jill someone who works for 4Eco?  
 25 A **At one point, she was helping out doing some**

Page 213

1 **admin stuff for 4Eco, but she no longer does.**  
 2 Q How many employees does 4Eco have?  
 3 A **Zero.**  
 4 Q How many people worked for 4Eco?  
 5 A **I think at this juncture, it's actually zero.**  
 6 Q Do you currently work for 4Eco?  
 7 A **I'm currently -- well, so yes, I work there,**  
 8 **but my compensation plan is not an employee, quote,**  
 9 **unquote, like that. I know I'm going too deep here.**  
 10 **But, yeah, I mean, but that's what it is.**  
 11 Q Okay. I'm scrolling down to the same page  
 12 here.  
 13 A **Uh-huh.**  
 14 Q Do you see at the bottom there's a phone  
 15 number, and then there's an email address?  
 16 A **Uh-huh.**  
 17 Q Do you recognize that as your phone number and  
 18 your email address?  
 19 A **Yes.**  
 20 Q So is it correct that that phone number and  
 21 that email address is the phone number and email address  
 22 to contact 4Eco Living?  
 23 A **Yes. That's correct, yes.**  
 24 MS. MCDUFFIE: Okay. I'm going to show another  
 25 document which is going to be Exhibit 11.

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1 (Exhibit 11 was marked for identification.)  
 2 MR. CHAPMAN: Do you have a Bates number on the  
 3 prior Exhibit 10?  
 4 MS. MCDUFFIE: That does not have a Bates  
 5 number. That was taken from the Internet. So this is  
 6 now being marked as Exhibit 11. This does not have a  
 7 Bates number on it.  
 8 Q Mr. Strebel, do you recognize this document?  
 9 A Can you scroll down real quick?  
 10 Q Okay.  
 11 A Okay. Can you go back up to the top real  
 12 quick? Okay. What is your question?  
 13 Q Is this an email that you sent to Tridi and  
 14 Tulika Kidambi on November 13, 2019?  
 15 A Yes, it is.  
 16 Q Okay. And you see this signature block at the  
 17 bottom of the email here?  
 18 A Uh-huh.  
 19 Q It says 4Eco Living, then to the left it says  
 20 Kole Strebel. Beneath that, it says Founder.  
 21 A Uh-huh.  
 22 Q Is that description accurate?  
 23 A No.  
 24 Q Do you have an understanding of why this is on  
 25 your signature block?

Page 215

1 A I think that signature block was done again by  
 2 Hillary, and I think that's the confusion there. I  
 3 actually until now never even caught that it said that.  
 4 I didn't even notice it until just now.  
 5 Q Okay. I'll go ahead and stop sharing.  
 6 Are you aware that a subpoena was served on  
 7 4Eco Living in connection with this arbitration?  
 8 A Yes.  
 9 Q When did you become aware of that?  
 10 A Sometime in November of 2022.  
 11 Q How did you become aware of it?  
 12 MR. CHAPMAN: Well, Mr. Strebel, do not reveal  
 13 any communications with any attorney. I'll instruct you  
 14 not to reveal any of those communications. If you can  
 15 answer without doing that, then go ahead.  
 16 THE WITNESS: 4Eco was served a subpoena.  
 17 BY MS. MCDUFFIE:  
 18 Q How did you, Kole Strebel, learn that 4Eco was  
 19 served with a subpoena?  
 20 MR. CHAPMAN: Same instruction. Do not reveal  
 21 any communications with any attorneys.  
 22 THE WITNESS: The process server knocked on my  
 23 front door.  
 24 BY MS. MCDUFFIE:  
 25 Q So you were present when the process server

Page 216

1 knocked on your front door?  
 2 A Uh-huh, yes.  
 3 Q Is your front door the front door at 728  
 4 Mariposa in El Segundo?  
 5 A Yes.  
 6 Q Did you accept service of that subpoena?  
 7 A No.  
 8 MR. CHAPMAN: Objection. Calls for a legal  
 9 conclusion. Give me just a second, Mr. Strebel, to  
 10 object.  
 11 THE WITNESS: Sorry about that. I was a little  
 12 quick.  
 13 BY MS. MCDUFFIE:  
 14 Q Did you have any role in responding to that  
 15 subpoena?  
 16 A No.  
 17 Q Did you do anything to gather documents in  
 18 response to the subpoena?  
 19 A No.  
 20 Q Do you, Kole Strebel, have access to 4Eco's  
 21 records from this Mariposa project?  
 22 A Yes.  
 23 Q Do you believe that there are any records  
 24 maintained by 4Eco Living regarding the Mariposa project  
 25 that you do not have access to?

Page 217

1 A Yes, yeah.  
 2 Q What are those documents?  
 3 A Probably communications that Jason Marvin had  
 4 or something with different subcontractors and things  
 5 that he was working on. I don't see that.  
 6 Q So other than communications that Jason Marvin  
 7 may have had directly with subcontractors, are there any  
 8 4Eco documents from this project that you would not have  
 9 access to?  
 10 A No.  
 11 Q Other than you and Jason Marvin, who, if  
 12 anyone, had access to 4Eco's records from the Mariposa  
 13 project?  
 14 A Tom Strebel.  
 15 Q Do you have an understanding of where 4Eco's  
 16 records for the Mariposa project are kept?  
 17 A Yes.  
 18 Q Where are they kept?  
 19 A Primarily in the Builder Trend software system  
 20 I was referring to.  
 21 Q Are there any documents that would be in paper  
 22 form and not in Builder Trend?  
 23 A Yes.  
 24 Q Where would those documents be kept?  
 25 A Currently right now? Or where were they during

Page 218

1 construction of project? Please specify.  
 2 Q Let's do both. Let's start with during the  
 3 project.  
 4 A During the project, a lot of the job parts and  
 5 things like that were kept in Jason Marvin's office.  
 6 And now that the project is done and we got a C of O,  
 7 all those documents are in my possession.  
 8 Q Did they come into your possession when the  
 9 C of O was issued?  
 10 A Yes.  
 11 Q You referred to Jason Marvin's office. Is that  
 12 located in the ADU at the Mariposa property?  
 13 A He has a home office that is located in his  
 14 house he's living in. In the ADU, yes.  
 15 Q Okay. So we talked a while ago about upgrades,  
 16 and we'll talk a bit more about upgrades. When I use  
 17 that term "upgrades" in the context of this project, I'm  
 18 referring to upgrades as set forth in the Addendum 1 to  
 19 the purchase contract that we looked at earlier.  
 20 So if I use the word "upgrade," I want to make  
 21 sure you're clear on what that refers to. It's the same  
 22 context we've been using it before. Is that clear?  
 23 A Yes, uh-huh.  
 24 Q At some point in time, did you send the  
 25 Kidambis written change orders and asked them to sign

Page 219

1 those change orders?  
 2 A To clarify, you mean in addition to Exhibit B  
 3 Addendum 1. Correct?  
 4 Q Correct.  
 5 A Yes, I did.  
 6 Q I understand that there were multiple change  
 7 orders in June of 2021. Does that sound right?  
 8 A Yes, it does.  
 9 Q Prior to June of 2021, did you send any written  
 10 change orders to the Kidambis and ask them to sign it?  
 11 A Yes, we did.  
 12 Q And did the Kidambis sign them?  
 13 A No.  
 14 Q How many change orders did you send to the  
 15 Kidambis?  
 16 A One.  
 17 Q Do you recall what that was for?  
 18 A Exhibit B to Addendum 1, yeah. There's a bunch  
 19 of stuff.  
 20 Q Okay. So then to clarify my prior question,  
 21 when I asked if you sent any change orders to the  
 22 Kidambis to sign prior to June 2021, were there any such  
 23 change orders other than the Exhibit B that we looked at  
 24 earlier?  
 25 A No.

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1 Q Did you send any change orders to the Kidambis  
 2 to sign subsequent to June 2021?  
 3 A Yes.  
 4 Q Do you recall how many?  
 5 A Probably less than 12. I don't know exactly  
 6 how many.  
 7 Q Did the Kidambis sign any of those?  
 8 A Nope, no.  
 9 Q Approximately when were those change orders  
 10 sent to the Kidambis?  
 11 A There was a variety of them that were sent to  
 12 the Kidambis after mediation. I don't know the exact  
 13 dates. But these things would have been provided  
 14 probably like August, maybe, of 2021. Then there was  
 15 also some additional change order invoices that were  
 16 done once the litigation started as well and given to  
 17 our counsel, and then our counsel gave them to you guys,  
 18 I believe.  
 19 Q Prior to any litigation or involvement of  
 20 attorney, how were the change orders provided to the  
 21 Kidambis?  
 22 A Through the real estate agents. That's Exhibit  
 23 B to Addendum 1.  
 24 Q You mentioned that in addition to Exhibit B,  
 25 there were other change orders that were provided to the

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1 Kidambis including June of 2021.  
 2 How were those sent to the Kidambis?  
 3 A Via Adobe Sign, I believe. They were the ones  
 4 that I sent to the Kidambis. And then the bucket of  
 5 invoices or change orders, whatever, got done once the  
 6 litigation started. That would have went through -- we  
 7 would have turned that over to our attorney. And then,  
 8 you know, they turned it over to you guys, I believe.  
 9 Q So for those change orders that were sent in  
 10 June of 2021, was that for work that had already been  
 11 completed?  
 12 A I believe it was a combination of work that was  
 13 completed as well as work that was under way. But we  
 14 had a schedule of value for it. So we were able to put  
 15 a price tag to it.  
 16 Q Okay. And now, same questions for the change  
 17 orders that were provided to the Kidambis subsequent to  
 18 June 2021. Were those for work what had already been  
 19 performed?  
 20 A It was both. It was, again, work that had  
 21 already been done and work that was ongoing or about to  
 22 start.  
 23 Q And when you said that change orders were  
 24 provided to the Kidambis via Adobe Sign, is that  
 25 something that you personally transmitted to them?



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1       **A**    **Yes.**

2       **Q**    Okay. At this point I'm going to add a couple

3 more documents to the chat function. Do you see two

4 documents that were just added to chat?

5       **A**    **I do, yes.**

6       **Q**    Would you please open the first one that says

7 change order 129.

8            And Mr. Chapman can correct me if I'm wrong. I

9 believe this is now going to be Exhibit 12.

10           (Exhibit 12 was marked for identification.)

11 BY MS. MCDUFFIE:

12       **Q**    And for the record, the first page of this

13 document is Bates stamped Strebel 5003, and it has a

14 cover page that has OI-129, covered patio on second

15 floor balcony.

16            Mr. Strebel, I'd like you to go to the second

17 page of this document where it says Change Order Form

18 129. Is this one of the change order forms that we were

19 just discussing that you provided to the Kidambis?

20       **A**    **I did not provide this change order to the**

21 **Kidambis. I gave it to my attorneys because we were**

22 **already in litigation at that point, and they gave them**

23 **to opposing counsel.**

24       **Q**    Okay. Do you see a note here, kind of in the

25 middle of the second page, which says, "Also, per

Page 223

1 El Segundo Building Code, outdoor living space such as

2 decks and covered living spaces are considered

3 'landscape.'" Do you see that?

4       **A**    **Where are you? I'm sorry.**

5       **Q**    This is on page that says Change Order Form

6 129.

7       **A**    **Okay. Page 2, yes, uh-huh.**

8       **Q**    Is that something that you wrote in? Or did

9 someone else type that?

10       **A**    **I don't see where -- okay. Yes, I wrote this.**

11 **So let me just clarify here. Page 2 is something that I**

12 **that I drafted as the seller's change order to the**

13 **buyers. Right? Is that what you are looking at?**

14       **Q**    I'm looking at a document that says Change

15 Order Form 129.

16       **A**    **Uh-huh.**

17       **Q**    Okay.

18       **A**    **Okay.**

19       **Q**    So to go back to my question, is that your

20 statement that "Per El Segundo Building Code, outdoor

21 living space such as decks and covered living spaces are

22 considered landscape"?

23       **A**    **Yes.**

24       **Q**    And as you sit here today, do you believe

25 that's a true statement?

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1       **A**    **I believe it is a true statement. And not only**

2 **that, it's one of the changes that they made in the**

3 **schematic phase as well, that the buyers made during the**

4 **schematic phase. Sorry.**

5       **Q**    Was this covered patio on the second floor

6 balcony a part of the final spec book?

7       **A**    **Yes.**

8       **Q**    Okay. And then do you see a -- if you just

9 scroll down right below where we were just looking, it

10 says this change adds the following amount to the

11 contract price. It has a total of approximately

12 \$165,000. Did the Kidambis pay all or part of that

13 amount?

14       **A**    **No.**

15       **Q**    Did they agree to pay that amount for the

16 change order?

17       **A**    **No.**

18       **Q**    Okay. If you look at the very bottom of that

19 same page, I see a seller signature. Is that your

20 signature?

21       **A**    **Yes, it is.**

22       **Q**    And that's dated June 8, 2022. Is that the

23 date when you signed this document?

24       **A**    **Yes, it is.**

25       **Q**    Is that roughly the date when it was provided

Page 225

1 to the Kidambis?

2       **A**    **I don't know.**

3       **Q**    Okay. I'm going to have you scroll just to the

4 next page after that.

5       **A**    **Uh-huh.**

6       **Q**    So this is, for the record, Strebel 5005.

7            Do you see, kind of, about a third of the way

8 down the page, it says created/approved date. It says

9 created November 3, 2020. Do you see that?

10       **A**    **Yes, I do.**

11       **Q**    Do you have an understanding of what that

12 created date refers to?

13       **A**    **I don't know what that created date refers to**

14 **actually.**

15       **Q**    Could that be the date the change order was

16 created?

17       **A**    **I don't -- I don't know because this change**

18 **order wasn't created in 2020, I don't believe. So I**

19 **don't know what that date is.**

20       **Q**    When do you believe this was created?

21       **A**    **I believe this change order invoice from 4Eco**

22 **Living was created in 2022.**

23       **Q**    Did you complete this upgrade?

24       **A**    **It's part of -- its part of the plans as you**

25 **mentioned. So I have to build what's on the plans. So,**

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1 yeah, I did it. Or else we won't have a sailboat right  
 2 now.  
 3 Q When did you start constructing it?  
 4 A End of -- let's see -- end of -- we broke  
 5 ground at the end of 2019 -- excuse me -- 2020, yeah.  
 6 So I started on this 4Eco Living, me, whoever you want  
 7 to call it. This work started in the beginning of the  
 8 project in, yeah, at the end of 2020 when we broke  
 9 ground.  
 10 Q Prior to breaking ground, did the Kidambis  
 11 agree to pay this amount shown on the change order for  
 12 this upgrade?  
 13 A No.  
 14 Q So when we have a contract price right here,  
 15 did you as the seller have to pay that amount to  
 16 someone?  
 17 A Yes, I did.  
 18 Q Who did you pay that to?  
 19 A There's a variety of different subs that are  
 20 involved in that scope of work. That's why I said the  
 21 work for this scope of work really started when we broke  
 22 ground because the foundation is engineered to take the  
 23 weight of the second floor rooftop. So you start  
 24 building this thing with the foundation, and then it  
 25 gets finished when you paint, the finished door paint on

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1 the column, on the wood, and then stain the T&G. It's  
 2 at the very, very end of the project in 2021.  
 3 So this is something that a lot of trades were  
 4 involved in. It's not just a one-person thing.  
 5 Q So would you be paying the trade or the sub  
 6 directly? Or would 4Eco be involved in that payment  
 7 structure?  
 8 A 4Eco is involved. However, on a lot of my  
 9 projects and people have the choice, or whatever, but I  
 10 like to pay for things directly because that way I can  
 11 rest assure that things get paid for, and you don't end  
 12 up with any mechanic's lien or anything at the end of  
 13 your projects. So a lot of times, I pay for these  
 14 things directly while 4Eco Living is involved in the  
 15 oversight and such.  
 16 Q Okay. I'm going to have you please open up the  
 17 next document that I had put in the chat, which is  
 18 Change Order 130, and I'm going to be parking that as  
 19 Exhibit 13.  
 20 (Exhibit 13 was marked for identification.)  
 21 BY MS. MCDUFFIE:  
 22 Q For the record, the first page of this document  
 23 is Strebel 5009. And the cover page says, "OI-130,  
 24 outdoor living space - lower deck (landscape)."  
 25 Mr. Strebel, do you have that document open in

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1 front of you?  
 2 A I sure do, yes.  
 3 Q Do you also recognize this document to be a  
 4 change order for the Mariposa project that was given to  
 5 the Kidambis?  
 6 A This is not a change order that I gave directly  
 7 to the Kidambis.  
 8 Q Is it your understanding that this change order  
 9 was given to the Kidambis?  
 10 A Yes. Through counsel, yes.  
 11 Q And when you see the reference to the outdoor  
 12 living space lower deck landscape work, you understand  
 13 what that refers to. Correct?  
 14 A Yes, uh-huh.  
 15 Q And was that in the final spec book?  
 16 A Yes, it was.  
 17 Q And so I'm looking in the middle of that  
 18 same -- this is the second page, and we see a notation  
 19 again which said outdoor living space such as deck and  
 20 covered living spaces are considered landscape.  
 21 Is that a note that you wrote in here?  
 22 A It is, yes.  
 23 Q Okay. If you look up below that, you'll see  
 24 something that says this change adds the following  
 25 amount to the contract price. And it's a little over

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1 \$77,000. Did the Kidambis agree to pay that amount for  
 2 this change?  
 3 A No, no. Sorry. I didn't let you finish there.  
 4 No.  
 5 Q Okay. And then, again, we see at the bottom a  
 6 seller's signature. Is that yours?  
 7 A Yes, it is.  
 8 Q Was that signed on June 8, 2022?  
 9 A Yes, it was.  
 10 Q Was the work for this change order done around  
 11 that time, June 2022?  
 12 A No, unh-unh.  
 13 Q When -- did you complete this work?  
 14 A This work was completed. It was after  
 15 mediation, I believe, which would have been like August  
 16 or September, something.  
 17 Q Of which year?  
 18 A 2021.  
 19 Q When did you start work on this change?  
 20 A Probably February of 2021. Again, you got a  
 21 situation here where it takes a lot of different trades  
 22 to go in and get the scope of work done. So you start  
 23 with the foundation that's underneath that, and that  
 24 gets done earlier in the project, and then finish  
 25 decking obviously to preserve the deck goes on towards

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1 the end so that's why you don't have a complete snapshot  
 2 of your cost.  
 3 MR. CHAPMAN: Objection. Move to strike  
 4 everything after February 2021 as nonresponsive.  
 5 THE WITNESS: Sorry.  
 6 BY MS. MCDUFFIE:  
 7 Q Do you have an understanding of when this  
 8 change order was provided to the Kidambis?  
 9 A I believe the change order was provided through  
 10 counsel to the Kidambis sometime in June of 2022.  
 11 Q So before you started work on this particular  
 12 change, which I believe you said was February 2021, did  
 13 you have an agreement with the Kidambis for the cost of  
 14 this change?  
 15 A No.  
 16 Q Okay. I'm going to share my screen now so we  
 17 can clearly be looking at the same thing. This is the  
 18 same document. So you should see it's the same document  
 19 that we're looking at, the page 5013. And you see here  
 20 it's kind of towards the middle of the screen, something  
 21 that says observation.  
 22 A Yes, I do.  
 23 Q What does that refer to?  
 24 A Anytime you have like structural work being  
 25 done on a home, to my knowledge, you have to have that

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1 observed by a structural engineer. The City doesn't  
 2 inspect those things. So you have to pay a structural  
 3 engineer to come out and look at your footings and  
 4 things like that before you actually pour the concrete.  
 5 Q So is that \$420 there, the amount that you  
 6 would have paid for that inspection?  
 7 A Yes.  
 8 Q When did the structural engineer make this  
 9 observation?  
 10 A I don't recall.  
 11 Q Do you recall whether it was prior to  
 12 August 2021? Because I believe you said before the work  
 13 was completed.  
 14 A Yeah. They would have inspected it, I would  
 15 think, sometime between January 2021 and let's just say  
 16 June of 2021. It would have be somewhere in there when  
 17 that foundation was getting built.  
 18 Q So it would have been towards the beginning of  
 19 this work?  
 20 A I believe -- oh, of this? Reask your question.  
 21 I'm sorry. I didn't understand.  
 22 Q I was asking when this observation occurred.  
 23 A Most likely, this observation occurred when the  
 24 foundation was getting done, which would have been in  
 25 the beginning of a portion of 2021. So, you know, again

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1 just estimating here, but it was probably sometime in,  
 2 you know, February to May, probably, somewhere in there.  
 3 Q Okay. So we now have the completed project,  
 4 and I understand that that was based on spec book as  
 5 well as some upgrades that you testified that the  
 6 Kidambis had requested.  
 7 Were there any other -- other than those  
 8 upgrades, were there any mediation from the spec book  
 9 plans that you had to make?  
 10 A Yes.  
 11 Q What were those?  
 12 A We had a couple of deviations we needed to make  
 13 due to site conditions. One of them was the finished  
 14 decking material. What other change did we have?  
 15 The finished decking material was changed. The  
 16 pavers were different, but that was at the buyers  
 17 request. The exterior facade was different, but that  
 18 was at the buyer's request. From what I recall, I think  
 19 that might be the only one.  
 20 Q The only one being the? I thought you said --  
 21 A The only deviation from the spec book, I think,  
 22 is what you asked. Right?  
 23 Q Yes. Was that a deck finish that you  
 24 identified?  
 25 A Yes. Deck finish was definitely a deviation

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1 from what was called out in the spec book, and it was  
 2 due to site conditions. But other than that, I feel  
 3 like the other two items were at the buyer's  
 4 discretionary request, if you will. I think that's it  
 5 that personally had a hand in.  
 6 Q So why did you use a different finish on the  
 7 deck?  
 8 A The way that the elevation worked with the  
 9 bifold doors that the buyers added, we needed the  
 10 clearance between the foundation system and the finish  
 11 decking material and the door.  
 12 So we needed a material that was three-quarter  
 13 inch material, and the decking material that was called  
 14 out in the spec book was material that's like a --  
 15 that's like tracks, it's kind of a plastic material.  
 16 And those materials, you really need in a one-inch  
 17 thickness or else you start to get cupping and things  
 18 like that. They don't wear very well.  
 19 So due to site conditions, we needed to go to a  
 20 three-inch decking material -- excuse me --  
 21 three-quarter inch decking material. And you can't  
 22 really get stuff like tracks in that, in a three-quarter  
 23 that holds up.  
 24 So that's why we went to the Red Balou. It's  
 25 almost like a Brazilian Teak or something that is

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1 resistant to terminates and rot and all that good stuff.  
 2 It's got the -- you can use it for, you know, your  
 3 long-term uses and things like that. It's not like it's  
 4 going to rot away, and which is also more expensive  
 5 typically of a deck system than what was spec out in the  
 6 spec book. But, again, that's kind of what you need for  
 7 site conditions.  
 8 Q So you just mentioned that that was more  
 9 expensive than what was in the spec book. So is it your  
 10 belief that the Kidambis would be responsible for that  
 11 additional cost?  
 12 A No. Jill and I actually ate that cost,  
 13 actually.  
 14 Q Did you tell the Kidambis that you were putting  
 15 in a -- that were you using a different material than  
 16 what was in the spec book?  
 17 A No.  
 18 Q Did the Kidambis ever communicate with you  
 19 about that material?  
 20 A I don't know. Not that I recall. I don't  
 21 think so.  
 22 Q Throughout this project, was there ever a point  
 23 in time where the Kidambis told you to stop working on  
 24 something?  
 25 A Yes, there was.

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1 Q And what did they tell you to stop working on?  
 2 A Particularly, they didn't want me to install  
 3 the hardwood floors. I remember that.  
 4 Q Any other instances you can remember?  
 5 A Yeah. They told me -- I think there was  
 6 actually another -- actually I think they actually told  
 7 me to not do -- I think there was an issue with the deck  
 8 actually too, now that you bring it up.  
 9 I have two pieces of correspondence that I  
 10 received from Lewis Adelson, I think one of them was  
 11 telling me to stop working on the deck and not to  
 12 install the deck material, or something. I think the  
 13 other one was actually for the flooring. But this is  
 14 just from what I recall.  
 15 Q When you received those communications telling  
 16 you to stop the work, did you, in fact, stop that work?  
 17 A No.  
 18 Q Did the Kidambis or anyone acting on their  
 19 behalf ever tell you to stop work on the ADU?  
 20 A Not that I recall.  
 21 Q If the Kidambis had told you to stop work on  
 22 the ADU, would you?  
 23 A No.  
 24 MS. MCDUFFIE: Okay. I'd like to go off the  
 25 record for just a few minutes, please.

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1 (Off the record.)  
 2 BY MS. MCDUFFIE:  
 3 Q Mr. Strebel, did you sell the 728 Mariposa  
 4 property to the Kidambis?  
 5 A I don't understand the question. Repeat that.  
 6 Q Did you sell the 728 Mariposa property to the  
 7 Kidambis?  
 8 A Yes.  
 9 Q Has that sale closed?  
 10 A No.  
 11 Q Had you transferred ownership of the property  
 12 to the Kidambis?  
 13 A No.  
 14 Q Why not?  
 15 A They haven't paid for it. They didn't close  
 16 escrow. They didn't get their closing funds even to  
 17 escrow. Why would I give them the property without  
 18 paying for it?  
 19 Q If the Kidambis offer to pay you \$3,750,000  
 20 which is the price set forth in the contract, would you  
 21 sell that to them for that price?  
 22 A No.  
 23 Q So I'm not asking for any privileged  
 24 information. But do you have an understanding of how  
 25 much above and beyond that purchase price of \$3,750,000

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1 that you believe you're owed?  
 2 A It's whatever the total amount is with all  
 3 these change orders and such, minus of course the credit  
 4 for the -- the money that they paid outside of escrow.  
 5 I believe at this point in time, it's around \$600,000.  
 6 MR. CHAPMAN: And there may be attorney's fees  
 7 on that as well.  
 8 THE WITNESS: Yeah. And there's attorney's  
 9 fees and all kinds of things at this point now.  
 10 BY MS. MCDUFFIE:  
 11 Q So other than not paying those amounts that you  
 12 believe are owed, is there something that you believe  
 13 the Kidambis were supposed to do under the contract that  
 14 they did not do?  
 15 A Yes.  
 16 Q And what was that?  
 17 A They didn't really follow the contract as it  
 18 pertains to not popping in and just stopping by the job  
 19 site. I mean, it is a new construction. The contract  
 20 has terms in there for them to not just stop by.  
 21 They didn't follow the upgrade procedures.  
 22 They made more changes during the schematic phase than  
 23 they're supposed to. The contract specify that there is  
 24 going to addendum to the purchase contract to address  
 25 their upgrades. When that came across, they didn't

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1 cooperate with that process. I think there's a lot of  
 2 things inside of this contract that they just didn't do.  
 3 Q Prior to litigation, did you have  
 4 communications with the Kidambis about those things that  
 5 you believe they were supposed to do but did not do?  
 6 A Yes.  
 7 Q Were those all written communications or some  
 8 of it verbal?  
 9 A It was written and verbal. We actually had  
 10 many meetings about what even a \$30,000 allowance means.  
 11 Q Do you believe that you did everything you were  
 12 supposed to do under your contract with the Kidambis?  
 13 A Yes, I do.  
 14 MS. MCDUFFIE: Okay. So I think we're going to  
 15 be done with your deposition for today. Just to be  
 16 clear, I'm not closing the depo. We are reserving our  
 17 rights to reopen this.  
 18 There was some discussion with the arbitrator  
 19 about that possibility because we did receive some  
 20 documents from 4Eco Living very recently. We may have  
 21 some questions about those documents for you. We may  
 22 not. But just to be clear, we are reserving our right  
 23 to reopen this if needed.  
 24 And while we were on a break beforehand, I had  
 25 a discussion with Mr. Chapman, Mr. Strebel, and the

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1 court reporter regarding how the transcript would be  
 2 handled. And maybe for the record, the court reporter  
 3 can repeat that process of transmitting the transcript  
 4 to the deponent.  
 5 DEPOSITION OFFICER: We are following the Code.  
 6 Ms. McDuffie stated that you will have a chance  
 7 to review the deposition transcript.  
 8 When the transcript is completed, a  
 9 notification will be sent by First Legal Depositions to  
 10 Mr. Chapman informing him that the transcript is  
 11 available for Mr. Strebel's review and signature.  
 12 There will be options provided how the witness  
 13 can review and sign the transcript. So when you receive  
 14 that notification, Mr. Chapman, if you can respond to it  
 15 and indicate your preference, that would be great.  
 16 MR. CHAPMAN: Electronic.  
 17 MS. MCDUFFIE: Thank you.  
 18 DEPOSITION OFFICER: Let me ask you on the  
 19 record, Mr. Chapman. Do you want a copy of this  
 20 transcript?  
 21 MR. CHAPMAN: Yes, I want a copy.  
 22 DEPOSITION OFFICER: Okay. We are done.  
 23 MS. MCDUFFIE: I would like to get a few more  
 24 things on the record. Just to clarify, when we were off  
 25 the record previously, Mr. Strebel agreed to provide his

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1 changes within ten calendar days after he receives the  
 2 transcript.  
 3 THE WITNESS: No. It was business. It's  
 4 business days. Remember? That's what you said, Court  
 5 Reporter. Right?  
 6 MS. MCDUFFIE: So what we talked about was it  
 7 will take the Court Reporter ten business days to give  
 8 Mr. Strebel and Mr. Chapman a copy of the transcript.  
 9 And then my understanding was that ten calendar days  
 10 after that, Mr. Strebel agrees to provide his changes.  
 11 THE WITNESS: That's not what I understood.  
 12 MS. MCDUFFIE: Mr. Strebel, are you able to  
 13 provide your changes within ten calendar days after  
 14 receiving your transcript from the court reporter?  
 15 THE WITNESS: I prefer to have the ten business  
 16 days. As you guys know, I've got a seven-week old at  
 17 home. So it's going to -- I would rather have a few  
 18 extra days than not. I'm just being up-front. I'm  
 19 going to try and turn it around really quickly, but I  
 20 just want to be honest with everyone.  
 21 MS. MCDUFFIE: Okay. And we are up against.  
 22 Just so you know, this is not about just demanding this  
 23 quickly. We do have trial coming up. So we need to  
 24 make sure that we receive it in time.  
 25 And it will be the same thing with Mr. Kidambi.

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1 So if you could aim for ten days, and if there's, you  
 2 know, some catastrophe that happens that prevents you  
 3 from doing that, perhaps, Mr. Chapman can reach out to  
 4 me and see if we can come to an agreement for a day or  
 5 two extension beyond that. But, you know, if you guys  
 6 can get that back to us in ten days.  
 7 THE WITNESS: That sounds great. That's all  
 8 I'm asking for. If I need more time, I'll let you guys  
 9 know, but I'm going to get it back to you.  
 10 MS. MCDUFFIE: Mr. Chapman, did you want to  
 11 chime in there.  
 12 MR. CHAPMAN: No. He was kinder than I was  
 13 going to be, so.  
 14 MS. MCDUFFIE: He's the one doing the work.  
 15 Right?  
 16 MR. CHAPMAN: If he says he'll give it his best  
 17 shot, I'm going to let him do that.  
 18 MS. MCDUFFIE: Okay. Great. Thank you.  
 19 (The deposition session was concluded  
 20 at 4:56 p.m.)  
 21 -oOo-  
 22  
 23  
 24  
 25

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1 STATE OF \_\_\_\_\_ )  
 ) ss  
 2 COUNTY OF \_\_\_\_\_ )  
 3  
 4  
 5 I, the undersigned, declare under penalty of  
 6 perjury:  
 7 That I have read the foregoing transcript;  
 8 That I have made any corrections, additions, or  
 9 deletions that I was desirous of making;  
 10 That the foregoing is a true and correct  
 11 transcript of my testimony contained therein.  
 12 EXECUTED this \_\_\_\_ day of \_\_\_\_\_,  
 13 20\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.  
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 (KOLE STREBEL)  
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REPORTER'S CERTIFICATE

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 3 I, ANNA B. SACRIPANTI, CSR No. 9533, Certified  
 4 Shorthand Reporter, certify:  
 5 That the foregoing proceedings were taken before  
 6 me at the time and place therein set forth, at which  
 7 time the witness was put under oath by me;  
 8 That the testimony of the witness, the questions  
 9 propounded, and all objections and statements made at  
 10 the time of the examination were recorded  
 11 stenographically by me and were thereafter transcribed;  
 12 That a review of the transcript by the deponent  
 13 was requested;  
 14 That the foregoing is a true and correct  
 15 transcript of my shorthand notes so taken.  
 16 I further certify that I am not a relative or  
 17 employee of any attorney of the parties, nor financially  
 18 interested in the action.  
 19 I declare under penalty of perjury under the laws  
 20 of California that the foregoing is true and correct.  
 21 Dated this 24th day of January, 2023.  
 22  
 23   
 24 ANNA B. SACRIPANTI, CSR NO. 9533  
 25

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1 Errata Sheet  
 2  
 3 NAME OF CASE: KIDAMBI vs STREBEL  
 4 DATE OF DEPOSITION: JANUARY 9, 2023  
 5 NAME OF WITNESS: KOLE STREBEL  
 6 Reason Codes:  
 7 1. To clarify the record.  
 8 2. To conform to the facts.  
 9 3. To correct transcription errors.  
 10 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
 11 From \_\_\_\_\_ to \_\_\_\_\_  
 12 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
 13 From \_\_\_\_\_ to \_\_\_\_\_  
 14 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
 15 From \_\_\_\_\_ to \_\_\_\_\_  
 16 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
 17 From \_\_\_\_\_ to \_\_\_\_\_  
 18 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
 19 From \_\_\_\_\_ to \_\_\_\_\_  
 20 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
 21 From \_\_\_\_\_ to \_\_\_\_\_  
 22 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
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