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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-000-

TESLA, INC., a Delaware
corporation,

Plaintiff,

vs.

MARTIN TRIPP, an individual,

Defendants.

AND RELATED COUNTERCLAIMS

=====

REPORTER CERTIFIED
TRANSCRIPT

CASE NO.
3:18-cv-00296-LRH-CBC

CONFIDENTIAL

****CONFIDENTIAL****

VIDEOTAPED DEPOSITION OF KARL HANSEN

Wednesday, September 4, 2019

Reno, Nevada

REPORTED BY:

MICHELLE BLAZER CCR #469 (NV)

CSR #3361 (CA)

FILE NO. 19-29471



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APPEARANCES

FOR THE PLAINTIFFS:

CHARIS LEX
Attorneys at Law
By: Douglas J. Beteta, Esq.
301 N. Lake Avenue, Suite 1100
Pasadena, California 91101
P. 626.508.1717 E. dbeteta@charislex.com

FOR THE DEFENDANTS:
(Via Videoconference)

TIFFANY & BOSCO, P.A.
Attorneys at Law
By: Fletcher Carpenter, Esq.
2525 E. Camelback Road
7th Floor, Camelback Esplanade II
Phoenix, Arizona 85016
P. 602.255.6000 E. frc@tblaw.com

FOR THE DEPONENT:

LAW OFFICES OF JOSEPH ORTUNO
Attorneys at Law
By: Joseph Ortuno, Esq.
8215 S. Eastern Avenue, Suite 265
Las Vegas, Nevada 89123
E. jortuno@wl-llp.com

ALSO PRESENT:

Bill Stephens, Videographer

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I N D E X

EXAMINATION

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EXHIBITS

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Exhibit 1 Subpoena to Testify at a Deposition

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Exhibit 2 Email dated 6/20/2018

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Exhibit 3 Email string dated 8/14/2018

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1 PURSUANT TO NOTICE, and on Wednesday, the
2 4th day of September 2019, at the hour of 8:59 a.m. of
3 said day, at the offices of Bonanza Reporting &
4 Videoconference Center, Reno, Nevada, before me,
5 Michelle Blazer, a Certified Court Reporter and Notary
6 Public, personally appeared KARL HANSEN.

7 -000-

8 KARL HANSEN,
9 having been duly sworn,
10 was examined and testified as follows:

11
12 EXAMINATION

13 BY MR. BETETA:

14 Q Good morning, Mr. Hansen. Would you mind
08:59:38 15 stating your name and spelling it for the record?

16 A Sure. My name is Karl Erik Hansen.
17 K-a-r-l, middle name is Erik, E-r-i-k. Last name
18 Hansen, H-a-n-s-e-n.

19 Q I'm Doug Beteta, I represent Tesla in
08:59:52 20 this matter.

21 Have you had your deposition taken
22 before?

23 A I have not.

24 Q So I'm just going to go over some -- a
08:59:57 25 few procedural rules, kind of how this works.

08:59:57 1 A Yes, sir.

2 Q So throughout a deposition your counsel,
3 or Mr. Fletcher may have objections. Unless your
4 attorney tells you not to answer you can go ahead and
09:00:08 5 still answer the question.

6 A Understood.

7 Q If there is ever a time you don't
8 understand a question I ask just let me know and I can
9 rephrase.

09:00:15 10 A Okay.

11 Q If you need a break at any time, just let
12 me know and we'll take a break. The only thing I ask
13 is if there is a question pending you answer the
14 question first and then we will go on a break.

09:00:24 15 A Understood.

16 Q And you understand that you are giving
17 your testimony under penalty of perjury?

18 A I do.

19 Q So the court reporter is taking down our
09:00:31 20 testimony, or your testimony and my questions --

21 A Right.

22 Q -- and it's a little different than
23 normal conversation in that it can be confusing and
24 the record can get lost if we speak over one another.

09:00:43 25 A Yes, sir.

09:00:43 1 Q So I would ask that you wait to respond
2 until I have finished my question and I will try to do
3 the same and wait to ask my question until you finish
4 your response.

09:00:53 5 A Understood.

6 Q Similarly, if you can speak slowly and
7 clearly and respond with words instead of nods --

8 A Understood.

9 Q -- other physical signs, and today we are
09:01:01 10 interested in finding out everything you know about
11 the matters we will be discussing.

12 And for that reason we are looking for
13 full and complete answers to the questions I'm going
14 to ask; do you understand that?

09:01:09 15 A Yes, I do.

16 Q Okay. Is there any reason why you cannot
17 give your best testimony today?

18 A No, there isn't.

19 Q If after we have left the question or
09:01:18 20 returned from a break you remember additional
21 information or recall something that might bear on
22 previous questions, please let me know. Will you do
23 that?

24 A I will.

09:01:25 25 Q Thank you. And at the end of this

09:01:25 1 process the court reporter will take everything down
2 and send you a copy of the transcript. At that point
3 you will have an opportunity to review and change
4 testimony, but the attorneys will be allowed to
09:01:37 5 comment on any changes you might make. So it's just
6 important to give your best testimony today.

7 A Yes, sir. Understood.

8 Q Have you ever testified under oath
9 before?

09:01:44 10 A I have.

11 Q Have you told the truth on those
12 occasions?

13 A I have.

14 Q Have you taken any medications or
09:01:52 15 substances that could affect your best and accurate
16 testimony today?

17 A No.

18 Q Are you at all sick today?

19 A No.

09:01:58 20 Q Did you do anything to prepare for
21 today's deposition?

22 A I did. I met with my counsel yesterday.

23 Q Anything else to prepare for your
24 deposition?

09:02:07 25 A I reviewed articles, public record,

09:02:07 1 information that's out there, you know, media
2 resources, and I reviewed a timeline that I created at
3 direction of counsel.

4 Q Anything else that you did to prepare?

09:02:21 5 A No, sir.

6 Q About how long did you meet with your
7 attorney?

8 A About what, five hours.

9 Q And can you tell me what articles you
09:02:39 10 reviewed?

11 A I can. I reviewed an article by Matthew
12 Klippenstein called Tesla Enters Whistleblower Hell.

13 I reviewed an article by Zero Hedge, I
14 don't remember the title of the article.

09:03:03 15 And additionally, I perused and looked at
16 additional headlines that came up, but I did not read
17 any of those articles.

18 Q And did the timeline you reviewed, did
19 that refresh your recollection concerning matters in
09:03:24 20 this case?

21 A It did to some extent, yes.

22 Q And do you recall what the timeline says?
23 Just what it lays out?

24 MR. ORTUNO: I'm going to object. That's
09:03:39 25 something that he prepared at our -- our request, so

09:03:39 1 it's going to be privileged.

2 BY MR. BETETA:

3 Q Did you look at any other documents in
4 preparing for your deposition other than the ones you
09:03:49 5 have already?

6 A I did not.

7 Q Did you speak with anyone else about
8 today's deposition besides your attorney?

9 A I did not.

09:03:57 10 Q And about how many times have you
11 testified under oath?

12 A Approximately 8 to 10.

13 Q And in what context was the testimony
14 given?

09:04:18 15 A As a special agent/criminal investigator
16 was my former background in the prosecution of cases.

17 Q So would it have been court testimony?

18 A Would have been.

19 Q All of them, all 8 to 10 of them?

09:04:33 20 A Yes.

21 Q And all of them just specific cases
22 concerning investigations you had done?

23 A Correct. Where I was part of an
24 investigative team or I was the lead agent conducting
09:04:44 25 investigation.

09:04:44 1 Q Have you been involved in any litigation
2 as a party?

3 A Not that I recall.

4 Q Let me hand you a document that we will
09:05:07 5 mark **Exhibit 1**.

6 (Whereupon Deposition **Exhibit 1** was
7 marked for identification.)

8 BY MR. BETETA:

9 Q Have you seen **Exhibit 1** before, Mr.
09:05:41 10 Hansen?

11 A Yes.

12 Q Can you tell me what it is?

13 A It is a subpoena to testify at this very
14 deposition.

09:05:50 15 Q And towards the middle there is a portion
16 that says production, and it requests certain
17 documents -- that you bring certain documents to
18 today's deposition.

19 Did you bring any documents to this
09:06:03 20 deposition?

21 A I did not.

22 Q Did you search for any documents in
23 response to this request?

24 A I did not.

09:06:09 25 Q And why not?

09:06:09 1 A There was no need to.

2 Q Why is that?

3 A All documents and anything pertaining to
4 this was provided to my counsel.

09:06:20 5 Q And I guess we can take that up
6 separately, Mr. Ortuno.

7 MR. ORTUNO: Yeah. I mean, we can
8 discuss that if you'd like at some point. There is --
9 again, I don't think there is anything responsive to
09:06:42 10 the subpoena, so, yeah, that wouldn't have been
11 privileged or something of that nature.

12 MR. BETETA: Understood.

13 MR. ORTUNO: Uh-huh.

14 BY MR. BETETA:

09:06:51 15 Q And Mr. Hansen, can you just give me an
16 overview of your educational background after high
17 school?

18 A So after high school I joined the
19 military. My educational background, I do not have a
09:07:01 20 formal degree. I entered undergraduate studies while
21 on active duty at the university of -- well, I took
22 some classes at the University of South Florida, but
23 predominantly enrolled in criminal justice, a criminal
24 justice program through Central Texas College.

09:07:16 25 Additionally, I have attained over

09:07:16 1 100 hours or more through Fayetteville Technical
2 Community College, North Carolina, in the areas of
3 emergency medical services, hazardous materials,
4 firefighting.

09:07:33 5 And essentially, that's it.

6 Q And what were your duties and
7 responsibilities when you were in the military?

8 A They varied. I was in infantry,
9 non-commissioned officer, and a paratrooper early on
09:08:04 10 in my career.

11 Subsequent to that I transitioned over to
12 a job as a Special Agent for the United States Army
13 Criminal Investigation Command. Did that for many
14 years. Worked in both a field capacity as a felony
09:08:17 15 level investigator. And subsequently prior to
16 retiring I was assigned to the Protective Services
17 Battalion of the United States Army Criminal
18 Investigation Command assigned to Presidential
19 Administrations, the Bush administration, the Obama
09:08:32 20 administration, where I was on the personal security
21 detail for former security of defense Donald Rumsfeld
22 and Robert Gates. And in those capacities I provided
23 close-in protection for those gentlemen.

24 Q And after the military could you just
09:08:50 25 provide an overview of your employment history?

09:08:50 1 A When I retired from active duty went to
2 work as a Department of Defense civilian, a senior DOD
3 GS-12 role as a Federal Medical Ombudsman. Stayed in
4 that role for approximately seven years.

09:09:11 5 Q And after that?

6 A After that I was promoted in Federal
7 service to a senior investigator role with the Federal
8 Maritime Commission for the Ports of Los Angeles and
9 Long Beach.

09:09:26 10 Q And for how long was that?

11 A A little over a year.

12 Q And what was your next employment?

13 A So after that role I came to Reno, Nevada
14 to pursue a real estate career and went to work for
09:09:43 15 Tesla.

16 Q That was in 2018; is that correct?

17 A That is correct, yes, sir.

18 Q And after Tesla?

19 A After Tesla I went to work for U.S.

09:10:04 20 Security at a site outside of Tesla after Tesla
21 terminated me.

22 Subsequent to that I went to work for a
23 local casino, and I currently work as an investigator
24 and a security supervisor for Boomtown Casino here in
09:10:21 25 Reno.

09:10:21 1 Q And that was your position after U.S.
2 Security; is that correct?

3 A That is correct. Actually, hold on. Let
4 me step back. I did have a -- after U.S. Security I
09:10:37 5 transitioned over and I worked for The Row, the
6 casinos here. I'm sorry, El Dorado, Silver Legacy for
7 about three months, and then went out to Boomtown.
8 That's where I'm currently at.

9 Q And where is Boomtown casino?
09:10:50 10 A It's out in -- it's Verdi. If you take
11 80 west probably five, six miles out of town, I think.
12 It's just the last -- last, I think, thing out there
13 before you head into the mountains. So --

14 Q And you live within the close vicinity of
09:11:09 15 Boomtown; is that correct?

16 A I don't. I live in Sparks.

17 Q Okay. Are you aware that Mr. Tripp
18 designated you as a witness for his case?

19 MR. ORTUNO: Object. It requires a legal
09:11:26 20 expertise. He's not qualified to answer, but go ahead
21 and answer.

22 THE WITNESS: I am.

23 BY MR. BETETA:

24 Q And how do you know that?

09:11:34 25 A After my termination from Tesla I

09:11:34 1 communicated with Mr. Tripp's attorneys.

2 Q Do you know why he thinks you might have
3 had information relevant to this case?

4 MR. ORTUNO: Object. No personal
09:11:47 5 knowledge. Speculation. Go ahead.

6 THE WITNESS: I don't know why he feels
7 that, personally. I suspect that he has that
8 understanding through his attorneys based on my
9 position during my tenure at Tesla.

09:12:11 10 BY MR. BETETA:

11 Q And you didn't speak with Mr. Tripp
12 directly; is that correct?

13 A I have never spoken with Mr. Tripp
14 directly.

09:12:17 15 Q And approximately when did these
16 conversations with Mr. Tripp's attorney occur?

17 A I can't recall exactly when they were.
18 Would approximate shortly after I was terminated.

19 Q So possibly around August 2018; is
09:12:51 20 that --

21 A That's probably a fair and accurate time
22 frame.

23 Q And do you recall who you spoke with?

24 A I spoke with William Fischbach and Robert
09:13:03 25 Mitchell.

09:13:03 1 Q About -- for how long did you speak with
2 him?

3 A I can't recall. Probably had a couple
4 conversations. 45 minutes to an hour at the most.

09:13:21 5 Q Were these in person or by -- on the
6 phone?

7 A Telephone. Definitely telephone.

8 Q And do you recall the content of the
9 conversations?

09:13:32 10 MR. ORTUNO: I'm going to object as as
11 far as any of that might be privileged information as
12 well, but, yeah. I'm going to have to say -- yeah,
13 I'm going to have to say don't answer that.

14 BY MR. BETETA:

09:13:49 15 Q Well, right now I just want to know if he
16 remembers the content.

17 A I do remember the content.

18 Q And do you recall if the content was
19 concerning Mr. Tripp or concerning issues relevant to
09:14:06 20 you?

21 A Primarily issues relevant to me. I was
22 aware of Mr. Tripp's situation by having been employed
23 out there, and that's the best answer I can give to
24 that.

09:14:25 25 Q And what were you -- what -- what are you

09:14:25 1 aware of concerning Mr. Tripp?

2 MR. ORTUNO: I'm going to object. That's
3 pretty broad and vague.

4 THE WITNESS: I'm aware that Mr. Tripp
09:14:41 5 was terminated. I'm aware that a lawsuit was filed by
6 your client against Mr. Tripp. I'm aware of the
7 allegations of that. I'm also aware of things that
8 occurred during my tenure on June 20th of 2018
9 regarding the allegation that Mr. Tripp was on his way
09:15:12 10 to shoot up the Gigafactory.

11 BY MR. BETETA:

12 Q Anything else that you are aware of that
13 comes to mind at this moment?

14 A Probably, but nothing directly comes to
09:15:24 15 mind. I mean, if you have a specific area that you
16 would like to go down, and we can do that.

17 Q Have you reviewed Mr. Tripp's
18 counterclaim to this action?

19 A Yes.

09:15:52 20 Q What do you know about the threat
21 received at the Gigafactory on June 20th, 2018?

22 A My personal knowledge of that is that I
23 was assigned to work a swing shift that day, I arrived
24 at the Gigafactory, and was told that there was a --
09:16:15 25 there was an active shooter threat. I was directed to

09:16:15 1 the security operations center.

2 When I got there I asked what was going
3 on. I asked for clarification. I mean, I -- I'm
4 aware of a lot of -- I suppose a lot of things that
09:16:35 5 occurred that day. Do you have a more specific
6 question?

7 Q No. I think -- I think you can just go
8 on with what you experienced that day. That would be
9 helpful.

09:16:44 10 A Okay. So that day I arrived at the SOC,
11 was told that a phone call was received and that we
12 were establishing a posture, basically, because we
13 didn't know what the threat was, where the threat was
14 coming from. I was ultimately able to learn that the
09:17:10 15 subject of that was Martin Tripp. However, I was
16 pretty concerned about the fact that based on my
17 experience there was very little to nothing done to
18 validate the information to validate the threat or the
19 alleged threat.

09:17:42 20 I was tasked to assist with attempting to
21 identify Mr. Tripp's spouse's vehicle and license
22 plate in preparation of what Tesla called a BOLO, a
23 be-on-the-lookout document that they created. I'm
24 sure you have seen that, as it pertained to Mr. Tripp.
09:18:10 25 I did obtain that information via social media

09:18:10 1 platforms that belonged to Mr. Tripp.

2 I was told by a senior officer in the
3 badging area that the plan was made at that time that
4 Tesla and Elon Musk were going to sue Martin Tripp for
09:18:35 5 \$150 million on the 20th of June. And there was --
6 there was banter and laughing about that amongst
7 people.

8 I was also told that by Marshall Sprott,
9 a supervisor, an operations supervisor out there, that
09:18:59 10 they -- they being Shawn Gouthro, Nick Gicinto, Jake
11 Nocon, and others assigned to an investigative
12 surveillance team that was placed on Martin Tripp,
13 that they had hacked his personal phone, hacked his
14 home computers, hacked his wife's information, and
09:19:17 15 that the team was on him and they had an exact
16 location of where Mr. Tripp was.

17 I continued to ask questions based on my
18 experience about obtaining information related to the
19 alleged caller, how this information came in. I
09:19:37 20 received very little feedback. Supervisors were
21 asking me what they thought they should do. They
22 could not get in touch with Mr. Gouthro who, at the
23 time, you know, Mr. Gouthro was a supervisor out
24 there, and so essentially I continued my investigative
09:19:56 25 efforts on -- on things that I was working on while

09:19:56 1 inside the SOC that day. And just observing and being
2 responsible or responsive to any requests that may
3 come down from leadership for any assistance that I
4 may provide.

09:20:16 5 Q Thank you.

6 A Yes, sir.

7 Q Let me go back to a few things. How did
8 you learn that the believed subject that had made the
9 threat was Martin Tripp?

09:20:33 10 A I was told that by Marshall Sprott and
11 other personnel that worked inside the security
12 operations center.

13 Q Do you know how Tesla came to know about
14 the threat?

09:20:52 15 A I know now what is out there regarding
16 that in that apparently a phone call was -- was
17 received at the Las Vegas call center and
18 subsequently, and I say I know this is what I have
19 been told, is that an e-mail was sent to somebody
09:21:17 20 in -- whether it was Fremont or wherever, but somebody
21 in a higher level of authority, and ultimately that
22 information was directly sent to Shawn Gouthro for
23 action on the ground and his coordination with Nick
24 Gicinto and Nick Gicinto's team.

09:21:36 25 Q But on June 20th, 2018 you had no

09:21:36 1 knowledge of that; true?

2 A I didn't at that time.

3 Q And you don't have any personal knowledge
4 about how that threat was made?

09:21:45 5 A I do not, sir.

6 Q And you yourself don't know who made the
7 threat or if a threat was even made; is that correct?

8 A I don't.

9 Q You also mentioned that you were
09:21:56 10 concerned that too little was being done to validate
11 the threat. Why did you have that concern?

12 A Because in a situation like that, based
13 on my experience, the operation -- the operations
14 posture that was being adopted quickly in response to
09:22:24 15 the perceived threat, it was haphazard.

16 When a threat is received like that there
17 is due diligence that has to be done. Obviously, we
18 are going to establish a posture, and I wasn't in
19 charge out there at that time. I'll clarify that.

09:22:40 20 I -- I was an investigator; however, I was concerned
21 because nobody that I talked to had reached further
22 out, contacted what I know now to be the Las Vegas
23 call center, contacted anybody, contacted the
24 individual who allegedly received this phone call, and
09:23:01 25 subsequently there was -- also, I recall now that

09:23:01 1 there was a lack of knowledge. We were told that a --
2 excuse me -- that a male called and that a female made
3 the call at that time.

4 So if, in fact, there was a credible
09:23:22 5 threat and Martin Tripp was a threat there needed to
6 be some stuff done, in my opinion, and based on my
7 experience to kind of really validate, to verify
8 information. Just there is a whole bunch that goes
9 into that. Do you understand what I am saying?

09:23:41 10 Q Yes.

11 A So my concerns were that that wasn't
12 being done. There was a posture being taken based on
13 haphazard information. The execution of certain
14 things, the lack of communication and coordination
09:24:01 15 that I was seeing was -- was concerning to me at that
16 time.

17 Q And were you aware of all the actions
18 Tesla was taking in response to the threat?

19 A No. I can't say I was aware of all of
09:24:17 20 the actions. I'm aware of what I personally observed.

21 Q Were you -- were you in communication at
22 that time with all the senior management of the
23 security and investigations group?

24 A No, sir. Attempts were made and I -- it
09:24:39 25 was -- they went unresponsive.

09:24:39 1 Q Do you know if Tesla was working on
2 June 20th, 2018 with local law enforcement in regards
3 to the threat?

4 A Yes.

09:24:53 5 Q What do you know about the Tesla
6 engagement of local law enforcement?

7 A I know that that day according to
8 Marshall Sprott and according to my observations of
9 video surveillance that Nevada Highway Patrol and
09:25:11 10 Storey County Sheriff's officers responded and arrived
11 at the Gigafactory at the north gate.

12 I was told that they subsequently were
13 directed to maintain a patrol around the perimeter,
14 also the west gate.

09:25:27 15 I was also told by Marshall Sprott that
16 Nick Gicinto's team was on Tripp, that they knew where
17 he was, and that Shawn Gouthro was not responding to
18 Marshall Sprott regarding whether or not Sparks Police
19 Department was engaged and to what level they were
09:25:49 20 engaged.

21 Sprott did tell me that he was aware that
22 contact was made with Sparks PD to do a check on
23 Martin Tripp's residence.

24 But that was the extent of my knowledge.

09:26:06 25 Q Would it be accurate to say that -- that

09:26:06 1 you were aware of what Tesla was doing in response to
2 the threat through information you received from
3 Marshall Sprott and your own observations on the
4 ground at the Gigafactory?

09:26:28 5 A Repeat the question, please.

6 Q Would it be fair to say that your
7 understanding of what Tesla was doing in response to
8 the threat received on June 20th, 2018 was from your
9 own personal observations and information you learned
09:26:40 10 from Marshall Sprott?

11 A Yes.

12 Q And you mentioned that Tesla, I believe
13 you said, was going to sue Mr. Tripp; is that correct?

14 A That was the statement made, yes.

09:27:04 15 Q Who did you hear that from; do you
16 recall?

17 A It was made by a senior security officer
18 that was part of the badging control. Access control
19 operations. The first name I remember was Rebecca, I
09:27:17 20 do not remember a last name. And that discussion was
21 being had between her and another individual that was
22 in charge of the Security Operations Center as well as
23 Marshall Sprott who was in there at the time.

24 Q And what was said about the litigation?

09:27:37 25 A That in preparation -- we were preparing

09:27:37 1 that BOLO. That the decision was made that Tesla and
2 Elon Musk were going to sue Martin Tripp for
3 \$150 million.

4 Q Do you know if Mr. Tripp had already been
09:27:53 5 sued even before then by Tesla?

6 A No. No.

7 Q Let's -- let's go back to your
8 conversations with Marshall Sprott on that day on
9 June 20th.

09:28:30 10 A Okay.

11 Q Can you tell me what you recall about
12 those conversations?

13 A You are referring to your notes there?
14 Specifically what are you asking?

09:28:37 15 Q Well, I just want to first get a sense of
16 what you recall about the conversations you had with
17 Mr. Sprott.

18 A So the conversations were initiated based
19 on, number one like I stated, my concerns that nothing
09:28:50 20 was done to verify or validate the severity of this
21 threat as well as everything that would go into that.

22 Number two, I found Marshall Sprott to
23 be -- he's a veteran, was in the military, I found him
24 to be pretty much a straight shooter, very credible, a
09:29:08 25 lot of integrity, and we talked quite a bit about

09:29:08 1 operations and different things.

2 And so I guess number two is that we were
3 both in agreement. The discussion was about
4 verifying, validating, number one, that further needed
09:29:26 5 to be done with that. The additional information that
6 we covered talked about, like I said, Sparks PD.
7 Marshall Sprott's frustration with the fact that Shawn
8 Gouthro wasn't communicating with him, him being
9 Marshall Sprott being the senior supervisor in the
09:29:48 10 security operations center at the time. So there was
11 a lack of a -- of adequate dissemination and flow of
12 information that was critical on the battlefield, if
13 you will. I'm sorry, I'm a military guy and that's
14 just my verbiage.

09:30:02 15 But Marshall Sprott and I also
16 discussed -- it wasn't a discussion. He made the
17 statements that Nick Gicinto and his team had
18 knowledge of the whereabouts and were on Martin Tripp,
19 they had hacked his computers, his phones, and his
09:30:28 20 wife's electronic devices as well, and they knew
21 exactly where Martin Tripp was.

22 Q And Mr. Sprott used that word that they
23 had hacked his -- Mr. Tripp's and his wife's --

24 A Yes.

09:30:47 25 Q -- devices?

09:30:47 1 A Yes.

2 Q And your only knowledge of that hacking
3 is through what Mr. Sprott said; is that right?

4 A As related to that discussion, yes.

09:31:01 5 Q And as related to Mr. Tripp, hacking of
6 Mr. Tripp, do you have other knowledge besides that
7 statement by Mr. Sprott about Mr. Tripp being hacked
8 by individuals at Tesla?

9 A I don't have firsthand knowledge. I have
09:31:15 10 knowledge based on what I was told was done to Mr.
11 Tripp.

12 Q And from other conversation besides this
13 one we are talking about with Mr. Sprott; is that
14 correct?

09:31:25 15 A That is correct, yes.

16 Q And did he say anything else about the
17 hacking other than that Mr. Tripp's devices had been
18 hacked? Mr. Sprott on that day, on June --

19 A I don't recall other than what I have
09:31:39 20 stated there.

21 Q So you don't recall if he said anything
22 about how exactly the hacking was done?

23 A Other than Nick Gicinto and his team had
24 done that, I have no specific knowledge. Or there --

09:31:57 25 I don't recall any other comment by Sprott related to

09:31:57 1 how that was done.

2 Q And do you have any other information
3 that would lead you to conclude that Mr. Tripp was, in
4 fact, hacked by Tesla on June 20th, 2018?

09:32:40 5 A Repeat the question, please.

6 MR. BETETA: Sure. Could the court
7 reporter read it back?

8 (Whereupon the record was read
9 as requested.)

09:32:55 10 THE WITNESS: Yes.

11 BY MR. BETETA:

12 Q And what information do you have?

13 A My own personal observations of Mr.
14 Gicinto and Mr. Andrew Lindemulder installing a device
09:33:10 15 with inside -- or within the security operations

16 center. Statements made by Mr. Gicinto and Mr.
17 Lindemulder in conversation that nobody was to touch
18 this device. I was not allowed to utilize the
19 computer that I was using to conduct my investigative
09:33:30 20 activity pertaining to a myriad of other

21 investigations. And that this device was used to
22 capture cell and communications data going in and out
23 of the security operations center. Not related to
24 Tripp, per se, but that occurred prior to June 20th.

09:33:54 25 Q Approximately when did it occur?

09:33:54 1 A Approximately between June 13th and maybe
2 the 19th, 15th, somewhere in that realm.

3 Q Of 2018?

4 A That is correct, sir.

09:34:17 5 Q And you mentioned that device because you
6 believe it's possible that that device could have been
7 used to hack Mr. Tripp on June 20th, 2018; is that
8 correct?

9 A I don't know if that device specifically
09:34:34 10 could have. Mr. Tripp was not allowed in the
11 Gigafactory at that time. My understanding was that
12 he had already been terminated or otherwise removed,
13 banned. There was a BOLO out. So to answer your
14 question, not that device specifically, no. However,
09:34:56 15 I will say that -- actually, no, not that device.

16 We are good.

17 Q And do you have any other information
18 that would lead you to conclude that Mr. Tripp was
19 hacked on June 20th, 2018 by Tesla?

09:35:13 20 A Yes. You are asking about my personal
21 belief and the reason for my personal belief that I
22 have information that might lead me to believe that?

23 Q Yes.

24 A I do.

09:35:26 25 Q Okay.

09:35:26 1 A I do.

2 Q And what else?

3 A I'm aware of the backgrounds and
4 experience of Mr. Gicinto, Jake Nocon, several others
09:35:39 5 that are part of NISOS that were brought over to Tesla
6 after leaving or being removed from Uber, based on
7 significant criminal investigation for such activity
8 in the past.

9 Q And is your source for that information
09:36:05 10 based on publicly available sources; is that correct?
11 Like newspaper articles and the like?

12 A Yes.

13 Q Did you ever speak directly with Mr.
14 Gicinto and Mr. Gouthro regarding those allegations?

09:36:20 15 A Mr. Gouthro, I did. I did speak directly
16 to Mr. Gicinto that day that the device was being
17 installed. Mr. Gicinto asked me if I was going to
18 hack into a computer that day that was there, and I
19 didn't understand the context of his question. And I
09:36:39 20 told Mr. Gicinto and Mr. Lindemulder that it wasn't I
21 who had that level of expertise, I am merely an
22 investigator, but from my research and understanding
23 and discussions with others, Mr. Gicinto and Mr.
24 Lindemulder. Mr. Lindemulder, based on open source
09:36:57 25 research of mine and others has been involved in

09:36:57 1 hacking forums and other different things.

2 And -- and so with respect to that, with
3 respect to the conversation that they had with respect
4 to my impression of Mr. Gicinto that day I guess I
09:37:22 5 believe that based on that source also that leads me
6 to believe that, yes. And also based on my
7 experience.

8 Q Any other conversations with Mr. Gicinto
9 or Mr. Gouthro that would lead you to believe they
09:37:51 10 would hack Mr. Tripp?

11 A Yes.

12 Q Can you tell me about them?

13 A Sure. Discussions with Mr. Gouthro
14 regarding his actions and his observations and his
09:38:09 15 participation in the interrogations of Mr. Tripp. Mr.
16 Gouthro's witnessing of -- again, according to my
17 conversations with Mr. Gouthro, not my personal
18 observations, but his personal observations inside a
19 room at the Gigafactory during the interrogation of
09:38:33 20 Martin Tripp where if I recall correctly it was with
21 Jake Nocon, several other people in a room, and they
22 were watching live -- live information being e-mails,
23 text messages and different things being captured by
24 Nick's team and reviewed while Martin Tripp was
09:38:59 25 apparently in another room.

09:38:59 1 These were statements made to me by Mr.
2 Gouthro. Mr. Gouthro at that time, early June in that
3 time frame, was -- actually, beginning of May, June,
4 came to me and told me that he was pretty excited
09:39:17 5 about this new guy, Nick Gicinto and his team coming
6 over, and that they had the technical capabilities
7 that Tesla was looking for to scale the investigations
8 department.

9 Q Did he go into any specifics about what
09:39:39 10 technical capability he was referring to?

11 A He did not.

12 Q And you mentioned you -- I believe it was
13 Mr. Gicinto told you about watching live information
14 while Mr. Tripp was being interrogated or he was in
09:40:03 15 another room; is that correct?

16 A Mr. Gicinto didn't tell me that. Mr.
17 Gouthro did.

18 Q I'm sorry. Mr. Gouthro.
19 And so all your knowledge concerning
09:40:14 20 anything that happened during the interrogation of Mr.
21 Tripp was from Mr. Gouthro; is that correct?

22 A Mr. Gouthro and a Mr. Chris Halliday, who
23 was an employee also in the investigations department
24 that worked directly, if you will, as Mr. Gouthro's
09:40:38 25 assistant, and was tasked with specific operational

09:40:38 1 criteria related to locating and fully identifying
2 Martin Tripp, as well as being tasked to observe video
3 surveillance for six hours during the interrogation of
4 Mr. Tripp on the first day that he was brought into
09:41:03 5 the room. Which I am not aware of what room that is.

6 Q Did Mr. Halliday tell you anything that
7 suggested to you that Tesla was hacking or in any
8 other way having illegal access to Mr. Tripp's
9 devices?

09:41:25 10 A No. Mr. Halliday never did.

11 Q And other than the statement that they
12 were watching live information from Mr. Tripp's
13 devices did Mr. Gouthro say anything else that led you
14 to believe there was hacking of Mr. Tripp being done?

09:41:45 15 A I can't recall other than what I have
16 already stated right now.

17 MR. BETETA: Why don't we take a break.

18 (Brief recess taken.)

19 THE VIDEOGRAPHER: This is media one of
09:49:55 20 the video record.

21 We are going on the record at 9:50 a.m.

22 As a note, the first 40 minutes were not
23 on video due to a power outage.

24 The time on the screen right now is
09:50:11 25 9:50 a.m. The date is September 4, 2019. We are

09:50:11 1 located at 1111 Forest Street, Reno, Nevada.

2 This marks the beginning of media number
3 one of the deposition of Karl Hansen in the matter of
4 Tesla versus Tripp venued in the U.S. District Court,
09:50:31 5 District of Nevada, case number 3:18-CV-00296-LRH-CVC.

6 My name is Bill Stephens, Certified Legal
7 Videographer, here on behalf of Chase Litigation
8 Services.

9 The court reporter is Michelle Blazer
09:50:53 10 also on behalf of Chase Litigation Services.

11 Counsel, would you please identify
12 yourself and state the parties whom you represent.

13 MR. BETETA: This is Doug Beteta
14 representing plaintiff and counter-defendant Tesla
09:51:07 15 Inc.

16 MR. ORTUNO: Joseph Ortuno on behalf of
17 Karl Hansen.

18 MR. CARPENTER: Fletcher Carpenter on
19 behalf of Martin Tripp.

09:51:19 20 THE VIDEOGRAPHER: The witness has
21 already been sworn in previously.

22 You may proceed.

23 BY MR. BETETA:

24 Q And Mr. Hansen, before the break we were
09:51:30 25 talking about Mr. Gouthro, and I believe at some point

09:51:30 1 you mentioned not only conversation but also actions
2 of his had led you to believe hacking occurred.

3 So I just want to ask, is there anything
4 else that we haven't talked about concerning Mr.
09:51:44 5 Gouthro that leads you to believe Tesla hacked Mr.
6 Tripp?

7 A No, not that I can recall right now.

8 Q And I believe you testified that someone,
9 I don't remember exactly who, asked you if you were
09:52:00 10 going to hack someone; is that accurate?

11 A That's correct. Nick Gicinto asked me
12 that.

13 Q Do you recall when that was?

14 A I believe, like I stated, I -- it was
09:52:09 15 between June 13th and maybe 17th, in that window,
16 during the installation or upkeep of a device in the
17 security operations center.

18 Q And what did you understand Mr. Gicinto
19 to mean when he asked if you were going to hack
09:52:33 20 someone?

21 A I didn't understand what he meant at all.

22 Q And did you ask him to clarify? Or was
23 there any further conversation about hacking at that
24 time?

09:52:49 25 A There was. I -- well, I looked at him, I

09:52:49 1 assume. If I recall correctly, I look at him
2 perplexed and he -- and I told him that my
3 understanding is that that's his level of expertise
4 based on my awareness of him, what he does and his
09:53:07 5 background, and that certainly not mine. I'm an
6 investigator. And he subsequently went on to say,
7 well, you misinterpreted that.

8 And I said, what do you mean?

9 No, you can hack that computer right
09:53:20 10 there, I meant with a hatchet.

11 And I said, okay. And that was the
12 extent of the conversation.

13 Q And I believe you testified that
14 information concerning Mr. Lindemulder also led you to
09:53:46 15 believe that Tesla hacked Mr. Tripp; is that right?

16 A That is correct.

17 Q And what about Mr. Lindemulder leads you
18 to that belief?

19 A My observations of Mr. Lindemulder while
09:53:58 20 at work during the conduct of other investigations
21 where Mr. Lindemulder was involved in being tasked
22 with pulling data, if you will, from certain
23 employees, I forgot what they called it, workday
24 profile inside micro -- I forgot what it was called.
09:54:22 25 I think it was Outlook 360 or Office, whatever it was,

09:54:22 1 the internal platform that was used when there was
2 questions regarding -- or there was allegedly
3 information captured on somebody's social media, an
4 employee within the Gigafactory maybe -- maybe taking
09:54:41 5 a video or sending something live out of, you know,
6 out of the gigafactory.

7 Additionally, my own research into Mr.
8 Lindemulder via the internet and his communication
9 with Nick Gicinto that day regarding the capturing of
09:54:59 10 cell and communication data going in and out of the
11 SOC, essentially.

12 So it was those things, a combination of
13 those things that led me to believe that.

14 Q And focusing first on the -- your
09:55:20 15 observations of Mr. Lindemulder, so you mentioned
16 he -- he was pulling data from Tesla's files; is that
17 accurate? He was doing that in part?

18 A Yes. Yes.

19 Q And then another part of it was pulling
09:55:40 20 information from social media profiles; is that
21 correct?

22 A My understanding, and I was told that
23 Tesla had a team inside the Gigafactory that's sole
24 purpose was to monitor employees' social media and
09:55:55 25 other communications, if you will, via social media

09:55:55 1 platforms if they had laptops or tablets or cell
2 phones within the Gigafactory.

3 Q Was it your understanding that Tesla
4 employees were monitoring other employees as they were
09:56:22 5 posting information or that they were monitoring
6 websites, social media websites to see if information
7 about Tesla was being posted?

8 A Can you repeat that, please.

9 Q Sure. I'm just trying to understand
09:56:33 10 if -- if your testimony is that Tesla was monitoring
11 social media websites to determine if employees were
12 talking about Tesla, or if Tesla was monitoring actual
13 employee devices to see what they were doing on those
14 devices?

09:56:49 15 A Both.

16 Q And do you know if the devices that Tesla
17 was monitoring were Tesla-issued devices or personal
18 devices?

19 A Personal devices I'm aware of. I was
09:57:07 20 told that the only people issued a Tesla device would
21 be people in senior management or executive levels, I
22 guess production managers, engineers, senior
23 engineers.

24 Q And can you tell me what you know about
09:57:28 25 Tesla monitoring personal employee devices?

09:57:28 1 A Only that I was told that it occurred.

2 Q And who told you that?

3 A It was common knowledge and common
4 discussion, every supervisor in that place, Shawn
09:57:42 5 Gouthro, Marshall Sprott, Heather Brown, Rick Clark.

6 Q And what was -- if -- to the extent you
7 can tell me kind of the exact phrasing of what they
8 were saying.

9 A I can't recall the exact phrasing, but it
09:58:01 10 was common terminology. I was specifically told by a
11 supervisor that I needed to take phone calls outside
12 of the SOC, outside of the security and investigation
13 trailer, because everything that was going on with my
14 phone, my conversations, e-mails, anything I did on
09:58:19 15 social media -- I'm not a social media guy so I wasn't
16 concerned about that, but was being monitored.

17 And I personally have experienced
18 problems with my device, as well as other people have,
19 and explained to me that they have experienced issues
09:58:36 20 with their devices while in certain areas around the
21 security operations center or the trailer, the
22 shutting down of devices, the -- just things that are
23 consistent with a potential intrusion into a device.
24 Flashing of screens. Applications closing. Phones
09:59:00 25 restarting. Different things like that.

09:59:00 1 During phone conversations, static --
2 static on the line. Just those things that are
3 absolutely consistent with what industry says, and --
4 and what professionals state could indicate an
09:59:23 5 intrusion on the device.

6 Q And is it your understanding that such
7 monitoring, if it occurred, was in the SOC and in the
8 vicinity of the SOC only or throughout the
9 Gigafactory?

09:59:43 10 A I was told it was in the SOC, in the
11 security and investigations trailer, as well as other
12 areas in the Gigafactory. I was not made aware of any
13 specific areas where there were devices or other
14 things potentially installed.

10:00:06 15 Q And you mentioned that a supervisor told
16 you to take calls outside of the SOC for this reason.
17 Do you recall the name of that supervisor?

18 A First name Ryan. I can't recall the last
19 name.

10:00:21 20 Q And he worked in the investigations and
21 security department; is that correct?

22 A He did. Additionally, a Rick MacLellan,
23 retired Nevada State Trooper, worked as the site
24 security manager for U.S. Security out there.

10:00:38 25 Q And what did Mr. McClellan tell you?

10:00:38 1 A Mr. McClellan made me aware that there
2 was an employee who was relieved, apparently. I don't
3 know anything more than that, but was relieved because
4 certain text messages were captured -- were
10:00:57 5 intercepted, and that were being investigated by Tesla
6 legal and HR. And that this employee was no longer a
7 part of the security team pending the outcome of such
8 investigation.

9 And to clarify, I asked what the nature
10:01:17 10 of that communication was, and he alluded to the fact
11 that it was a perceived threat of some sort. Or could
12 have been perceived as a threat. But I never saw the
13 actual text message. Never saw any of that.

14 Q And do you know who this individual that
10:01:32 15 was relieved --

16 A I don't recall. I don't. No.

17 Q And have you -- have you told me of all
18 the individuals that you recall telling you that Tesla
19 engaged in monitoring of personal devices?

10:02:09 20 A I believe I have.

21 Q And did you, yourself, ever witness
22 actual monitoring of personal devices by Tesla?

23 A No.

24 Q Were you ever shown a document, an
10:02:34 25 e-mail, a text message, anything like that, that the

10:02:34 1 individual who showed it to you represented oh, we got
2 this from someone's personal device?

3 A I can't recall. A lot of time has passed
4 since then.

10:02:58 5 Q And going back to Mr. Lindemulder, are
6 there any conversations with Mr. Lindemulder himself
7 that led you to believe Tesla was hacking Mr. Tripp?

8 A The couple of occasions that I had to
9 speak to Mr. Lindemulder, one of those was in direct
10:03:39 10 relationship to my e-mail at Tesla, and there were
11 challenges with respect to after me being notified
12 that I was being terminated, certain accesses I had to
13 e-mail were removed, terminated, with no explanation.
14 And I -- I went to Mr. Lindemulder at the IT help desk

10:04:11 15 because he was the guy in charge I was told, and I
16 told him, you know, I'm having trouble accessing this.
17 I've got investigative files in the e-mails, things
18 like that, and I said I talked to other technicians
19 over a period of several days, actually weeks, I
10:04:24 20 believe it was a couple of weeks. And Mr.

21 Lindemulder -- I said that they didn't have access,
22 apparently they told me, the other technicians. And
23 he laughed and -- and made the comment that, don't
24 worry, I've got access to everything.

10:04:39 25 I said, okay. So you can fix my stuff.

10:04:39 1 And he indicated that, no worries, I'll
2 do what I have to do. Like I say, I got access to
3 everything. I'll get in touch with Fremont and I can
4 even reach out to Fremont electronically to do what
10:04:54 5 had to change in Fremont.

6 So I just took that for what it was worth
7 at that time. That's the extent of the conversation
8 that I had with him.

9 I will say that -- well, you didn't ask.
10:05:06 10 My personal opinion of Mr. Lindemulder was that --
11 that he was shady. I -- that's just my personal read
12 on Mr. Lindemulder.

13 Q Any other conversations with Mr.
14 Lindemulder that lead you to believe Tesla hacked Mr.
10:05:22 15 Tripp?

16 A The other conversation -- there were two
17 conversations that I can recall. The other one was
18 related to the confiscation of a personal device of an
19 employee in the production area by a production
10:05:38 20 supervisor and security staff, and that Mr.
21 Lindemulder couldn't answer a question I had related
22 to investigation that I was conducting because he had
23 to access data on this device to capture the breach
24 that went out. And it had to do with, I guess, an
10:05:59 25 internal video of some of Tesla's battery -- I

10:05:59 1 think -- I think battery production, but it was
2 somewhere in that battery line production area an
3 employee allegedly took a video of part of the
4 manufacturing process and allegedly released that on
10:06:13 5 social media.

6 Q And are you aware whether or not that
7 individual was Mr. Tripp?

8 A It was not Mr. Tripp.

9 Q Any other conversations that you had with
10:06:27 10 Mr. Lindemulder that you recall?

11 A No.

12 Q You also mentioned the installation of a
13 certain device that you came to believe could be used
14 to hack employees; is that correct?

10:06:46 15 A Based on Mr. Gicinto's and Mr.
16 Lindemulder's statements, yes.

17 Q Did you see the device?

18 A I did.

19 Q And what did it look like?

10:06:57 20 A It was a white in color box. I believe
21 it had an orange rim around it, if you will, like an
22 orange, I don't know, a band around the top. Multiple
23 lights on it. If I were to describe it the first
24 thing that came to mind was, wow, this is a unique
10:07:20 25 router. Like a wireless router.

10:07:20 1 I'm also aware of a second device that
2 was installed at the security and investigations
3 trailer, which going back to your questions, it leads
4 me to believe things were maybe being hacked or
10:07:36 5 monitored. Was that after the installation of this
6 device its function -- it wasn't used for its primary
7 purpose and function. And in the trailer we started
8 to have significant issues with the wifi for a period
9 of months.

10:07:57 10 When I questioned this I was told that
11 the issues with the wifi, don't worry about it. That
12 device, it was a Kronos box, a Kronos timekeeping box.
13 It was not installed correctly, it was not installed
14 as it should. It was not operational in its capacity
10:08:16 15 as a timekeeping device.

16 I was told that that was installed by
17 supervisory personnel and Mr. Gicinto's team, and that
18 the problems we were having -- again, the warning I
19 got to make calls outside of the SOC and outside of
10:08:35 20 the trailer were predicated on those challenges and
21 things that we had problems with. We could not access
22 the internet, could not -- the phones shutting off,
23 all of those things I previously testified to.

24 But when questioned about this and trying
10:08:52 25 to get the contracted IT folks to come assess this

10:08:52 1 situation, because prior to this we had great access.
2 Things were fast. Things were moving. I was told it
3 was due to wild fires, and that the internet problems
4 were a result of the wild fires that were burning
10:09:11 5 along Interstate 80. At that point I just left it
6 alone.

7 Q Do you recall around what time this
8 Kronos timekeeping box was install in the security
9 trailer?

10:09:25 10 A I don't.

11 Q But it --

12 A If I were to estimate, perhaps July,
13 August, time frame of 2018.

14 Q Was this --

10:09:40 15 A And that's a broad window, but that's an
16 estimate.

17 Q Was this device installed before or after
18 the router you previously described?

19 A After.

10:10:02 20 Q Going back to the router for a bit.

21 Are you aware of the capabilities of that
22 device from your own personal knowledge, not what you
23 were told?

24 A Of that device?

10:10:13 25 Q Yes.

10:10:13 1 A I'm not aware of the capabilities of that
2 device. I don't know what that device specifically
3 is.

4 Q Or what it does; is that correct?

10:10:25 5 A Correct. All I know is the conversation
6 between Lindemulder and Gicinto on what its purpose
7 was and the strict rules and enforcement of warnings
8 to stay away from that device, do not unplug any of
9 the landlines, do not use a specific computer that was
10:10:44 10 in that area to conduct further investigative
11 activity.

12 Q And what were the -- what was the
13 conversation you heard concerning the device? And I'm
14 sorry, who was it again that you had the
10:10:59 15 conversation --

16 A Mr. Gicinto and Mr. Lindemulder. And the
17 -- the conversation was that this is being installed
18 to capture cell and communication data going in and
19 out of the SOC.

10:11:16 20 Q Any other --

21 A Which was followed by Mr. Gicinto's
22 comments to me asking me if I could hack into that
23 computer point to a laptop on the desk.

24 Q Did they say anything else about the
10:11:39 25 capabilities of the device other than it would be used

10:11:39 1 to install cell and communication data?

2 A No, sir. Insofar as that I heard.

3 Q Is there anything else about Mr.

4 Lindemulder that we haven't talked about that leads

10:12:18 5 you to believe that Mr. Tripp was hacked by Tesla?

6 A No.

7 Q Let's go back to the threat on June 20,
8 2018, and let me hand you what we will mark **Exhibit 2**.

9 (Whereupon Deposition **Exhibit 2** was

10:12:45 10 marked for identification.)

11 THE WITNESS: Okay. I see **Exhibit 2**.

12 BY MR BETETA:

13 Q And do you know what **Exhibit 2** is, sir?

14 Mr. Hansen?

10:13:46 15 A I do. It's an e-mail from Helen Bigelow
16 on behalf of Chris Lister sent June 20th at 6:24 p.m.

17 Subject is Gigafactory Security Update,

18 wherein the verbiage is: "Good evening - as you may

19 have read in the news we recently caught an employee

10:14:05 20 who hacked Tesla's confidential and trade secret

21 information and transferred it to third parties.

22 We've since terminated the employee and have taken

23 legal action. This afternoon, we received a call from

24 a friend of the former employee telling us the former

10:14:20 25 employee had made threats of violence to those at the

10:14:20 1 Gigafactory. Out of an abundance of caution we
2 immediately notified police, who are currently onsite.
3 You may see increased security at the Gigafactory for
4 a short period of time, but we believe it is safe to
10:14:36 5 work as you normally would. We expect things to
6 return to normal shortly. Thank you, Chris."

7 Q Do you recall receiving this e-mail on or
8 about June 20, 2018?

9 A I do.

10:14:49 10 Q And at the top I see your name; is that
11 correct?

12 A Yes, it is.

13 Q Do you recall if you forwarded this
14 e-mail to anyone?

10:15:00 15 A I don't recall. I may have forwarded it
16 to myself at some point, but I don't recall
17 specifically.

18 Q Do you recall taking a picture of a
19 computer screen while this -- while this e-mail was
10:15:17 20 up?

21 A I don't recall.

22 Q Do you recall forwarding this e-mail to
23 Mr. Tripp or to his attorneys?

24 A I don't. No.

10:15:29 25 Q So you are not aware how Mr. Tripp might

10:15:29 1 have gotten a copy of this e-mail with, I guess, your
2 signature information at the top?

3 A I'm actually not aware of that. I don't
4 know how Mr. Tripp would have got that. I had no
10:15:50 5 communication with Mr. Tripp.

6 Q I just want to make sure we talked about
7 everything you know about the threat on June 20th, and
8 I know we talked about it a little bit earlier.

9 A Sure.

10:16:09 10 Q But was there -- did you have any other
11 involvement other than what you have already described
12 into the investigation of that threat on June 20th,
13 2018?

14 A No, sir, I did not.

10:16:27 15 Q And since Mr. Tripp has designated you as
16 a witness in this case I just want to go through a
17 series of questions that may seem a little repetitive,
18 but are just meant to see if you, in fact, have any
19 knowledge relevant to the case other than what you
10:16:52 20 have already discussed.

21 A Fair enough.

22 Q Do you know anything about Tesla's Model
23 3 production numbers?

24 A I do not, other than anything that's been
10:17:02 25 reported publicly that I may have read on media

10:17:02 1 accounts.

2 Q Do you know anything about the amount of
3 scrap Tesla was generating at the Gigafactory?

4 A The amount of scrap that they were
10:17:20 5 generating? I have no personal knowledge of the
6 amount as it relates to Mr. Tripp.

7 Q Do you have knowledge about scrap at the
8 Gigafactory otherwise?

9 A I do.

10:17:37 10 As part of my responsibility as an
11 investigator I was tasked to conduct investigative
12 activity related to widespread thefts of scrap, raw
13 material, production materials and other things that
14 resulted in a significant financial loss to Tesla.

10:18:04 15 But I was not assigned any part of the investigative
16 role as it relates to Mr. Tripp, Mr. Tripp's
17 mentioning of scrap numbers associated with that,
18 losses to Tesla financially, or what have you. Any
19 knowledge I have of that was based on my
10:18:28 20 investigations of losses.

21 Also, based on information provided to
22 myself and others in a security operations pre-shift
23 meeting on June 5th wherein Elon Musk, Tesla CFO
24 Deepak, I forgot his last name, Director of Security
10:18:51 25 Operations Jeff Jones, had a telephone conference with

10:18:51 1 Mr. Gouthro as well as other leadership. Mr. Musk
2 directed that all employees be reminded of the NDAs
3 that they had signed, that there was to be no
4 discussion of any of these concerns.

10:19:12 5 And those concerns were Elon Musk
6 specifically stating that between January and June a
7 figure of \$37 million in raw material was unaccounted
8 for and missing.

9 I became aware of that because Mr.
10:19:31 10 Gouthro, being my supervisor, directed me to
11 previously conduct investigations into these thefts.

12 Additionally, prior conversations with
13 Mr. Gouthro at the onset of those investigations
14 indicated that there were losses and thefts. Now,
10:19:52 15 this is Mr. Gouthro stating thefts in excess of
16 \$100 million, and that this information -- when I
17 asked I said, well, where are these figures coming
18 from? How are we going to account for this? Based on
19 my experience they had been investigating spot thefts
10:20:11 20 here and there, you know onesies and twosies, if you
21 will.

22 And I started to take a look at the
23 overall picture and determined that there was probably
24 a more widespread organized effort with respect to
10:20:28 25 theft. And I'm not going to get into, I guess, my

10:20:28 1 investigations, and that's probably -- that's not even
2 relevant to this matter, but at the end of the day Mr.
3 Gouthro reported to me that his information from Jeff
4 Jones and from folks in the accounting world were that
10:20:47 5 there was excess losses of 100 million-plus dollars.

6 Q Would it be fair to say that -- that your
7 knowledge is about theft of scrap and missing raw
8 materials; is that correct?

9 A Yes.

10:21:01 10 Q But your knowledge is not about the
11 amounts of scrap Tesla was generating?

12 A I would agree with that, yes. That's
13 fair to say.

14 Q And do you have any information about
10:21:14 15 whether -- how Tesla was storing scrap at the
16 Gigafactory complied with all safety regulations?
17 Whether it was maintained safely?

18 A I do have knowledge of that. I know they
19 weren't.

10:21:29 20 Q And what's your knowledge of that?

21 A So my knowledge of the storage of scrap,
22 the storage of lithium batteries, the storage of --
23 I'm not sure of the industry term, but miss --
24 mis-manufactured products or materials, maybe they
10:21:51 25 don't pass a QA inspection or whatnot, there was a

10:21:51	1	designated area at the Gigafactory known as the
	2	recycle area. Batteries, battery components, battery
	3	parts were stored and just thrown in boxes or on
	4	certain pallets. They were stored in trailers, and I
10:22:14	5	say cargo van, dry trailers, tractor-trailer vans on
	6	various locations on the property. There was an
	7	occasion of a fire involving an explosion or a what --
	8	what I was told was maybe a gas-off. That's not my
	9	level of expertise with respect to lithium batteries,
10:22:37	10	but I did know that they needed to be stored -- I was
	11	told by engineering and environmental safety and
	12	health personnel that they were concerned because
	13	there were literally millions of batteries stored over
	14	in an area of the Gigafactory that was under
10:22:52	15	construction. Their concern was that there was hot
	16	work going on, and these lithium batteries were there.
	17	The environmental health guy told me that
	18	he had spoken to people to get these batteries
	19	removed. But literally, millions of them. Pallets.
10:23:08	20	As far as the other scrap, there were
	21	drive unit parts, battery parts, other various
	22	production components that were just rampantly stored
	23	outside the back of the gigafactory. It got to a
	24	point where a tent was set up or -- and being utilized
10:23:27	25	for materials that there was no more room for.

10:23:27 1 So that's my -- my knowledge. And inside
2 corridors were blocked. It was -- was not organized,
3 was not orderly, and that's my knowledge of that.

4 Q And is your knowledge based on both your
10:23:48 5 own observations and conversations you had with other
6 employees at the Gigafactory?

7 A Based on my personal knowledge, my
8 observations, and my interactions with Tesla's
9 recycling manager, Mr. Elles, who complained to me
10:24:01 10 when I got -- we got a report of a theft, that he was
11 extremely frustrated that he could not manage this
12 area because there were no SOPs. Tesla had no
13 standard operating procedures, no guidelines, and --
14 and no practical application to organize this scrap
10:24:22 15 and materials and theft.

16 Furthermore, he indicated that this is
17 wide open, used some colorful language, and stated
18 he's tired of these employees just driving up, backing
19 their vehicles in here, grabbing stuff, throwing
10:24:38 20 materials in there, and telling me that then they are
21 taking it down to scrap metal yards.

22 He went into the telling me he's worked
23 in the industry for 20 plus years, he's never seen an
24 operation like this.

10:24:49 25 So that's the basis of my knowledge.

10:24:49 1 Q Do you recall Mr. Elles's first name?

2 A Michael, I believe.

3 Q And do you recall around what time this

4 conversation occurred?

10:24:59 5 A I do not. I do not.

6 Q Was it when you were still an employee?

7 A Yes, it was.

8 Q For -- and I think you mentioned it was

9 batteries and drive units that you saw being stored

10:25:41 10 poorly --

11 A Sure.

12 Q -- at the --

13 A Yeah.

14 Q -- Tesla?

10:25:44 15 Any other types of scrap that you recall?

16 A Absolutely. Different plastics, molded

17 components ultimately used in I want to say the end

18 state assembly of the -- I'll say the Model 3 battery

19 unit itself. When it went through that production

10:26:09 20 line, plastic pieces, electrical wiring harnesses,

21 things like that. Lots of it.

22 So, yeah, I mean, I -- I couldn't

23 specifically tell you what those are called. I -- I

24 don't have that background.

10:26:25 25 Q And concerning the batteries it was your

10:26:25 1 understanding that batteries were to be controlled in
2 a -- I'm sorry, let me start again.

3 It was your understanding that batteries
4 were to be stored in a climate-controlled environment;
10:26:54 5 is that correct?

6 A That is correct.

7 Q And it's your understanding that the --
8 there is millions of batteries, I think you said, that
9 were not stored in the climate-controlled environment;
10:27:06 10 is that correct?

11 A That's correct.

12 Q And how do you know they weren't stored?

13 A I observed them, and I was approached
14 while I was an employee there conducting a security
10:27:14 15 patrol by an environmental safety manager who also was
16 an OSHA instructor, he told me and made it clear that
17 he had spoken to somebody about these batteries, I
18 believe it was over the last -- the preceding couple
19 of days, and that no action had been taken. And that
10:27:33 20 his -- the contractors had hot work permits that --
21 that -- welding hot work, different things like that
22 that needed to be done, and there was a concern that
23 there could be a potentially dangerous situation
24 involving the batteries, hot work, things like that.

10:27:50 25 Q During your time at Tesla was that

10:27:50 1 concern over the batteries and how those batteries
2 were stored, was that ever addressed, to your
3 knowledge?

4 A By who? Was it addressed in what way?

10:28:08 5 Q I'm just wondering if it was corrected.
6 If they were put in a safe place.

7 A I never observed that during my tenure at
8 all. I reported the EHS guys' concerns. What
9 happened after that, I don't know. But I can tell you
10:28:22 10 that I observed nothing changing with respect to that.

11 Q And could you just give me a sense of
12 what you observed of the batteries? How they were
13 stored? Where they were stored?

14 A Sure. Outside the back area, inside
10:28:39 15 cargo vans, dry tractor-trailer vans. The -- the
16 pallets of millions of these battery cells, these
17 individual battery cells were -- I believe they were
18 in D and E quad. I'd -- I'd have to look at a
19 schematic, you know, of the area to -- to be specific
10:28:58 20 on that, but they were definitely in those two modules
21 that were under construction.

22 And those batteries were palletized,
23 wrapped in plastic, various markings on them with
24 respect to date of manufacture.

10:29:18 25 There were also markings that they were

10:29:18 1 bad cells, return to Panasonic, send to this person,
2 this person, things like that.

3 Additionally out back, individual battery
4 cells. And on the production floor where there were
10:29:34 5 challenges with respect to maybe a production accident
6 or something, these batteries were observed just being
7 thrown in a vat of water, I guess a 30 or 50-gallon
8 drum of water. And I don't know the end state of when
9 they were removed, if they were removed, but during my
10:29:55 10 patrols and investigation into an incident occurring
11 wherein a couple pallets of batteries crashed to the
12 floor, started sparking, caused a little fire up
13 there, my review of the video on that, as well as my
14 inspection of the conveyor and the machine led me to
10:30:17 15 see that there were these drums with water.

16 And during that incident these -- these
17 batteries were being picked up and scooped and dumped
18 into this container of water that was on the
19 manufacturing floor.

10:30:31 20 Out back, same thing. Well, not -- well,
21 there were -- there were, in fact, a couple of those
22 out back against the back of the building during my
23 observations and my tenure where batteries were inside
24 a vat of water. They appeared to have been there for
10:30:46 25 an extended period of time.

10:30:46 1 And the trailers, the tractor-trailers
2 where you had -- again, I don't know the term, but you
3 had a, I don't know, probably a 12-inch by eight-foot
4 whatever unit module or -- or even more assembled -- a
10:31:12 5 bigger assembly units that were stacked in
6 tractor-trailers, like I say, in different areas. An
7 area known as the boneyard, there were several old
8 tractor-trailers over there. Scrap steel, scrap
9 metal, a whole bunch of things.

10:31:26 10 So those are my observations.

11 Q Do you know if the cargo trailers were
12 temperature-controlled?

13 A They were not.

14 Q And how do you know that?

10:31:35 15 A I have a commercial driver's license, and
16 I'm aware of what those trailers look like, and they
17 were not temperature-controlled trailers.

18 Q About how many --

19 A And there was no electric over there, so
10:31:47 20 even -- how many trailers?

21 Q Let me ask it again.

22 And can you estimate how many trailers
23 you saw with batteries?

24 A Yes. I am aware of five individual
10:32:05 25 trailers at different locations around the

10:32:05 1 Gigafactory. Also, Tesla has off-site warehouses out
2 there, and there are trailers at -- cargo trailers
3 that are around these warehouses that are also filled
4 with various scrap materials and batteries, and I
10:32:28 5 would say -- and I -- I know five. I would say that
6 there was approximately two more that I observed
7 during another investigation in looking for some
8 missing property over at those warehouses.

9 Q So there are five trailers at the
10:32:43 10 gigafactory, and you saw two more at off-site
11 warehouses; is that correct?

12 A That's -- yes. Yes. I'll agree to that.

13 Q And the off-site trailers, those were
14 also not temperature-controlled; is that correct?

10:32:58 15 A That is correct.

16 Q And about how big were the trailers?

17 A They were 53-foot dry cargo dry vans. I
18 believe approximately 53. I think that's what the
19 overall length is.

10:33:12 20 Q And about how many pallets do you recall
21 seeing of batteries stored at the Gigafactory?

22 A Are you referring to the D and E mod?

23 Q Yes. Well, just that you saw that you
24 thought were unsafe -- was unsafe storage of batteries
10:33:29 25 by being maintained on those pallets.

10:33:29 1 A Hundreds. Between -- I -- I --
2 between 100 and 200, based on my recollection right
3 now, and looking at those rows and remembering, you
4 know, how many were in those rows, definitely between
10:33:57 5 100 and 200 at a minimum.

6 Q And you said those were stored in the D
7 and E quad; is that correct?

8 A I believe they were D and E quad, yes.

9 Q And you mentioned one incident where you
10:34:14 10 are aware of that the -- some batteries fell over and
11 there was some sparking; is that correct?

12 A Yeah. Caused a small fire, correct.
13 Very, very small.

14 Q Is that -- is that the only incident you
10:34:26 15 recall with the batteries?

16 A I was -- I observed a video of a battery
17 exploding, and then that was during a review of
18 another investigation and a discussion we had after
19 that particular incident, in fact, and the volatility
10:34:40 20 of these battery cells.

21 Additionally, I'm -- I was made aware of
22 an explosion, if you will, by battery cells that were
23 in one of those vats of water behind the Gigafactory
24 that caused a small fire back there. I did not
10:34:58 25 personally observe that. That was information told to

10:34:58 1 me by Mr. Gouthro, as well as Mr. Halliday and others
2 that had been part of the investigative team during
3 that time.

4 Q So if I have that right those are three
10:35:19 5 separate instances?

6 A Yes. Yeah.

7 Q So you mentioned you observed security
8 footage of a battery exploding. Can you describe what
9 you observed?

10:35:35 10 A Yeah. I observed video surveillance, I
11 guess surveillance footage of a vehicle that ran over
12 a battery cell in one of the parking lots that
13 exploded and shot through the air ultimately. That
14 was my observation on that.

10:35:57 15 Q So the battery was just sitting on kind
16 of the -- like the parking lot; is that accurate?

17 A That is accurate.

18 Q And do you know how it got there?

19 A I have no idea, no.

10:36:06 20 Q And then the other incident was a -- I
21 think you said that the -- a pallet crashed, and --

22 A Well, there were, like, I think three or
23 four pallets on -- on the pro -- say the production --
24 production conveyor system. In the area I think it

10:36:31 25 was A mod, A module, where the -- the initial assembly

10:36:31 1 of the battery units started. And so yes, that's what
2 I observed. Several of those. Just the machine
3 apparently starting by itself, and pushing these right
4 off on to the floor.

10:36:54 5 Q What kind of machine was it?

6 A I don't know the name of it. It's part
7 of the manufacturing and production conveyor system,
8 if you will, where pallets are brought in by these
9 remote vehicles. I say pallets. I don't even know if
10:37:08 10 that's an accurate term, but they are like a tray,
11 stacked individual trays with 140 something individual
12 different battery cells, they are stacked 30 high, and
13 they go through the process, you know, down the
14 conveyor belt ultimately to whatever end -- end use
10:37:25 15 area.

16 I'm not -- I don't know the production
17 role. So -- but that's what I observed. Conveyor
18 system, if you will, is what it appeared to me to be.

19 Q And then the -- your understanding is
10:37:37 20 that the conveyor system in some way malfunctioned
21 causing the batteries to fall and sparking which led
22 to a fire?

23 A That's correct. That's correct.

24 Q And was anyone hurt within the fire?

10:37:47 25 A To my knowledge, no. No.

10:37:47 1 Q And do you --

2 A And that was information I was told by
3 the supervisor. I was tasked to look into that with
4 Mr. Gouthro, Mr. Halliday, the -- Tesla's engineering
10:38:01 5 team came down because they were concerned about this,
6 they didn't know how this could have happened. I was
7 asked to go up and conduct an investigation into this,
8 review footage. Because employees had been
9 identified, as -- as it was explained to me, in an
10:38:16 10 effort to speed a process or somehow -- I believe it
11 was speed a process. But anyway, they would -- they
12 would at times put tape over sensors on -- on these
13 things, and that tape, obviously, over a sensor would
14 prevent the -- the operation of the machine as it's
10:38:41 15 designed to do.

16 That investigation was ultimately handled
17 by -- by somebody else.

18 Q And are you aware of a similar incident
19 occurred again at the -- at the Gigafactory where
10:39:02 20 batteries fell over or sparked? That kind of thing?

21 A I'm not personally aware, but I have
22 heard that it happens, and it happened on several
23 other occasions.

24 Actually, I am. I am aware of one, yes.
10:39:17 25 In fact, it may have -- I don't know if it was that

10:39:17 1 incident or not. I think you may have asked me when
2 that was, I'm not sure. It may have been that very
3 incident, but it was one very similar wherein Mr.
4 Gouthro and Mr. Halliday, myself, Ken Davis, who was
10:39:44 5 another investigator there, and I believe one other
6 person were directed to meet Mr. Gouthro, Nick
7 Gicinto, Jake Nocon, and their team up on the second
8 floor as a result of this, and we were told that this
9 incident was a result of Martin Tripp hacking into
10:40:03 10 Tesla's system and installing malicious programming or
11 software that caused this manufacturing process.
12 All right. I'm glad you asked that
13 question because I do -- I do recall that. I was
14 tasked with respect to that to fill out an evidence
10:40:24 15 custody document of an iPad that was used by an
16 unknown employee to me. I guess Mr. Gicinto
17 identified -- or Mr. Nocon, I was told, identified an
18 individual with an iPad taking video of that incident.
19 Gouthro tasked me to -- to retrieve an ECD, complete
10:40:49 20 the ECD, and take custody of that from the individual,
21 provide it to Mr. Nocon and Mr. Gicinto, which I did.
22 I obtained that. I entered a conference room wherein
23 Mr. Gicinto and Mr. Nocon and another individual, male
24 and another female, I believe, definitely a female,
10:41:14 25 were there to take custody of that.

10:41:14 1 Subsequent to that I was relieved of any
2 responsibility in that investigation, and it was
3 handled by Mr. Gicinto, Mr. Nocon, and Chris Halliday.

4 Q And I'm sorry, do I have it correctly
10:41:48 5 that you said you were looking into -- and there was
6 being discussed a malfunction that occurred as a
7 result of Mr. Tripp's hacking; is that correct?

8 A During that incident I just described I
9 was told by Mr. Gouthro and Mr. Halliday that the
10:42:05 10 reason Nick Gicinto and his team were there was
11 because it was determined that it was Mr. Tripp who
12 somehow hacked into Tesla's, what they call a MOS,
13 Manufacturer Operating System, installed malicious
14 code or software to disrupt the manufacturing process.
10:42:24 15 That's all I was told.

16 Q And you didn't find anything out about
17 how -- Mr. Tripp allegedly caused a disruption in the
18 manufacturing process?

19 A No, sir. I -- no, not at all. I had
10:42:41 20 zero expertise in that realm.

21 Q Have we talked about everything you know
22 concerning how batteries were not stored safely at the
23 gigafactory?

24 A Is your question have we talked about
10:43:10 25 everything?

10:43:10 1 Q Yes.

2 A Then, yes, the answer is we have.

3 Q Can you tell me what you observed
4 concerning drive units being unsafely stored at the
10:43:24 5 Gigafactory?

6 A That relates back to the storage of
7 scrap, and I don't -- I -- I'm not speaking of an
8 entire drive unit, per se. Components of drive units
9 that were put in large -- a pallet-sized box, if you
10:43:47 10 will, cardboard box, I would describe these as drive
11 unit housing covers or whatnot. Precision
12 manufactured. They appeared to be stainless steel or
13 some high end alloy. The concern over that was that
14 was directly related to part of the conversation with
10:44:08 15 Mr. Elles and him pointing out, look at all this type
16 of stuff.

17 Additionally with respect to that, we had
18 a manufacturing supervisor in -- I'm sorry,
19 manufacturing -- I don't know if it was manufacturing,
10:44:23 20 but it was a supervisor in production within the drive
21 unit area who brought one of these to the security
22 office. I was tasked as the on-call investigator to
23 field all incoming investigation requests where she
24 stated she was concerned that these things were being
10:44:46 25 stolen because one of her employees, she -- she

10:44:46 1 applauded her employee for coming to her and saying
2 hey, can I -- can I take this? Take it to the scrap
3 metal yard? There is just tons of them out there.

4 And she reported that this employee
10:45:02 5 observed and was told by another employee that worked
6 there that they were taking these and they were just
7 taking them to a recycling center. So she reported
8 this to me. So that's the extent of my knowledge
9 regarding drive units and the, say, any theft of
10:45:17 10 those. Misappropriation or what have you.

11 Q And what about concerning the storage of
12 plastics?

13 A Again, when I said plastics I'm talking
14 about plastic components that went on -- to me, they
10:45:40 15 appeared to be a control module plugged into what
16 would be the wiring harness of the vehicle, as well as
17 wiring harness components, electrical wires and
18 different things, that if you are familiar in the
19 automotive industry you have an idea of what a wiring
10:45:57 20 harness is. So those also stored in the same type of
21 container, stacked on the east, inside and outside,
22 but those were predominantly inside the -- along the
23 wall in what was designated the HAZMAT storage area of
24 the Gigafactory.

10:46:17 25 And to the number of those containers or

10:46:17 1 boxes, if you will, I observed on one occasion alone
2 probably an estimated 60 different containers full of
3 such parts.

4 Additionally, in that area were other
10:46:49 5 boxes of -- are you familiar with a commutator bar
6 inside a starter in a vehicle? There is -- you know,
7 it's a specialized brass or copper component. Like
8 just a bunch of those that apparently they were marked
9 defect or whatnot, so they were stored inside in that
10:47:07 10 area as well.

11 Q Any other scrap -- any concerns over
12 storage of that scrap material?

13 A No. Not that I can recall right now.

14 Q And is it accurate to say that other than
10:47:44 15 batteries your concerns about safety of how the scrap
16 was stored is because it was very haphazard, there was
17 no control of the inventory, those kinds of issues; is
18 that correct? Or is there something more?

19 A That's -- that's a fair assessment. And
10:48:00 20 the actual potential for a significant or catastrophic
21 incident involving the -- you know, involving injury
22 or death to employees or other people out there.

23 Q And why do you believe that such an
24 incident could occur?

10:48:21 25 A Because I was aware of several incidents

10:48:21 1 that did occur involving catastrophic severe injuries
2 as well as this is a fast-paced manufacturing facility
3 still under construction. There -- there were other
4 things that I was investigating involving sabotage of
10:48:49 5 equipment, different things like this between, you
6 know, contractors or what have you.

7 My concern is based on the fact that
8 Tesla is operating in this capacity, and in what was a
9 rush to meet their manufacturing projections. And it
10:49:07 10 appeared to me that they were doing that and cutting
11 corners on safety. And that's why it was a concern to
12 me. My background in law enforcement, my background
13 in the medical field, firefighting, emergency medical
14 services, it's -- it's just a cautionary concern I
10:49:27 15 think that any reasonable person would have.

16 Q And you mentioned some catastrophic
17 severe injuries that occurred at the gigafactory; is
18 that correct?

19 A That is correct.

10:49:38 20 Q Can you tell me about those?

21 A One in particular involved contractors, I
22 assume contractors. I was told contractors that were
23 working outside in the rear in a trench or a pit
24 involving an excavator. The excavator bucket was not
10:49:57 25 properly secured to the excavator and the bucket fell

10:49:57 1 from a significant height into the trench, and I was
2 told by the first responder out there in security that
3 these guys were significantly injured. EMS arrived,
4 they were probably permanent catastrophic lifelong
10:50:19 5 injuries as a result of this. I was told that the
6 manner in which the bucket was connected to the
7 excavator was by a chain and not a locking pin. I
8 have a familiarity with that, as I have operated
9 those -- that equipment as well.

10:50:35 10 Other injuries that I was aware of were
11 crush injuries, inside the electrocution of an
12 employee because of a -- a wire, a high-voltage wire
13 or cable that was not secured properly that was --
14 there was no lockout tag on it.

10:51:00 15 So there were there were several
16 incidents, and I can't recall anymore specifically,
17 but those were two primary concerns.

18 Q Uh-huh.

19 A And I will say that I was working the
10:51:10 20 night of that incident, and there was a directive put
21 out over the radio that there was to be no discussion
22 over this, there was to be no contact, that media
23 personnel were showing up at the gate and they were to
24 turn media personnel away. There was to be no
10:51:30 25 discussion of any -- any injury at all or any care or

10:51:30 1 treatment of the incident.

2 How the incident was ultimately made
3 aware to the public or made known to the public, I
4 don't have a clue.

10:51:45 5 That's the extent of my knowledge of
6 that.

7 Q And the incident you are talking about
8 concerning the -- the directive of no discussion and
9 no contact, that's the one where the bucket fell into
10:51:57 10 the trench; is that correct?

11 A That is correct, yes, sir.

12 Q And --

13 A I was told of a -- I was told of a death
14 of an employee inside the production area, but I -- I
10:52:07 15 have no knowledge of that.

16 Q Who told you about the death?

17 A Mr. Gouthro.

18 Q And did he give you any details about how
19 it happened? How it occurred?

10:52:18 20 A No, not at all. Nothing other than to
21 state that they had a death in production. I -- and
22 that can mean anything. Somebody has got a health
23 problem, you know, so I -- I put no weight on it, but
24 I was made aware of that.

10:52:36 25 Q Uh-huh. And going back to the excavator,

10:52:36 1 do you know if there was an investigation into how the
2 accident occurred?

3 A I was told that there was. Environmental
4 health and safety, and -- well, they were initiating
10:52:50 5 one. That's all I was told.

6 Again, it was not my investigation. I
7 just happened to work with the security officer who
8 was the first responder on the scene.

9 Q So you don't know what ultimately
10:53:03 10 happened with the investigation?

11 A No, sir, I don't.

12 Q And you mentioned an electrocution; was
13 it something you have personal knowledge of or that
14 you were told about?

10:53:15 15 A Something I was told about that was
16 investigated by other people during my tenure there.
17 Other people in the investigations department.

18 Q And the electrocution resulted in a
19 severe injury?

10:53:24 20 A I was told it did. I don't -- I don't
21 know, I never reviewed any footage, I never looked at
22 investigative report. I don't know.

23 Q So you don't have any personal knowledge
24 about that particular incident?

10:53:37 25 A No, sir, I don't.

10:53:37 1 Q Do you know anything about the value of
2 the scrap Tesla was generating at the Gigafactory?

3 And I'm not talking about the value of
4 what was lost, but just of the value of the full set
10:54:06 5 of scrap that Tesla was generating as part of its
6 manufacturing process?

7 A I don't know of the value. I know, like
8 I testified to earlier, the information and the
9 numbers I was quoted, the information received by Elon
10:54:22 10 Musk himself. That's my extent. I don't know the
11 overall value.

12 Q And the value -- you are aware of those
13 that are the value concerning losses and thefts that
14 Tesla experienced; is that correct?

10:54:37 15 A Yes. Yes.

16 Q Do you know anything about the number of
17 bandoliers Tesla was designating as scrap?

18 A No, sir, I don't. I have heard the term
19 bandolier, I don't know what it is.

10:54:57 20 Q Do you know anything about the value of
21 the bandoliers Tesla was designating as scrap?

22 A No, sir, I don't.

23 Q Do you know anything about the number of
24 battery modules Tesla was designating as scrap other
10:55:23 25 than what we already discussed?

10:55:23	1	A	No, I do not.
	2	Q	Do you know anything about the number of
	3		stators Tesla was designating as scrap?
	4	A	No, sir, I do not.
10:55:39	5	Q	Do you know anything about the value of
	6		stators Tesla was designating as scrap?
	7	A	No, sir, I do not.
	8	Q	And other than what we have already
	9		discussed do you know anything about the number of
10:56:08	10		drive units Tesla was generating as scrap?
	11	A	No, sir, I do not.
	12	Q	Do you know anything other than what we
	13		have already discussed about the value of the drive
	14		units Tesla was designating as scrap?
10:56:21	15	A	No, sir, I do not.
	16	Q	And other than what we have already
	17		discussed do you know anything about the batteries
	18		Tesla was installing into Model 3s?
	19	A	No, sir, I don't.
10:56:36	20	Q	And in particular, are you aware of
	21		whether Tesla was installing damaged or punctured
	22		batteries into its vehicles?
	23	A	I have no personal knowledge of that.
	24	Q	Do you have any information about whether
10:56:56	25		Mr. Tripp engaged in sabotage while working at Tesla?

10:56:56 1 A I have no information other than what I
2 already testified to that was told to me.

3 MR. BETETA: Okay. Good time for a
4 break. Off the record.

10:57:16 5 THE WITNESS: Good idea.

6 THE VIDEOGRAPHER: We are off the record
7 at 10:57.

8 (Brief recess taken.)

9 THE VIDEOGRAPHER: We are back on the
11:05:50 10 record at 11:06. Please go ahead.

11 BY MR. BETETA:

12 Q Mr. Hansen, while you were employed at
13 Tesla did you engage in any type of misconduct?

14 A I did not.

11:06:03 15 Q And when you were employed at Tesla did
16 you have access to confidential information?

17 A I did.

18 Q What kind of information?

19 A I would assume when you ask confidential
11:06:19 20 information, that's confidential information related
21 to investigations that were ongoing.

22 Q Did you have information concerning
23 access to information concerning security badging
24 records such as date and times, individuals who were
11:06:37 25 accessing Tesla facilities?

11:06:37 1 A Yes, I did.

2 Q Did you have access to documents from
3 personnel files such as pictures, I.D., employee IDs,
4 license plate numbers of employees?

11:06:49 5 A I wouldn't say those were from personnel
6 files. Those are from the badging files. So the
7 answer would be yes.

8 Q Did you have access to personnel files?

9 A No, not at all.

11:06:59 10 Q And did you have access to security
11 footage, including photos of facility of parking lots
12 with -- taken from Tesla security cameras?

13 A Yes.

14 Q And those would include the date and time
11:07:15 15 of -- date and time stamped photographs of parked
16 cars; is that correct?

17 A Sure. There is a date and timestamp on
18 video, yes.

19 Q And you would be able to determine the
11:07:25 20 license plate numbers of --

21 A Occasionally. Depending on the -- the
22 view, the location, the type of camera.

23 Q Did you ever send confidential
24 information from your personal e-mail address --

11:07:39 25 sorry, let me start again.

11:07:39 1 Did you ever send any confidential
2 information from your Tesla e-mail address to your own
3 personal e-mail address?

4 A Yes, I did.

11:07:47 5 Q Why did you do that?

6 A I was directed to do that by Mr. Gouthro.
7 Part of a couple of investigations that I was working
8 I was directed to do that from home utilizing all
9 resources I could. Open source and available to me to
11:08:02 10 help further those investigations. And I was even
11 paid to work at home on occasion. Mr. Gouthro
12 authorized pay for that.

13 I was directed in those investigations to
14 report back to him. I've utilized my personal e-mail
11:08:24 15 address from home to communicate with Mr. Gouthro with
16 respect to findings and different things related to
17 those investigations.

18 Q Was the only time you sent confidential
19 information to your personal e-mail account on
11:08:44 20 direction of Mr. Gouthro?

21 A Any time that I would have it was based
22 on the direction of Mr. Gouthro in the furtherance of
23 my investigative activity.

24 Q When you were at home did you have access
11:08:57 25 to your Tesla e-mail account?

11:08:57 1 A I don't recall, to be honest with you. I
2 did on my cell phone. Tesla required us to download
3 certain apps, so yes. Yes, I would.

4 Q But to carry out your -- your work, if
11:09:19 5 you were working from home, you would need access to
6 your desktop; is that correct?

7 A I wouldn't need it, per se. I had my
8 cell phone. But I believe -- I don't know if we had a
9 VPN. I can't recall. I can't recall. But it makes
11:09:34 10 sense that I -- that I would. In fact, yeah, yeah,
11 because we could get into the 360 or whatever I was --
12 the platform, yes. So if I needed to log into that I
13 could do that on -- on my computer.

14 Q So if you could log on -- I'm just trying
11:09:53 15 to understand why did you need to send a confidential
16 information to your personal e-mail address if you had
17 access to -- to Tesla e-mail at home?

18 A That's a good question. It was -- well,
19 actually, to answer that, Shawn Gouthro instructed me
11:10:09 20 pertaining to these investigations to limit the
21 information that I store on Tesla's internal systems
22 to keep this off the books, if you will. That this is
23 a very sensitive investigation. And I'm sure you are
24 aware of what I am talking about, the cartel
11:10:25 25 investigation.

11:10:25 1 Those were specific instructions by my
2 supervisor, Mr. Gouthro, who also reported directly to
3 Mr. Gicinto. And my understanding was that those
4 directives came from the top.

11:10:46 5 Q On about how many occasions do you think
6 you forwarded yourself confidential information from
7 your Tesla account to your personal account?

8 A I don't know.

9 MR. ORTUNO: I'm going to object to the
11:10:58 10 use of the term "confidential information". I mean, I
11 think it's vague. I mean, what are you -- what
12 exactly -- can you clarify what you mean by that?
13 Because I'm not -- I'm having a hard time figuring out
14 what that could -- I mean, because -- you know, I
11:11:13 15 think we need to qualify what that means before he can
16 answer those kind of questions.

17 BY MR. BETETA:

18 Q What kind of information were you
19 forwarding from your Tesla e-mail account to your
11:11:24 20 personal e-mail account?

21 A Everything that you described previously.

22 MR. BETETA: Is that sufficient, counsel?

23 MR. ORTUNO: I mean, yeah, I mean, what I
24 -- when you say -- when you go back to say what he
11:11:48 25 described previously, what do you guys mean by that?

11:11:48 1 What do you mean? Which information? Are you
2 talking --

3 THE WITNESS: He mentioned badging
4 records. Certain e-mails that I would forward from my
11:11:59 5 Tesla e-mail to my personal e-mail.

6 MR. ORTUNO: That's what you were
7 referring to?

8 MR. BETETA: Uh-huh.

9 THE WITNESS: The investigative records
11:12:08 10 and documents, sure.

11 MR. ORTUNO: Okay. Just in general the
12 investigative records and whatnot? All right.

13 THE WITNESS: So to -- to answer your
14 question, I don't know how many times.

11:12:18 15 BY MR. BETETA:

16 Q Would you say more than ten times that it
17 happened, that you forwarded information?

18 A I don't know. I would say it was a lot.
19 I was conducting extensive work.

11:12:31 20 Q Did you ever discuss with Mr. Gouthro
21 that such a practice would violate the agreements you
22 entered in with Tesla concerning the handling of
23 confidential information?

24 A No.

11:13:20 25 Q Do you know of any other Tesla

11:13:20 1 whistleblowers that you would describe as a
2 whistleblower?

3 A Personally, no. But I'm aware of Martin
4 Tripp, I'm aware of Mr. Gouthro. I'm aware of a lady
11:13:40 5 Christina Balan, is my understanding. Those are the
6 people that I am aware of.

7 Q Have you spoken with these -- well, with
8 Ms. Balan, have you spoken with Ms. Balan about her
9 allegations concerning Tesla?

11:14:03 10 A I have.

11 Q On how many occasions?

12 A I think we had two phone conversations.

13 Q And around what time?

14 A Last year. Last year. One this year.

11:14:21 15 But brief conversations. Her frustration with the
16 process that she had endured. And that was the topic
17 of the discussion. I assume you want to know that.

18 Q Yes. Anything else about the content?
19 Just --

11:14:37 20 A No, no. I mean, her -- her matters are
21 nothing that I have any knowledge in, knowledge of.
22 She was, my understanding, an engineer in -- or a
23 design engineer or something along those lines. I
24 have no expertise or background in that.

11:14:55 25 Q And you are not aware of whether her

11:14:55 1 allegations are true or not?

2 A I'm not.

3 Q Anything else that you spoke with Ms.
4 Balan about?

11:15:18 5 A No, sir.

6 Q And since your -- sorry.

7 Since your -- you separated from Tesla
8 and U.S. Security --

9 A Uh-huh.

11:15:33 10 Q -- have you had any contact with Mr.
11 Gouthro?

12 A I have, yes.

13 Q What have you discussed with him?

14 A Everything that we talked about
11:15:41 15 previously here. I had discussions with Mr. Gouthro
16 upon his termination from Tesla regarding my
17 thoughts -- well, number one, my concerns about the
18 violations that occurred with respect to me. The
19 unlawful practices. My termination. His part in
11:16:03 20 that.

21 I talked to Mr. Gouthro with respect to
22 what occurred with him, and I introduced him to
23 counsel, because I thought that he had a cause for
24 action under law for wrongful termination.

11:16:22 25 Q What did you discuss with Mr. Gouthro

11:16:22 1 concerning your termination?

2 A That's a broad question. Do you have
3 specific area you want me to talk about? I mean, I
4 can't recall everything that I spoke with him about.

11:16:36 5 But --

6 Q Well, you mentioned his role in your
7 termination.

8 A Uh-huh.

9 Q Just what was the conversation about?

11:16:44 10 What was that conversation about?

11 A That conversation entailed my
12 frustration. The fact that I felt that Mr. Gouthro
13 was being utilized and directed to ultimately
14 follow-through with the termination with respect to
11:17:06 15 me. I discussed my concern with him about the
16 directives I was given not to report or talk to law
17 enforcement based on what I determined or I felt was
18 probable cause related to multiple felony crimes
19 occurring inside the Gigafactory.

11:17:21 20 Q And what did he say about that? How did
21 he respond?

22 A Mr. Gouthro concurred with my assessment
23 of what had transpired. Mr. Gouthro told me that he
24 had conversations with Mr. Jeff Jones, Nick Gicinto,
11:17:39 25 part -- Jake Nocon that were about me with respect to

11:17:39 1 Jeff Jones basically confronting Mr. Gouthro asking
2 him why he would bring me into that team knowing that
3 20 plus years ago I had a -- I had filed a
4 whistleblower action against a former employer. And
11:18:08 5 Mr. Gouthro thought that that was wrong. He thought
6 that, at least what he told me, that my expertise and
7 background was beneficial. Mr. Gouthro told me he
8 brought me on asked me to develop best practices
9 because of the scaling of the investigative
11:18:24 10 department.

11 So those are things that we discussed.

12 Q What were your duties and
13 responsibilities at Tesla?

14 A As an investigations associate my
11:19:10 15 responsibilities were to conduct investigations as
16 directed into a myriad of administrative violations of
17 potential civil issues, NEA violations when they
18 occurred, and -- but more specifically to primary
19 investigations that I had were related to the
11:19:31 20 allegation of narcotics trafficking inside the
21 Gigafactory allegedly by Mexican cartel members who
22 were employees out there.

23 Also, the widespread and rampant theft
24 that was ongoing at the Gigafactory.

11:19:45 25 Additionally, in my role with U.S.

11:19:45 1 Security my responsibilities included access control,
2 overall monitoring of -- for safety violations and
3 different things that occurred and reporting those and
4 responding in accordance with established policy and
11:20:14 5 SOP.

6 Q And the investigations you engaged in,
7 were those assigned to you or were those more like
8 independent investigations that you came to?

9 A Every investigation I conducted was
11:20:26 10 assigned to me.

11 Q And who assigned those investigations to
12 you?

13 A Mr. Gouthro or Mr. Halliday.

14 Q And you didn't work on any investigation
11:20:48 15 concerning a leak to Business Insider, did you?

16 A No, sir, I did not.

17 Q And you did not work on an investigation
18 concerning Mr. Tripp; is that --

19 A I did not.

11:20:55 20 Q What kind of technology would you use in
21 your investigations?

22 A Everything available on Tesla's platform
23 other than what we had, open source, internet,
24 internal technologies, if you will, based on the Lenel
11:21:16 25 badging system, and basically, open source

11:21:16 1 information, internet, things like that. I think
2 that's the extent of it as far as technology goes.

3 THE REPORTER: You said a word before
4 platform?

11:21:38 5 THE WITNESS: On Tesla's. I'm sorry,
6 Tesla's platform.

7 BY MR. BETETA:

8 Q Did you use any technology that you
9 believed to be elicited or illegal in any way?

11:21:51 10 A No, sir, not at all.

11 Q And let's go back to the Kronos
12 timekeeping box you mentioned earlier.

13 A Sure.

14 Q What was your understanding of the
11:22:09 15 function of the timekeeping box if you had any
16 understanding of it?

17 A The function of the box was to allow
18 employees to badge in and out of work. You know, sign
19 in, sign out. That's the -- that's what the box is
11:22:24 20 used for.

21 Q But you mentioned that it wasn't being
22 used in that way; do you know how --

23 A It -- it wasn't being used in that way.
24 It wasn't being used in any way at all. Attempts were
11:22:37 25 made by myself and other employees to actually use it

11:22:37 1 for its designed purpose, and it was not, in fact,
2 connected to the timekeeping system.

3 In fact, all employees were required to
4 log into Tesla's internal system to do their
11:22:53 5 timekeeping.

6 Q So you are not aware of what role, if
7 any, it was playing by being installed in the --

8 A No. I'm not aware of its role at all.

9 Q And other than what we have already
11:23:21 10 discussed is there any other technology you are aware
11 of that you believe was being used for illegal or
12 elicit purposes at Tesla?

13 A Not that I can recall, no. Not that I am
14 aware of.

11:23:36 15 Q Did you observe anyone in Tesla's
16 investigation unit engaging in illegal activity?

17 A No. Not that I can recall, no.

18 Q And you mentioned two kind of broad
19 categories of investigation that you were engaged in.
11:24:30 20 Was that the extent of all the investigations you
21 conducted while at Tesla?

22 A No. No. There were others, but those
23 were my primary focus as directed by Mr. Gouthro.

24 Q Do you think some of the investigations
11:24:54 25 you engaged in were not handled appropriately by

11:24:54 1 Tesla?

2 A I absolutely do, yes.

3 Q And which investigations are those?

4 A The investigations into the theft --
11:25:08 5 thefts of materials that we talked about. The
6 investigation into the allegation pertaining to elicit
7 drug distribution inside the Gigafactory.

8 Q And you did engage in some other smaller
9 investigations? Is that -- is that --

11:25:37 10 A Yes, sir, I would, correct.

11 Q And those, you think, were handled
12 appropriately, to your knowledge?

13 A That's a subjective question. To my
14 knowledge, yes, I think that those smaller
11:26:03 15 investigations probably were handled, at least from
16 the investigative perspective where I had visibility
17 or insight, yes. What happened to them after they
18 were either sent to HR or Mr. Gouthro for final
19 disposition I'm not aware of and I don't know.

11:26:30 20 Q And do you recall that on or about
21 August 3rd, 2018 you communicated your concerns about
22 the mishandled investigations to Elon Musk and senior
23 members of Tesla Security Investigations department?

24 A I do.

11:26:45 25 Q And can you tell me what prompted that

11:26:45 1 communication?

2 A What prompted that communication was my
3 decision not to attend a meeting with Mr. Gouthro and
4 Mr. Pretorius, and presumably I believe Nick Gicinto,
11:27:09 5 as well, for a data dump regarding my investigative
6 activity. What additionally, I had been reporting
7 this to Tesla up the chain of command for months on
8 end, all of this, and based on my background and
9 experience I felt confident that I knew -- I know what
11:27:31 10 credible information is, but I also know what probable
11 cause is to -- or believe I do, and that the
12 information uncovered during my preliminary
13 investigations into such matters warranted involvement
14 of law enforcement officials, local, state, and
11:27:50 15 federal.

16 And after being told that I would not
17 talk to law enforcement, I would have no access to
18 them, I would not speak to anybody outside of Tesla, I
19 became further concerned.

11:28:03 20 And after widespread lack of
21 communication or feedback with me from Mr. Gouthro and
22 other supervisory personnel I was not going to walk
23 into a meeting wherein I believed that it had been
24 determined that the information I possessed and was
11:28:32 25 alleging was going to cause problems for Tesla,

11:28:32 1 whether that be in the media, whether that be for Elon
2 Musk directly, at the end of the day I felt that I had
3 been retaliated against, and it started. And I wasn't
4 going to put myself into that situation. And that's
11:28:50 5 what prompted that e-mail.

6 Q And what was your goal in sending the
7 e-mail? What were you hoping to accomplish?

8 A Let them know I wasn't going to
9 participate in that meeting, number one. And number
11:29:14 10 two, to again fully apprise everybody of the
11 information that they had already been apprised to or
12 apprised of that was being ignored, and in my opinion,
13 swept under the rug, for lack of a better term.

14 Q Would it be accurate to say that you saw
11:29:38 15 any further meeting with Tesla's investigators as them
16 trying to engage in damage control and not really
17 engage you as a serious investigator; is that correct?

18 MR. ORTUNO: Objection. Misstates the
19 testimony. And you're injecting testimony that
11:29:54 20 isn't -- hasn't been put forth by my client. You want
21 to rephrase that?

22 BY MR. BETETA:

23 Q I'll see if he can answer it first.

24 A Repeat the question.

11:30:04 25 Q Can you reread the question?

11:30:04 1 (Whereupon the record was read
2 as requested.)

3 THE WITNESS: That's exactly correct.

4 BY MR. BETETA:

11:30:24 5 Q But you -- you provided Tesla with all
6 the information it needed to get to the bottom of the
7 investigations you started; is that right?

8 A I believe I did.

9 Q Would it be accurate to say that if a
11:30:40 10 competent investigator was given the information you
11 provided and sufficient resources they would have been
12 able to determine if there was a threat to Tesla based
13 on the investigations; is that correct?

14 A A competent investigator, absolutely, I
11:31:04 15 believe so, without an agenda.

16 Q Your communication of August 3rd, I
17 think, suggested to some people at Tesla not only that
18 particular investigations were mishandled, but also
19 that there might be more general malfeasance in
11:31:43 20 Tesla's security and investigations department. Is
21 that right?

22 A Uh-huh. I would say yes.

23 Q And did Tesla reach out to you to discuss
24 that potential malfeasance?

11:31:55 25 A Tesla reached out to me. A gentleman by

11:31:55 1 the name of Ricky Gecewich, if I am pronouncing that
2 correct who I met with in an impromptu status, if you
3 will. I was contacted by a supervisor of the project
4 that was not mine, I was directed to a certain room
11:32:15 5 within the Gigafactory to meet with Mr. Ricky Gecewich
6 or Gecewich who was -- I believe he was an
7 investigator assigned to HR, is my understanding. And
8 so I did meet with him. We did have a discussion.

9 Based on the tone of that, based on our
11:32:41 10 discussion I determined -- based on the advice of
11 counsel also, not to continue to pursue any further
12 discussion.

13 Q Do you recall the discussions you had
14 with Mr. Gecewich?

11:33:10 15 A I do, vaguely.

16 Q Can you just tell me what you recollect?

17 MR. ORTUNO: Object to relevance.

18 THE WITNESS: So Mr. Gecewich advised me
19 that this meeting was a result of that e-mail. He
11:33:29 20 wanted, at that time, to go through the specifics of
21 the information in the allegations, and -- and
22 basically the information I outlined in the e-mail.

23 I explained to him that based on the
24 impromptu nature of this and my being directed to show
11:33:46 25 up I hadn't had an opportunity to review the e-mail

11:33:46 1 thoroughly that he had sent me because I had responded
2 to an e-mail that he sent asking him specifics what he
3 wanted. The information had already been presented,
4 Tesla, Shawn Gouthro, all these supervisors, Marshall,
11:34:06 5 they all had this information, they were all aware of
6 this. I had repeated it. I had met with Nick Gicinto
7 and Jake Nocon with respect to these things. So prior
8 to this.

9 So Mr. Gecewich's tone or attempts to
11:34:24 10 engage in further discussion was not something I was
11 going to engage in. I felt that -- I told him to
12 interview Mr. Gouthro. I told him, why don't you
13 start there interviewing Nick Gicinto, Shawn Gouthro,
14 Jake Nocon, because they had been fully apprised of
11:34:47 15 everything outlined in that e-mail for months, or for
16 an extended amount of time. I think months at that
17 point.

18 And based on the retaliation that had
19 been occurring directed at me, based on what I was
11:35:02 20 told, what -- my observations and the actions by Tesla
21 staff and personnel there, I was uncomfortable in --
22 in that setting, and I was not going to engage in
23 further discussion because I did believe that it was
24 damage control that was being initiated or attempted
11:35:25 25 to be initiated.

11:35:25 1 BY MR. BETETA:

2 Q And when you mentioned retaliation what
3 specifically are you referring to?

4 MR. ORTUNO: Object to relevance.

11:35:38 5 THE WITNESS: Retaliation, the removal of
6 access, the not being communicated with, being fed
7 misinformation by Mr. Gouthro, others. Lack of open
8 communication and dissemination regarding the severity
9 of the evidence that I had derived during my

11:36:05 10 investigations. The retaliatory action in that I was
11 basically being ostracized, marginalized. I was
12 relegated to an outpost. I was no longer allowed in
13 certain areas of the Gigafactory.

14 So that are those things that were
11:36:32 15 retaliatory.

16 BY MR. BETETA:

17 Q Anything else that you remember of being
18 a retaliatory action?

19 A No.

11:36:44 20 MR. ORTUNO: Object, again, on relevance.

21 I'm also going to object to the extent it
22 requires any legal expertise from my client to answer
23 that question, but --

24 THE WITNESS: At this time, no, I can't
11:36:56 25 recall.

11:36:56 1 BY MR. BETETA:

2 Q And when you mentioned removal of access,
3 was that a reference to the fact that you couldn't
4 access your e-mails for an extended period of time?

11:37:07 5 A It was, number one. Number two, it was
6 removal of my access privileges to certain area of the
7 Gigafactory and of the facility in general.

8 Q I'm going to hand you what we will mark
9 **Exhibit 3**.

11:37:48 10 (Whereupon Deposition **Exhibit 3** was
11 marked for identification.)

12 THE WITNESS: Okay.

13 BY MR. BETETA:

14 Q In **Exhibit 3** is a series of e-mails you,
11:40:24 15 Mr. Hansen, exchanged with Ricky Gecewich in August of
16 2018; is that accurate?

17 A That is accurate.

18 Q And this reflects Mr. Gecewich's attempts
19 to have a meeting with you, what we discussed earlier;
11:40:47 20 is that correct?

21 A That is correct.

22 Q And you said you met with him once?

23 A I did.

24 Q Would that have been after that August 8,
11:40:53 25 2018 e-mail?

11:40:53 1 A I believe it was.

2 Q And then he sought to meet with you again
3 thereafter; is that accurate?

4 A He did.

11:41:01 5 Q And did you meet with him again?

6 A No. I was not going to do so.

7 Q And why is that?

8 A I explained that previously.

9 Q Just the same reasons you stated before?

11:41:10 10 A Same reason, yes. Yes, sir.

11 Q Going back to your investigations, did
12 you come to form an opinion that contract employees
13 were being subject to retaliation after reporting, for
14 example, theft of Tesla property?

11:42:09 15 A Yes.

16 Q And how many such instances are you aware
17 of?

18 A With respect to my investigations, which
19 is the premise for your question, I can tell you that
11:42:28 20 I am aware of one individual right now who was
21 terminated after reporting to law enforcement and to
22 security personnel the theft of approximately \$13,000
23 worth of copper wire.

24 Q And is this Len Thompson?

11:42:44 25 A It is, yes, sir.

11:42:44 1 Q Any other instances of retaliation that
2 you are aware of, in --

3 A Not that I can recall at this moment, no.

4 Q Do you know when Mr. Thompson made his
11:43:01 5 report?

6 A Was June -- the report pertaining to that
7 particular incident was June 7th, I believe, early
8 morning hours of June 7, 2018. Late night, 6 June,
9 early morning, 7 June, I believe.

11:43:21 10 Q And how do you know that?

11 A I received the report. I was directed to
12 look into that by Mr. Gouthro after the preliminary
13 report was done by responding security personnel.

14 Q So you spoke directly with Mr. Thompson;
11:43:34 15 is that --

16 A I did.

17 Q And do you know when Mr. Thompson was
18 fired?

19 A That same day.

11:43:40 20 Q And did Mr. Thompson work directly for
21 Tesla, or did he work for another company?

22 A My understanding is a contractor.

23 Q And are you aware whether Tesla had told
24 the contractor that employed Mr. Thompson that his
11:44:06 25 services were no longer needed at a date before

11:44:06 1 June 7, 2018?

2 A No, sir, I'm not.

3 Q And your understanding is that the
4 contractor that worked for Tesla told Mr. Thompson

11:44:28 5 that he was fired on that day on 6 -- June 7th, 2018;
6 is that correct?

7 A My understanding from Mr. Thompson is
8 that personnel from Tesla notified him of that when
9 they showed up at his house to collect whatever Tesla
11:44:46 10 computer and whatnot. I don't know of any further
11 discussion that he may or may not have had with the
12 contractor.

13 Q Is it accurate that your only source of
14 information regarding this retaliation against Mr.

11:45:23 15 Thompson is from Mr. Thompson himself; is that
16 correct?

17 A That's not correct.

18 Q What other -- what are your other sources
19 of information?

11:45:29 20 A Other sources were individuals that I
21 interviewed that worked with and alongside Mr.
22 Thompson in his various capacities at the gigafactory.

23 Q And what did these other individuals tell
24 you? I guess -- I'm sorry.

11:45:45 25 A That's a broad question.

11:45:45 1 Q Yeah, let me try again.
2 Who were the individuals you spoke with?
3 A I can't recall their names at this time.
4 Spoke with two individuals. One, like I say, whose
11:45:55 5 name I forgot who worked extensively with Mr. Thompson
6 in doing inspections as well as other -- a myriad of
7 other responsibilities he had as a superintendent.
8 But the individual told me that
9 essentially it was no surprise to him that Mr.
11:46:19 10 Thompson was terminated.
11 Mr. Thompson had been reporting to senior
12 levels, senior personnel within Tesla the ongoing
13 thefts and his observations of ongoing thefts of
14 copper wire. Predominantly, Mr. Thompson's issues
11:46:39 15 were related to copper wire. Him being the electrical
16 superintendent it kind of made sense to me. But the
17 individual I talked to indicated that a gentleman
18 named Gus Herrera was a Tesla senior employee also
19 responsible for, I guess, contractor operations and
11:47:00 20 Mr. Thompson, and that Mr. Herrera had repeatedly
21 engaged with Mr. Thompson when Mr. Thompson would make
22 complaints of his observations regarding theft, and
23 that Mr. Herrera made statements to other personnel in
24 that organization that Mr. Thompson was not a Tesla
11:47:22 25 team player, and that he had to go. And that

11:47:22 1 essentially the writing had been on the wall for
2 months that Mr. Thompson was viewed as a problem for
3 reporting his concerns and issues regarding stolen
4 wire.

11:47:40 5 Q Did anyone investigate Mr. Thompson's
6 reporting of stolen wire?

7 A I was in the process of doing that.

8 Q So you had just gotten started? Or
9 what -- at what stage was the investigation around
11:48:05 10 that time in June of 2018?

11 A Preliminary. Preliminary. I had just
12 received the cartel information. I had just received
13 the information from Mr. Gouthro on the numbers, the
14 rampant theft, the information directly from Mr. Musk,
11:48:22 15 and so it was preliminary at that stage.

16 Q And did you speak with Mr. Thompson about
17 his allegations of theft?

18 A I did.

19 Q And so I understand, so he wasn't talking
11:48:41 20 about just a single incident of theft, but an
21 ongoing --

22 A Yes.

23 Q -- theft?

24 A Yes.

11:48:49 25 Q And did you find his information to be

11:48:49 1 credible?

2 A I did.

3 Q On what basis?

4 A On the basis of the investigative
11:49:01 5 findings and my review of, primarily, the initial
6 incident that prompted this on June 7th, as well as my
7 interviews with other individuals that had worked with
8 Mr. Thompson. I found Mr. Thompson to be a credible
9 individual during my conduct of interviews with him,
11:49:22 10 as well as the reputation that the individuals I spoke
11 to conveyed to me about Mr. Thompson.

12 Q And you mentioned speaking to two
13 individuals that worked with Mr. Thompson. Have you
14 -- have you provided me all the information you recall
11:50:11 15 from those conversations?

16 A The only additional piece is the
17 individual that I had the extended conversation I just
18 discussed with you had been working with Mr. Thompson
19 for many years and worked previously with him on
11:50:25 20 projects in the State of Alaska. The other individual
21 whose name I cannot recall, we had a very brief
22 discussion. The plan was to get back, follow-up.
23 That never happened.

24 Q Do you know why not?

11:50:40 25 A I'm sorry?

11:50:40 1 Q Do you know why not?

2 A No, I can't recall why not, exactly.

3 Q And so this particular instance then
4 formed part of your more general ongoing

11:51:04 5 investigations into theft at Tesla; is that correct?

6 A Can you repeat the question?

7 Q This just formed more part of your
8 general investigation into thefts at Tesla; is that
9 correct?

11:51:15 10 A It did.

11 Q And turning to that investigation now, I
12 think you testified Mr. Gicinto assigned that
13 investigation to -- I'm sorry, was that right, Mr.
14 Gicinto?

11:51:29 15 A Mr. Gouthro.

16 Q Mr. Gouthro assigned that information to
17 you; is that correct?

18 A That's correct.

19 Q And what was kind of his assignment to
11:51:40 20 you?

21 A Because there were three individuals,
22 subjects identified throughout the preliminary
23 investigation, he wanted me to essentially start at
24 the beginning, do a checks and balances, if you will,
11:51:58 25 of the initial report that was done, and to develop

11:51:58 1 further information to identify the third individual.
2 There were two individuals arrested that night. There
3 was a third individual that was later identified as
4 having dropped these people off on the facility. And
11:52:24 5 so to identify that individual.

6 He was later identified, and Mr. Gouthro
7 had advised me that this individual was known to have
8 a badge making -- badge printing machine and had been
9 involved in providing fraudulent badges for various
11:52:50 10 contractors to access Tesla's property. And it was,
11 in fact, those badges, or badges that met that
12 criteria, that were in possession of the two
13 individuals that were arrested that night. One of
14 whom was a convicted felon, lived down at the homeless
11:53:12 15 shelter here in Reno. The other I was told by Mr.
16 Gouthro was an illegal alien in the country, and that
17 he was being turned over to Federal authorities.

18 And, you know, that's the extent of that.
19 What I was tasked to really do was to
11:53:31 20 identify that third person because the name -- I guess
21 Mr. Gouthro had known the name at some point, so I
22 moreover confirmed who that was, and -- and go from
23 there.

24 THE VIDEOGRAPHER: Counsel?
11:54:00 25 BY MR. BETETA:

11:54:00 1 Q And what did you -- what else -- what
2 else did you find about the third individual involved
3 in the badging -- fraudulent badging at Tesla?

4 A That he was an employee of Panasonic.

11:54:12 5 Q And what is his name, if you recall?

6 A Julio Alarcon, A-l-a-r-c-o-n.

7 Q And do you know if any action was taken
8 against Mr. Alarcon?

9 A I don't know the end result of that. I
11:54:41 10 was told by an HR rep that action was going to be
11 taken. A recommendation was going to be that he be
12 ultimately terminated. But that was many weeks after
13 the -- the incident, so I don't know, I never had a
14 follow-up.

11:55:12 15 Q And why do you think this investigation
16 was mishandled?

17 A I don't think I stated that that
18 investigation was mishandled.

19 Q I'm sorry. Do you believe this
11:55:23 20 particular investigation was mishandled?

21 A No. I don't think it was mishandled.

22 MR. BETETA: Let's take a break. We have
23 to change the tape.

24 THE VIDEOGRAPHER: We are off the record
11:55:50 25 at 11:56. This ends media number one.

11:55:50 1 (Brief recess taken.)

2 THE VIDEOGRAPHER: This is media number

3 two in the deposition of Karl Hansen on September 4,

4 2019.

12:01:26 5 We are back on the record at 12:02 p.m.

6 Please go ahead.

7 BY MR. BETETA:

8 Q And Mr. Hansen, let's turn now to the

9 drug cartel investigation that you mentioned.

12:01:38 10 A Sure.

11 Q Who initiated this investigation?

12 MR. ORTUNO: Let me just get a running

13 objection on this whole line of questioning that it's

14 irrelevant and it's not reasonably calculated to lead

12:01:50 15 to admissible evidence. Is it okay to keep that

16 running instead of interrupting your flow?

17 MR. BETETA: I'm fine with it.

18 THE WITNESS: Can you repeat the

19 question?

12:02:12 20 MR. BETETA: Can you read it?

21 (Whereupon the record was read

22 as requested.)

23 THE WITNESS: I need clarification on

24 that question. Who initiated it? At what point, and

12:02:23 25 where?

12:02:23 1 BY MR. BETETA:

2 Q When did you become involved in the
3 investigation?

4 A Okay. So from my perspective it would
12:02:30 5 have been -- I was made aware of it at the end of May
6 of 2018 in a conversation with Mr. Gouthro on June 5th
7 of 2018. I was provided a document outlining the
8 allegations pertaining to that matter. Go ahead.

9 Q And can you describe the document that
12:02:53 10 you were provided?

11 A I was told that the document was a report
12 that was validated. It was provided by a Sergeant
13 Mendoza according to Mr. Gouthro to Tesla from the
14 Storey County Sheriff's Department. Members of the
12:03:07 15 sheriff's department who were assigned to a DEA task
16 force had done a preliminary validation of the
17 information contained in that document.

18 Mr. Gouthro then gave it to me that day,
19 June 5th, asked me or directed me to conduct an
12:03:30 20 investigation to further corroborate and validate the
21 information in that report.

22 Q What did you understand -- let me -- let
23 me ask that again.

24 What do you mean when you say that the
12:03:45 25 information contained in the report was preliminarily

12:03:45 1 validated?

2 A I don't know what that means other than
3 based on my experience Mr. Gouthro telling me that
4 that came from a member of the DEA task force that a
12:04:04 5 preliminary vetting, if you will, or look into those

6 identified validated the allegation, to some extent.
7 Validated the very existence of the people named in
8 the document. And that there had been concerns of
9 cartel involvement with certain employees within the
12:04:32 10 Gigafactory or contractors working out there or what
11 have you.

12 Q Uh-huh. Do you know who the source of
13 the report was?

14 A I was told it was from Sergeant Mendoza,
12:04:45 15 member of the DEA task force assigned to Storey County
16 Sheriff's Department. So as far as a source of the
17 document, that's what I know the source to be.

18 Q And what about the source of the
19 information contained in the document?

12:05:00 20 A No. Do not know the name of the source.
21 I asked about that. That was my initial preliminary
22 request of Mr. Gouthro to be given permission to
23 coordinate with law enforcement because based on my
24 background and experience there was more preliminary
12:05:17 25 work that should have been done, and I was told that

12:05:17 1 that would not happen.

2 I would not communicate with them. Mr.
3 Gouthro would reach out and inquire as to the source.

4 Q And do you know whether or not Mr.
12:05:34 5 Gouthro, in fact, reached out to law enforcement
6 concerning the source of the -- this document with the
7 information concerning drug cartel involvement in
8 Tesla?

9 A I don't know if he reached out based on
12:05:46 10 that specific request. Mr. Gouthro did tell me that
11 it was anonymous, if I recall correctly. That's the
12 extent of what he did, or my knowledge of what he did.

13 Q And so you were never able to speak with
14 the source of the information contained in the
12:06:09 15 document; correct?

16 A That is correct.

17 Q And other than this document did you have
18 any other sources corroborating the existence of the
19 drug cartel involvement at Tesla?

12:06:28 20 A Mr. Gouthro's information given to me,
21 that he was in regular communication with Mendoza and
22 others assigned to Storey County, and that the DEA
23 task force or members assigned to that task force had,
24 in fact, previously talked about large scale cartel
12:06:55 25 involvement in the Reno area, and that their concerns

12:06:55 1 were that these individuals -- several of these
2 individuals were employees out there.

3 Outside of that, no.

4 Q And this was all from Mr. Gouthro; is
12:07:09 5 that correct?

6 A That is correct.

7 Q And did your own personal investigation
8 uncover whether there was any trafficking, in fact,
9 occurring at the Gigafactory?

12:07:26 10 A That investigation was in the preliminary
11 stages as well. No, because I was unable to pursue a
12 competent investigation that -- and follow and develop
13 leads and information that would ultimately lead me to
14 render an opinion as to whether -- you know, whether
12:07:53 15 those allegations were, in fact, true.

16 Q And why were you unable to conduct the
17 investigation you believed was required?

18 A I wasn't able. I was not allowed to talk
19 to law enforcement.

12:08:17 20 Q Any other reason why you believe you --

21 A Sure. Several other reasons.

22 Q Can you tell me?

23 A I can.

24 My inquiries did validate the existence
12:08:29 25 and the actual employment of several individuals. One

12:08:29 1 of them the primary subject identified in the
2 document.

3 Additionally, my efforts to obtain what I
4 felt was relevant information that could potentially
12:08:53 5 lead to an avenue of investigation that could
6 potentially corroborate the -- the methodology in
7 which the trafficking of methamphetamine and cocaine
8 could, in fact, be being utilized by these members was
9 denied to me. I was asking for specific information,
12:09:16 10 certain records related to certain shipments coming
11 into the Gigafactory. I was denied access to those.
12 I was told I would not talk to certain people, certain
13 supervisors with respect to certain shipments of
14 chemicals and other components used in the production
12:09:37 15 of Tesla's batteries.

16 Q Any other reasons?

17 A Not that I can recall right now, no.

18 Q To the extent you recall, what if
19 anything suggests to you that the individuals
12:10:12 20 identified by the anonymous source were involved with
21 the drug cartel?

22 A Repeat that question, please? Sorry.
23 Thank you.

24 (Whereupon the record was read
12:10:23 25 as requested.)

12:10:23 1 THE WITNESS: Well, the initial statement
2 to me that law enforcement members had preliminary --
3 preliminarily validated information contained in the
4 document, number one. Based on information contained
12:10:56 5 in that document there were items that could be traced
6 to certain things. Anyway, to certain transactions,
7 right, involving these individuals.

8 Furthermore, I was aware of -- I was
9 aware of a Federal indictment involving -- that
12:11:26 10 came -- that was released in June of 2018 here by the
11 U.S. Attorney's office involving I think 20-plus
12 individuals for a wide range of felony offenses, but
13 primarily drug trafficking in methamphetamine, I
14 believe cocaine. And part of my investigation
12:11:48 15 identified that five of those individuals were
16 employed or had been employed at Tesla through social
17 media and other investigative steps that I took to
18 look into the subject of that document, and his
19 associations. There were connections to those people,
12:12:08 20 certain individuals.

21 So that was also something that led me to
22 believe that further investigative activity was
23 required to rule in or rule out potential involvement.

24 BY MR. BETETA:

12:12:31 25 Q Are you talking about the United States

12:12:31 1 versus Mora case? Is that what you are talking about?

2 A That's correct, yes, sir.

3 THE REPORTER: Did you say Moore?

4 MR. BETETA: Mora.

12:12:36 5 THE WITNESS: M-o-r-a.

6 BY MR. BETETA:

7 Q And you believe that some of the
8 individuals that were indicted in that case worked at
9 Tesla; is that correct?

12:13:08 10 A They did.

11 Q Do you remember who they were?

12 A I can't recall off the top of my head.
13 It's been a year, obviously, over a year, so I mean, I
14 don't. I know the Mora name. That's the only one
15 that really comes to mind right now.

12:13:24 16 Q I'm not going to mark this as an exhibit,
17 but let me -- let me show you the indictment, and
18 then -- in the United States v. Mora case and see if
19 the list of names brings to your recollection any of
12:13:37 20 the individuals who you believed worked at Tesla.

21 A Mora, I believe. Jose Ballantine. Mora.
22 Shawn Curl. I believe -- actually, I can't recall
23 specifically, but there were five of them. Monopoly.
24 Richard Rossall was one of them. And -- Shawn Curl,
12:14:07 25 Mora, Richard Rossall, and I can't recall the other

12:14:07 1 two by looking at that, but there were two others.

2 Q Okay. Thank you.

3 And so I understand, you mentioned the
4 corroborating evidence about drug cartel involvement
12:14:36 5 to be the initial statement, the Department of -- in
6 USA v. Mora where certain individuals that you believe
7 worked at Tesla were indicted. Is there any other
8 kind of corroborating evidence that helped you
9 conclude the drug cartel or helped you -- let me start
12:14:57 10 over again.

11 A Sure. That's fine. That's fine.

12 Q So I just want to get an understanding of
13 corroborating evidence that you found to support your
14 belief that further investigation was needed to
12:15:11 15 determine if the drug cartel was involved at the
16 Gigafactory.

17 A Uh-huh.

18 Q And you have identified the initial
19 statement, the report that you received from the law
12:15:20 20 enforcement?

21 A Right.

22 Q And the individuals indicted in USA v.
23 Mora who also worked at the Gigafactory?

24 A Uh-huh.

12:15:28 25 Q Is there any other evidence?

12:15:28 1 A Sure. There were rampant other
2 investigations that we had out there involving
3 possession and use of methamphetamine, cocaine. On
4 any given day there were probably 6 to 7,000 people at
12:15:44 5 the Gigafactory, that's a small city.

6 And so I was aware of widespread finding
7 paraphernalia, use investigations that had been
8 conducted into methamphetamine that was found here or
9 there. Different -- different things like that.

12:16:03 10 Additionally, what prompted me, and I
11 don't know if you are aware, one of the --
12 methamphetamine, the primary use in what's known as
13 super-meth, a primary ingredient is lithium from
14 lithium batteries. Also along about this time I
12:16:24 15 learned that -- or some time in the -- preceding this
16 in the near time, Tesla had either obtained ownership
17 or signed a contract with a lithium mine in Sonora,
18 Mexico.

19 I attempted to go down that road. I
12:16:43 20 was -- the reason I say that is the super-meth and the
21 lithium components involved -- now again, I'm not a
22 subject matter expert on this, but I have a background
23 and knowledge of some of this. A primary ingredient
24 in this super-methamphetamine is lithium and it's
12:17:00 25 extracted from batteries and different things.

12:17:00 1 The individual identified in that as well
2 as several others in that document were from the
3 Sonora, Mexico region. They had ties on social media
4 to certain cartel members.

12:17:14 5 So there was a myriad of different things
6 and -- and that we could get into about that. And I'd
7 have to refresh my memory on all of it because I can't
8 recall all of it right now. But it was enough to
9 warrant, and based on my experience, further
12:17:28 10 investigation to corroborate, rule-in, rule-out
11 whether or not this was happening.

12 But I was aware of ongoing drug deals
13 that -- that was told to me by other investigators
14 within the investigations department. Mr. Gouthro
12:17:46 15 telling me about employees being terminated for use,
16 possession, distribution and sales of narcotics within
17 the Gigafactory.

18 Q About how many investigations were you
19 made aware of concerning use, distribution, and
12:18:04 20 possession at the Gigafactory, if you recall?

21 A I can't recall, but I would tell you that
22 off the top of my head I would estimate maybe three to
23 four that come to mind, and that involves the finding
24 of other paraphernalia, the finding of 8 ball bags,
12:18:28 25 nickel bags, dime bags containing powdered heroin,

12:18:28 1 cocaine, crystal methamphetamine, other forms of
2 methamphetamine and controlled substances.

3 Q And do you recall who was involved in
4 those investigations?

12:18:43 5 A I don't.

6 Q And do you know if those investigations
7 were adequately conducted?

8 A I don't.

9 Q Do you have reason to believe one way or
12:19:27 10 another whether or not law enforcement is currently
11 engaging in any kind of investigation concerning drug
12 trafficking at the Gigafactory?

13 A Do I have any reason to -- can you repeat
14 that, please? I'm sorry.

12:19:42 15 (Whereupon the record was read
16 as requested.)

17 THE WITNESS: It wouldn't surprise me if
18 they were, but I don't have any firsthand knowledge of
19 any ongoing investigative activity.

12:20:06 20 BY MR. BETETA:

21 Q And concerning this drug cartel, the
22 investigation, did Mr. Gouthro tell you to keep this
23 investigation off the books?

24 A Yes, sir, he did.

12:20:16 25 Q And I believe you put together an

12:20:16 1 investigative report; is that correct? Concerning
2 the --

3 A I did. I was asked by Mr. Gouthro to
4 hurry up and put that together.

12:20:30 5 He was meeting with Mr. Gicinto and his
6 team with respect to that. I believe it was on
7 June 12th of 2018. Told him, look, I conducted my
8 link analysis, I'm still working on that. I mean,
9 this is a very extensive potential investigation here.

12:20:47 10 And he said just get -- get me what you
11 got. You got one hour to put it together. So I did.
12 I drafted a 20-something page document outlining
13 requirements, the preliminary findings that I had
14 established up to that point, and my recommendations
15 that significant further investigative activity and
16 communication with law enforcement, I believe, I have
17 to look at the report, it's been over a year, be
18 immediately initiated.

19 Q Do you know why Mr. Gouthro asked you to
12:21:22 20 put together a report if he wanted this investigation
21 to be kept off the books?

22 A He was taking direction from Nick Gicinto
23 and Nick Gicinto's team. I can't answer why Mr.
24 Gouthro would have told me to rush the report. His
12:21:39 25 rationale for telling me to hurry up was that he was

12:21:39 1 at dinner with Nick Gicinto, Jake Nocon and the team,
2 and they were discussing that particular case as well
3 as the other things. Primarily the Martin Tripp
4 matter. So that's the extent of that.

12:22:10 5 Q Turning to the investigation into thefts,
6 so is it accurate that there is an investigation into
7 thefts that you believe was mishandled by -- by Tesla?

8 A I believe everything related to a meeting
9 I had with Mr. Gicinto, Mr. Nocon, Marshall Sprott,
12:22:31 10 and Shawn Gouthro, I believe there were subsequent
11 allegations that came out of that preliminary
12 investigation with Mr. Thompson to include allegations
13 of contract fraud, falsification of official
14 certification documents related to the installation of
12:22:56 15 electrical things. Again, I'm not an expert on
16 electrical stuff and those things. And the
17 individuals identified as allegedly being complicit
18 and responsible for fraud, the award of contract fraud
19 in violation of some contracts, different things like
12:23:20 20 that were significant enough that when I brought it to
21 the attention of those supervisors Mr. Gouthro told me
22 that I needed -- this was above his pay grade. You
23 are not to talk to law enforcement. But you need to
24 talk to Nick Gicinto and his team, and I will brief
12:23:40 25 them. I'll set up a meeting. That meeting occurred,

12:23:40 1 was cut short briefly. I spoke to Jake Nocon.

2 Marshall Sprott was also present for this. And

3 Marshall Sprott opined that, well, it appears that

4 there is probable cause to bring in law enforcement

12:24:06 5 into this matter with respect to certain aspects of

6 the thefts, the fraud, contract fraud, different

7 things like that.

8 So at the end of the day, yeah, it was

9 mishandled. I believe it was mishandled. Nothing was

12:24:22 10 done to further any investigative activity.

11 Q How did you first become aware of the

12 these potential issues, the contract fraud?

13 A Through my investigation into that

14 incident involving -- where Len Thompson reported

12:24:48 15 those -- those two individuals for stealing that wire.

16 A subsequent investigative activity, interviews of

17 people, predominantly Mr. Thompson, the other

18 employee, as well as other personnel. Again, the

19 recycling manager within Tesla. That's how I became

12:25:07 20 aware of it.

21 Q And what, in particular, did you discover

22 concerning contractor fraud? For example, what

23 contracts were involved?

24 A My understanding was that there was an

12:25:23 25 award of a contract to -- and this -- this involved

12:25:23 1 union versus nonunion contractors. Not my area of
2 expertise.

3 But allegedly in contravention of some
4 contract there was an award either to a union or
12:25:43 5 nonunion contractor to move a electrical control
6 center a very short period or distance. That job
7 should have cost approximately 60 to \$75,000,
8 somewhere in that range, and there was an award of
9 that contract to a preferred contractor in excess of
12:26:08 10 \$500 million to do that type -- that scope of work.

11 As far as the other fraud, I was told by
12 Mr. Thompson that there were allegations of some type
13 of contract kickbacks going to Mr. Herrera and
14 somebody else in contracting out there. I can't
12:26:37 15 recall the name right now of who that was, but
16 definitely a Tesla employee that was involved in
17 contracting and the award of contracts.

18 Q Any other contracts that you recall
19 being --

12:26:55 20 A No, sir, I'm not aware of any that I can
21 recall.

22 Q And on the contract to move the
23 electrical control center, did I hear you correctly
24 you said that it was awarded in excess of
12:27:09 25 \$500 million?

12:27:09 1 A It was -- I don't remember the specific
2 number, but it was -- it was -- I'm not -- not --
3 \$500,000, not -- did I say 500 million? Yeah,
4 \$500,000. Yeah. For some -- some reason 900,000 or
12:27:27 5 something comes into my mind, but I can't confirm that
6 right now. I don't have those documents in front of
7 me or anything related to that.

8 Q And who did -- who was your source for
9 that particular contract? Who told you about this
12:27:37 10 contract, if you --

11 A That was -- that was Mr. Thompson. It
12 was also the other individual that worked with Mr.
13 Thompson who confirmed that statement made by Mr.
14 Thompson, as well as corroborated the information
12:27:57 15 regarding the falsification of the torque
16 specifications. That's what it was, torque
17 specifications on certain electrical systems or
18 control systems.

19 Q Did Mr. Thompson or his friend tell you
12:28:28 20 who at Tesla was in charge of approving the electrical
21 control center contract?

22 A He did, yes. I don't recall that
23 person's name.

24 Q It wasn't Mr. Herrera?

12:28:40 25 A No. But my understanding was Mr. Herrera

12:28:40 1 worked with this individual. I -- I don't recall his
2 name. Maybe -- maybe Josh. And again, that's all I
3 can potentially think of here.

4 Q And is it accurate that when you were
12:29:12 5 investigating these matters you -- you took some notes
6 and then passed those notes on to your supervisors at
7 Tesla; is that correct?

8 A Absolutely. Either notes or e-mail,
9 verbal conversations in briefings.

12:29:32 10 Q And you also mention kickbacks to Herrera
11 and another Tesla employee. Do you remember the
12 context of those kickbacks?

13 A I do not, sir.

14 Q Any other thefts that you were
12:30:09 15 investigating that we haven't talked about?

16 A Not that I can recall that have any
17 merit, no. I can't recall any.

18 Q And you mentioned certain torque
19 specifications. Is that in the context of
12:30:39 20 falsification of commission paperwork? Is that --

21 A That, yes, yes, yes.

22 Q And do you recall why that was a concern?

23 A A concern for who?

24 Q I guess for Mr. Thompson or for others at
12:30:54 25 Tesla.

12:30:54 1 A According to Mr. Thompson it was a
2 concern for him because of safety issues, number one,
3 according to him. He also is an OSHA instructor and
4 told me that he was an OSHA inspector. He was a
12:31:10 5 senior superintendent for commercial electrical
6 systems, and he explained to me the importance of
7 those torque specifications and that they are a
8 requirement. And so that was my understanding of the
9 importance why it was important.

12:31:35 10 Q And other than Mr. Thompson did you speak
11 with anyone else about the torque specifications?

12 A I did. I talked to an individual Mr.
13 Thompson identified as somebody that either was a peer
14 with him or -- or was a night shift supervisor maybe
12:31:53 15 above him that also expressed those concerns. He
16 stated that those concerns were reported to Herrera as
17 well, and that nothing was done with respect to
18 correcting those deficiencies. Mr. Thompson indicated
19 that those records are available, and certain
12:32:16 20 individuals that were made aware of it could
21 corroborate and provide whatever was necessary to
22 support those allegations.

23 Q And who did you tell about the -- these
24 issues concerning commission paperwork, falsification
12:32:41 25 of commission paperwork?

12:32:41	1	A	Mr. Gouthro, Mr. Sprott, Heather Brown,
	2		Nick Gicinto, Jake Nocon.
	3	Q	Do you recall around what time you told
	4		them?
12:32:52	5	A	I don't, no.
	6	Q	Would it have been before your August 3rd
	7		communication?
	8	A	It would have been.
	9	Q	And did you get any kind of understanding
12:33:06	10		of whether the individuals you told took any action in
	11		response to your investigation?
	12	A	There was no action taken, I was told,
	13		with respect to that information.
	14	Q	And who told you that?
12:33:22	15	A	Mr. Gouthro and Mr. Sprott, Heather
	16		Brown. And Mr. Halliday, actually. Mr. Nocon himself
	17		told me that while he received the report he hadn't
	18		had a chance to look into it thoroughly at that point,
	19		and couldn't essentially tell me when he was going to
12:33:53	20		do that.
	21	Q	Any other instances of theft that we
	22		haven't talked about yet?
	23	A	Not that I can recall, no.
	24	Q	And other than the investigations we have
12:34:21	25		discussed, are there other issues at Tesla that you

12:34:21 1 knew about and that you believe shareholders and the
2 public should know about?

3 A Other than the issues we have talked
4 about?

12:34:35 5 Q That's correct.

6 A No. I think the purpose of my knowledge
7 or my -- my -- my -- my being here today is related to
8 the questions and the things that we have talked
9 about. I'm aware of other things out there in the

12:34:51 10 local media, all of that stuff, but no, I think -- I
11 think we are -- we have sufficiently covered, at least
12 from your perspective, I think, what needed to be
13 covered. And I have nothing to add to that.

14 Q And let's talk a little bit about your
12:35:12 15 termination from Tesla. I think the reason -- one of
16 the reasons you were told you -- you were shifted from
17 an employee position to a contract position was
18 because of a reduction in force; is that correct?

19 A I was told that, yes.

12:35:30 20 Q And do you have any reason to believe
21 that that was inaccurate? That statement was false?

22 A I do.

23 Q And why is that? Why do you believe it
24 was false?

12:35:39 25 A Because of the actions that were taken

12:35:39 1 against me. The retaliation I previously testified
2 to. The specific actions after it became public
3 information that I filed a report or a tip with the
4 SEC. Information from Mr. Gouthro about behind the
12:36:03 5 scenes communications and actions that were being
6 taken and directed by Jeff Jones. Communications with
7 Matt German, the national accounts manager for U.S.
8 Security who provided specific information regarding
9 his meetings with Jeff Jones and Tesla's concerns that
12:36:25 10 the information I had, they didn't want that
11 information getting out. It was going to be
12 problematic in the media for Tesla.

13 So there is a myriad of reasons, to
14 answer your question.

12:36:39 15 Q Uh-huh. Who told you that Tesla -- that
16 you had provided information Tesla didn't want to get
17 out to the media?

18 A Mr. Gouthro. Mr. McClellan. Mr. -- or
19 the -- I forgot his last name, Ryan, the other
12:37:02 20 supervisor. Multiple employees that I talked to there
21 that after I was not -- no communication was done to
22 me after I started being marginalized and ostracized
23 and left out of communications, Mr. Gouthro ignoring
24 me, not answering me. So there are several people.

12:37:20 25 And again, my own observations and

12:37:20 1 experience and interactions tell me that.

2 Q But just focusing on people who told you
3 that Tesla didn't want the information you provided to
4 get out --

12:37:43 5 A Uh-huh.

6 Q -- I think you identified Mr. Gouthro and
7 Mr. McClellan; is there anyone else that you
8 specifically --

9 A McClellan, Ryan, Heather Brown, the
12:37:55 10 badging supervisor out there.

11 Mr. Sprott himself indicated that to me
12 in one of the final conversations we had out there.

13 Q And after Tesla you worked for U.S.
14 Security for a time; is that correct?

12:38:21 15 A That's correct.

16 Q How did your employment with U.S.
17 Security end?

18 A With respect to the employment ending at
19 the Gigafactory Matt German called me up to tell me
12:38:34 20 that he was directed by Jeff Jones and Tesla's senior
21 people to get me out, get me off the property. I was
22 no longer allowed out there.

23 I was out of work for probably a couple
24 months, I don't know, a month and a half. Awhile.

12:38:49 25 Matt German contacted me to let me know that there was

12:38:49 1 another contract they had. If I wanted to go to work
2 they would pay me to go to work at this contract.

3 So I took a \$15 an hour job. I went out
4 to work there, and I subsequently resigned from that
12:39:06 5 position to pursue a higher paying job.

6 Q So is it accurate that at the time you
7 stopped working at the Gigafactory, U.S. Security
8 didn't have another position they could offer you at a
9 different site?

12:39:23 10 A That's -- that's accurate. I mean, yeah.
11 That's definitely accurate.

12 MR. BETETA: I think, Fletcher, this is a
13 good time for you to go.

14 MR. CARPENTER: All right. I had you on
12:39:57 15 mute. Okay.

16 MR. BETETA: Do you want to go on a break
17 first before?

18 THE WITNESS: Actually, can we? Water
19 break.

12:40:05 20 MR. BETETA: We will go on a break, and
21 then you can go ahead. Okay, Fletcher?

22 MR. CARPENTER: Yeah, that sounds good.

23 THE VIDEOGRAPHER: We are off the record
24 at 12:40.

12:50:40 25 (Brief recess taken).

12:50:40 1 THE VIDEOGRAPHER: We are back on the
2 record at 12:51.

3 Please go ahead.

4 EXAMINATION

12:50:55 5 BY MR. CARPENTER:

6 Q Okay. Mr. -- I just had a couple
7 questions, follow-up questions.

8 A Okay.

9 Q So you mentioned that you had raised
12:51:06 10 concerns about theft and scrap and safety. Were those
11 concerns --

12 THE REPORTER: Say again?

13 THE WITNESS: Can you repeat that? Were
14 those concerns what?

12:51:16 15 BY MR. CARPENTER:

16 Q What happened when you raised concerns?

17 MR. BETETA: Objection. Vague.

18 THE WITNESS: I -- when I raised concerns
19 regarding the myriad of things that we discussed and I
12:51:32 20 testified to earlier, on occasion I was told it was
21 being handled and it was being sent up.

22 BY MR. CARPENTER:

23 Q Okay. And in your opinion, was any --
24 was anything done about those concerns?

12:51:46 25 MR. BETETA: Objection. Vague,

12:51:46 1 ambiguous.

2 THE WITNESS: No, in my opinion.

3 BY MR. CARPENTER:

4 Q Okay. And you mentioned earlier that
12:51:58 5 someone told you not to say anything to the media
6 about an injury that had -- that had occurred; is that
7 right?

8 A That is correct.

9 Q And do you remember who told you that?

12:52:10 10 A That directive came over the radio by the
11 security operations center, security officer, I
12 believe, name was Lane Shipley at that time.

13 Q And were things like that said often?

14 A Yes.

12:52:30 15 MR. BETETA: Objection.

16 BY MR. CARPENTER:

17 Q So would you say that there was a
18 general -- well, strike that.

19 You also mentioned that there was -- that
12:52:45 20 you felt the investigation into Mr. Tripp's threat was
21 I think you used the word haphazard or the phrase
22 haphazard. Can you elaborate on why you thought it
23 was haphazard?

24 A I could be wrong, but I believe what I
12:53:04 25 was -- the testimony I -- you are referring to was

12:53:04 1 speaking to my observations that day on the threat,
2 June 20th of 2018. Haphazard being the operational
3 response, the lack of adequate vetting or validation
4 of information regarding the threat. I think that was
12:53:31 5 haphazard, if I recall correctly.

6 Q Okay.

7 A My -- and that's all I'll say to that. I
8 mean, if you have further questions you need
9 clarification on, please go ahead.

12:53:43 10 Q So was it your -- based on what you
11 observed did you get the impression that people
12 that -- above you in the chain of command, your
13 superiors, did not take the threat as seriously you
14 thought they should have?

12:53:57 15 A Yes. That's accurate, in my opinion.

16 MR. BETETA: Objection. Calls for
17 speculation.

18 BY MR. CARPENTER:

19 Q Okay. Did it strike you as odd that they
12:54:05 20 were not taking the threat seriously?

21 A It did.

22 Q Did you get the impression that maybe
23 they knew things that you did not?

24 MR. BETETA: Objection. Vague. Calls
12:54:22 25 for speculation.

12:54:22 1 THE WITNESS: I did feel that way.

2 BY MR. CARPENTER:

3 Q Okay. I'll move on to a different --
4 different area here. Just let me scroll through for a
12:54:34 5 second.

6 You mentioned something that I believe it
7 was -- correct me if I am wrong. You testified that
8 that someone had told you to -- stuff off the books I
9 think is the phrase you used so that you wouldn't be
12:54:49 10 putting things in your work e-mail.

11 Does that -- does that accurately
12 summarize kind of what you said?

13 A It -- it does. And that was Mr. Gouthro.

14 Q Okay, so Mr. Gouthro. And did he tell
12:55:03 15 you that often? To kind of keep things off of the --
16 off the books?

17 A He did with respect to sensitive, what he
18 classified was sensitive investigations. Particularly
19 more so when Nick Gicinto and his team were brought
12:55:21 20 on. And I felt -- well, I was told that the sensitive
21 investigations were, number one, the thefts, and
22 number two, the cartel. Or however -- what order you
23 want to put that in.

24 Q And he is the one that classified those
12:55:36 25 as sensitive; is that right?

12:55:36 1 A That is correct. There were
2 additional --

3 Q So --

4 A Sorry.

12:55:44 5 Q No, go ahead. You were about to say
6 something.

7 A You were asking about this, and so there
8 were additional taskings that I received from Mr.
9 Gouthro at the direction of Mr. Gicinto to look in and
12:55:57 10 provide -- look into badging reports, access control
11 points and accesses of certain other employees at
12 times, and I was told not to do a report on those,
13 either, because Mr. Gicinto and his team were looking
14 into these employees.

12:56:17 15 And so in the normal course of
16 investigative activity would be that I would be
17 assigned a task or an investigation, I would initiate
18 an investigative case file, if you will, create that
19 document or the investigative report document, there
12:56:31 20 would be a record of it in the investigations folder,
21 if you will, and the shared drive, and there were
22 times that I was told not to do that.

23 Q Did -- did anybody ever explain why?

24 A Other than being told that they were
12:56:48 25 sensitive matters from Gouthro with respect to that,

12:56:48 1 and he put it back -- and I say put it back, he
2 explained that Gicinto -- Nick and his team were
3 handling this, and they were going direct with Elon
4 Musk and taking direction specifically and directly
12:57:05 5 from Elon Musk with respect to their investigations.
6 Particularly, Tripp.

7 Q Okay. So it was your understanding that
8 Musk was directly involved in the investigation of Mr.
9 Tripp?

12:57:17 10 A Yes.

11 Q And do you know -- are you aware of any
12 directives in that investigation to keep things,
13 quote, unquote "off the books"?

14 A No, I'm not.

12:57:32 15 Q Okay. Did you ever have interaction with
16 Tesla's general counsel or any other attorneys with
17 Tesla?

18 A Can you clarify interaction?

19 Q Any e-mail, any -- any communications,
12:57:48 20 anything of the sort?

21 A I did. When Mr. Beteta earlier
22 referenced the e-mail I sent on August 3rd to Mr. Musk
23 and several other senior executives I received a
24 response from Tesla's -- one of Tesla's in-house
12:58:05 25 counsel. I don't remember the man's name, no.

12:58:05 1 Q Okay. And did you ever give report on
2 your investigations to any of Tesla's general counsel?

3 A Did what?

4 Q Did you ever report on the investigations
12:58:23 5 you did to any member of Tesla's legal team?

6 A Legal team, no, no. I never had any
7 interaction with -- with respect to that. I was also
8 contacted by another attorney that Tesla hired, excuse
9 me, during that I believe August 2018 time frame
12:58:48 10 requesting to meet with me and interview me because
11 she was -- she was conducting an impartial
12 investigation into the matters outlined in the e-mail
13 that I sent to Mr. Musk. I never spoke with the
14 woman. My attorney, Mr. Stuart Meissner, referenced
12:59:06 15 the SEC matter, reached out and communicated directly
16 with her.

17 That was the extent of any type of
18 communication with a -- with an attorney, either
19 in-house or otherwise employed by Tesla.

12:59:19 20 Q Okay. So I want to backtrack to when
21 they told you to keep things off the books. Did you
22 get the sense, or were any -- let me start over.

23 Was there any mention that they were
24 attempting to -- that they were instructing you to
12:59:40 25 keep things off the books so that it would not arise

12:59:40 1 in a lawsuit or anything like that?

2 MR. BETETA: Objection. Vague and
3 ambiguous.

4 THE WITNESS: Can you restate the
12:59:47 5 question, please?

6 BY MR. CARPENTER:

7 Q Yes, yes. I'm sorry.

8 Was there any -- any statements by your
9 higher-ups, your superiors, that they would keep
13:00:01 10 things off the books specifically so that it would not
11 be used as evidence in a lawsuit?

12 A I can't recall that specifically at this
13 time.

14 Q Okay. You mentioned there is a recycling
13:00:18 15 manager at Tesla; do you know who that was?

16 A His name was Michael Elles. E-l-l-e-s.
17 Common spelling on the first name.

18 Q Okay. And do you know what he did? Or
19 do you have any understanding of what he did?

13:00:36 20 A No, I don't, actually.

21 Q Do you know if Tesla recycled any of
22 their scrap?

23 A I don't have personal firsthand knowledge
24 of Tesla's recycling of their scrap.

13:01:00 25 Q Do you have any general sense through

13:01:00 1 either -- of what they did with their scrap?

2 A I was told by several individuals during

3 the conduct of the Len Thompson investigation that

4 some of this scrap that was being stolen and/or

13:01:25 5 otherwise removed from property was being taken to

6 Tesla's recycling center in California, and also that

7 Tesla had a recycling center in Las Vegas. I was

8 unaware of any such site. I didn't know Tesla was in

9 the recycling business. I did not pursue that avenue

13:01:49 10 of investigation to any extent other than inquiring

11 with Mr. Gouthro and several other individuals within

12 the investigations department as to whether they were

13 aware of Tesla's recycling -- Tesla having its own

14 recycling center.

13:02:08 15 Q Do you know who J.B. Straubel is?

16 A I absolutely do, yes.

17 Q And were you aware that he started a

18 recycling company?

19 A Yes, I am very well aware of that.

13:02:25 20 Q Why do you say very well aware? Have you

21 researched that or something?

22 A Yes, I have.

23 Q And can you explain why you researched

24 that?

13:02:38 25 A I researched that because of the pattern

13:02:38 1 of behaviors that were -- and things that were enacted
2 to terminate me wrongfully. I felt that upon my
3 termination I would continue looking into matters, and
4 that was a line of investigative activity that I
13:03:05 5 undertook to explore further whether or not there was
6 any veracity or connection to the scrap. Scrap, and I
7 say that because everything out there is referred to
8 as scrap and it doesn't necessarily mean that it's
9 scrap in the sense that it's garbage, right?

13:03:25 10 But I found the creation of that, the
11 timing of that, its development here and now its --
12 its office location and facility down in Carson City
13 something that I needed to look into.

14 Q And when you -- after you looked into it
13:03:45 15 did you find that there would be -- what was your
16 conclusion of your investigation?

17 A I don't think I have concluded anything
18 at this point. It's something I am still actively
19 looking into.

13:03:59 20 Q Okay. And the -- the company that we are
21 referring to is Redwood Materials, Inc.; is that
22 correct?

23 A Yes, sir.

24 Q And while you were with Tesla did you
13:04:15 25 notice any scrap going to his recycling facility?

13:04:15 1 A No, I -- I didn't get an opportunity to
2 pursue that. I mean, that was some -- that was a
3 venue or an avenue that I was going to further look
4 into, but I -- as a result of things that transpired I
13:04:31 5 never got the opportunity to do that nor did I ever
6 witness or see that.

7 Q Okay. Now, you said you were -- that you
8 felt that you had been retaliated against for
9 reporting missing scrap metal and things like that; is
13:04:52 10 that correct?

11 MR. BETETA: Objection. Misstates prior
12 testimony.

13 BY MR. CARPENTER:

14 Q Could you describe why you felt you were
13:04:57 15 retaliated against?

16 A My personal opinion of the retaliation
17 that ultimately led to my termination was predicated
18 on the reporting that I had done, the lack of
19 response, the marginalization and ostracizing of me.
13:05:17 20 The relegating me to various posts outside of the
21 normal security or investigator capacity and role that
22 I previously had. The lack of communication. The
23 intentional withholding of information to me. A
24 myriad of other things that I talked about in prior
13:05:38 25 testimony.

13:05:38 1 Q Okay. Okay.

2 Let me scroll through my notes here.

3 A Sure.

4 Q So earlier on you used the phrase a data

13:05:58 5 dump. You were invited to attend a meeting for a data

6 dump?

7 A Yes, sir.

8 Q Can you describe what a data dump is?

9 A That term came from a telephone

13:06:10 10 conversation I had with Mr. Gicinto who reached out to

11 me after my termination, or I believe it was right

12 shortly before that, telling me that he wanted to --

13 he'd like to get together. They hadn't reviewed the

14 cartel allegations, and that their goal was to hire

13:06:32 15 some outside vendors. They were going to use outside

16 vendors. They want -- he wants to take a few minutes

17 to do a data dump with me to specifically talk about

18 the cartel investigation. And his primary focus was

19 on that. He used that term data dump. That would be

13:06:48 20 with him, with Gerhard Pretorius, Shawn Gouthro, was

21 the basis of that conversation.

22 MR. CARPENTER: Okay. That's all the

23 questions I had. I don't know if you have any other

24 follow-up questions.

13:07:03 25 FURTHER EXAMINATION

13:07:03 1 BY MR. BETETA:

2 Q Yeah, just a couple.

3 A Okay.

4 Q First, you mentioned there was another
13:07:10 5 attorney that was conducting an investigation into the
6 allegations you had raised in your August 2018 e-mail;
7 is that correct?

8 A Yes, sir.

9 Q Do you remember who that attorney was?

13:07:23 10 A I do not. I could probably find the name
11 for you if you want me to look at my e-mail.

12 Q That's all right. And you -- you have
13 also talked about the direction you received from Mr.
14 Gouthro to keep investigations off the books; correct?

13:07:41 15 A That's correct.

16 Q And did you have a sense of who was
17 giving that direction? If Mr. Gouthro was deciding
18 that on his own or if someone was telling him that
19 these matters are to be kept off the book?

13:07:59 20 A Not only did I get a sense, Mr. Gouthro
21 told me that he didn't make decisions on his own
22 arbitrarily. He was getting direction from Nick
23 Gicinto.

24 Q So your understanding was that it was an
13:08:12 25 order from Nick Gicinto; is that correct?

13:08:12 1 A Yes, sir.

2 Q Now, going back to the -- to June 20th
3 2018, the threat that Tesla received.

4 I believe you testified that you believe
13:08:39 5 Tesla did not take the threat seriously.

6 Could you describe for me the reasons why
7 you believe -- why you have come to that conclusion?

8 A Well, was that based on Mr. -- Fletcher's
9 question here previously?

13:08:54 10 Q Well, no.

11 A That -- I think that's where that --

12 Q Yeah, that's where --

13 A I -- I just want to make sure we are on
14 the same page.

13:09:00 15 Q Yeah. Yeah.

16 A So to clarify, you want to know what --
17 what I -- why I -- why I derived that opinion --

18 Q That's correct.

19 A -- as to -- if you want my opinion on
13:09:09 20 that, my opinion is that right off the bat, like I
21 stated earlier, the lack of follow-up communication by
22 Gouthro, to Marshall Sprott, to myself, who was trying
23 to reach out to him as well as the other supervisors
24 coming to me that day saying we can't get in touch
13:09:31 25 with Mr. Gouthro, Karl, what should we do in that

13:09:31 1 situation? You have got some experience, you know,
2 type scenario, stuff like that.

3 When my own inquiries about what
4 transpired, the nature of the threat, where it came
13:09:46 5 from, the investigative activity that would have gone
6 into, you know, preliminarily identifying and
7 validating the threat, the source of the phone call,
8 the source of the call taker, all of those things, it
9 didn't seem to matter. There was a -- it was like
13:10:01 10 there was a plan underway that was being facilitated
11 at the direction of Gicinto and his team, which was
12 further validated in my mind by Mr. Marshall Sprott's
13 statements to me regarding the fact that essentially,
14 don't worry, we -- Nick's got his team on him. They
13:10:23 15 know exactly where he is. And then talking about the
16 hacking and the wiretapping of Mr. Tripp and his
17 wife's devices.

18 Q From the perspective of keeping the
19 employees at the Gigafactory safe from any potential
13:10:46 20 shooting do you think Tesla did not adequately
21 prepare?

22 A Repeat that, please.

23 (Whereupon the record was read
24 as requested.)

13:11:17 25 MR. ORTUNO: Object to form. I don't

13:11:17 1 even -- I don't even understand that question.

2 THE WITNESS: Yeah, I -- I --

3 BY MR. BETETA:

4 Q Okay. Do you think Tesla took sufficient
13:11:26 5 steps to maintain the safety of the Gigafactory and
6 the people at the Gigafactory on June 20th, 2018?

7 A On June 20th? Asking my opinion
8 regarding the matter, did they take steps to do that?
9 Did they bring in law enforcement to potentially
13:11:46 10 eliminate a threat if it -- if it did develop?

11 Sure, I would say that the presence of
12 armed personnel, law enforcement officials would have
13 mitigated that threat had that threat been real,
14 number one, and number two, validated.

13:12:30 15 Q Just a couple final questions.

16 Have you ever been charged with any
17 crime, Mr. Hansen?

18 A I was charged with driving while --
19 driving while impaired in 1996. That was resolved
13:12:42 20 through a plea and a driving while ability impaired
21 violation.

22 Q Have you ever been convicted of any
23 crimes?

24 A No, sir.

13:12:52 25 Q And before closing up, are there any

13:12:52 1 answers to the questions you have had today the
2 answers to which you wish to change?

3 A At this time, no.

4 You mentioned early on that the
13:13:05 5 transcript will be provided, there will be a time to
6 go through -- go through and verify and make any
7 corrections that are deemed appropriate.

8 So at that time if there are, we will
9 make those necessary changes.

13:13:14 10 Q And is there any --

11 MR. CARPENTER: I have one follow-up,
12 Doug.

13 MR. BETETA: Okay. You want to do that
14 now?

13:13:22 15 MR. CARPENTER: Sure, sure, if you're --

16 MR. BETETA: Yeah, that's fine.

17 FURTHER EXAMINATION

18 BY MR. CARPENTER:

19 Q I think you said Mr. Sprott told you not
13:13:29 20 to worry about the threat because they knew where
21 Martin was. Do you remember what time -- I know this
22 is a very specific question, this is a long time ago.
23 Do you remember what time of day --

24 A I -- I --

13:13:38 25 THE REPORTER: I missed the last part of

13:13:38 1 your question.

2 BY MR. CARPENTER:

3 Q Yes. What time of day did he tell you
4 not to worry about it?

13:13:53 5 A You are right, I don't specifically
6 recall. But I will state that I -- my recollection is
7 that it was -- most likely the shift started at 2:00
8 or 2:30. It was between -- between there and
9 4:00 o'clock, I would estimate. It was prior to the
13:14:14 10 final BOLO being issued which I was part of, you know,
11 receiving information for or obtaining information
12 for, and prior to the comment about Tesla suing Tripp
13 for \$150 million. At that -- at that time.

14 So it was in that window, I'd say 2:00 to
13:14:32 15 4:00 p.m.

16 Q Okay. Okay. And just one more. I think
17 you mentioned earlier that they were -- there was some
18 laughing about the lawsuit that was filed. What was
19 your general sense of people's reactions to that
13:14:48 20 lawsuit?

21 A Are you speaking of that day?

22 Q Yeah. I think you --

23 A Because I wasn't -- I wasn't aware that
24 the lawsuit was even filed.

13:15:00 25 Q Okay.

13:15:00 1 A I didn't know that. My understanding or
2 my -- the laughing was the joking between that person
3 and several other staff members in there that Tesla
4 and essentially Elon Musk decided they were going to
13:15:13 5 sue -- made a decision to sue Martin Tripp for
6 \$150 million. That number came out. And there was
7 banter back and forth and laughing regarding that,
8 and -- and I can't recall specifically, but it -- I
9 guess paraphrasing or something along the lines of oh,
13:15:28 10 man, Martin Tripp is screwed now. He really -- you
11 know, stuff like that, if that makes sense.

12 Q Okay.

13 That's all I had to followup.

14 A Okay.

13:15:37 15 Q Thank you.

16 A You are welcome.

17 FURTHER EXAMINATION

18 BY MR. BETETA:

19 Q All right. And is there any other
13:15:43 20 information that I asked about earlier that you
21 remember now, but couldn't recall when I asked the
22 question?

23 A No, sir.

24 Q Is there anything that you would like to
13:15:54 25 add to what you've told us today so we could better

13:15:54 1 understand your perspective or viewpoint more clearly?

2 A At this time, no.

3 Q I hereby stipulate that the court
4 reporter is relieved of her obligation to maintain the
13:16:06 5 original transcript. That the transcript, once
6 prepared, will be sent to counsel for Mr. Hansen who
7 will forward to deponent, and he will provide any
8 notice of changes within 30 days of receipt.

9 If the witness does not sign the
13:16:17 10 transcript we stipulate that the parties can use it as
11 if it was signed and if the original transcript is
12 lost, stolen, or destroyed, the parties may submit a
13 certified copy for motion practice or trial. Is that
14 agreed?

13:16:31 15 MR. ORTUNO: I'm agreeable.

16 MR. CARPENTER: Agreed.

17 MR. BETETA: Great. And we are off the
18 record.

19 THE VIDEOGRAPHER: And we are off the
13:16:40 20 record now at 1:17 p.m.

21 This concludes this deposition.

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I, Karl Hansen, hereby declare under penalty of perjury that I have read the foregoing pages 1 through 151; that any changes made herein were made and initialed by me; that I have hereunto affixed my signature.

Dated: _____

Karl Hansen

1 STATE OF NEVADA)
) ss.
2 COUNTY OF WASHOE)

3 I, MICHELLE BLAZER, a Certified Court
4 Reporter for the State of Nevada, do hereby certify;

5 That on Wednesday, the 4th day of
6 September, 2019, at the hour of 9:04 a.m. of said day,
7 at the offices of Bonanza Reporting & Videoconference
8 Center, 1111 Forest Street, Reno, Nevada, personally
9 appeared Karl Hansen, who was duly sworn by me, was
10 thereupon deposed in the matter entitled herein, and
11 that before the proceeding's completion the reading
12 and signing of the deposition has been requested by
13 the deponent or party;

14 That the foregoing transcript, consisting
15 of pages 1 through 153, is a full, true, and correct
16 transcript of my stenotype notes of said deposition to
17 the best of my knowledge, skill, and ability.

18 I further certify that I am not an
19 attorney or counsel for any of the parties, nor
20 relative or employee of any attorney or counsel
21 connected with the action, nor financially
22 interested in the action.

23 DATED: At Reno, Nevada, this 9th day
24 of September, 2019.



25 MICHELLE BLAZER, CCR #469 (NV) CSR #3361 (CA)



September 10, 2019

Karl Hansen
c/o
Joseph Ortuno, Esq.
Law Offices of Joseph Ortuno
8215 S. Eastern Avenue
Suite 265
Las Vegas, Nevada 89123

Re: Tesla v Tripp
Deposition Of: Karl Hansen-Confidential
Taken On: 09/04/2019

Chase File No. 29471

Please be advised that the transcript in the above-referenced matter is available for reading and signature. Unless instructed otherwise, the witness should complete the following steps within 35 days of the date of this letter:

- ☐ Please contact our office to schedule the review of your printed original deposition in person or to schedule **the review of an electronic certified transcript online.**
- ☐ If you would like to review your attorney's certified copy of the transcript (either printed or electronic), we have enclosed an errata sheet for that purpose.
- ☒ Enclosed you will find the original deposition transcript.

Read the certified transcript (either paper or electronic version provided by your counsel).

- Note any corrections necessary on the errata page(s) only. Do not write on the transcript itself.
- Write "No Changes" on the top of the errata page(s) if you do not wish to make any changes.
- Obtain notarization if instructed by counsel.
- Sign the bottom of the errata page(s).
- Return the original transcript to the custodial party, if this was requested or you were instructed to do so.
- Return the original errata pages and witness signature page to the custodial party.
- Send a copy of the errata page(s) and witness signature page to:
Chase Litigation Services, 2300 E. Katella Avenue, Suite 300, Anaheim, CA 92806 -(800) 949-8044
- If electronic documents are permissible in the applicable venue for this matter, you may instead submit a scanned copy of the errata page(s) and witness signature page via e-mail to info@deposervices.com.

If you should have any questions relating to this matter, please do not hesitate to contact our office.

Sincerely,
Michelle Blazer, Deposition Officer

Enc.

cc: Douglas J. Beteta, Esq.
Fletcher Carpenter, Esq.

DEPOSITION ERRATA SHEET

CASE: Tesla v Tripp

WITNESS: Karl Hansen-Confidential

CHASE FILE NO.: 29471

DATE TAKEN: 09/04/2019

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I declare under penalty of perjury that I have read the foregoing transcript of my deposition testimony taken in the matter and on the date above, and that, with the following exceptions, the same is a true record of the testimony given by me under oath or affirmation.

Witness Signature: _____ Date: _____

Karl Hansen

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Witness Signature: _____ Date: _____

Karl Hansen