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REPORTER'S RECORD  
VOLUME 2 OF 3  
TRIAL COURT CAUSE NO. DC-20-09713  
COURT OF APPEALS CAUSE NO. 05-21-00437-FC  
FILED IN  
5th COURT OF APPEALS  
DALLAS, TEXAS  
6/24/2021 9:20:37 AM  
LISA MATZ  
Clerk

MOHAMMAD SOHAIL, ) IN THE DISTRICT COURT  
)  
)  
Plaintiff, )  
)  
VS. ) DALLAS COUNTY, TEXAS  
)  
ANWAR KAZI, ZAMEER SACHEDINA, )  
ROHIT SHARMA, and WISEMAN )  
INNOVATIONS, L.L.C. )  
)  
Defendants ) 101ST DISTRICT COURT

TEMPORARY INJUNCTION  
which was heard on  
FRIDAY, MAY 28, 2021

On the 28th of May, 2021, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable STACI WILLIAMS, Judge Presiding, held in Dallas, Dallas County, Texas.

Proceedings reported by machine shorthand utilizing computer-assisted realtime transcription. Proceedings had via Zoom videoconference.

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2

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TEMPORARY INJUNCTION

Friday, May 28, 2021

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EVIDENCE\*\*

1 P R O C E E D I N G S

2 THE COURT: Let's go on the record. This is  
3 Cause Number DC-20-09713, Mohammad Sohail v. Zameer  
4 Sachedina, Rohit Sharma and Wiseman Innovations, L.L.C.

5 Would you announce your appearances for  
6 the record, beginning with the Plaintiffs.

7 MR. SBAITI: Thank you, Your Honor. This is  
8 Mazin Sbaiti for the Plaintiff, and we are the Movant.  
9 And Mr. Bridges is also here for Plaintiff and the  
10 Movants.

11 MS. NEWSOME: Yes, Your Honor. Jervonne  
12 Newsome here for the Defendants, as well as Michael  
13 Hurst, Jason Ross, Alex Rahn and Christopher Kratovil  
14 here for the Defendants, Your Honor.

15 THE COURT: All right. We're here today for a  
16 Temporary Injunction. The Court was just made aware of  
17 a couple of issues that need to be addressed prior to  
18 our start. Well, I guess we're in the hearing now, but  
19 I understand there was a Motion in Limine filed last  
20 night.

21 You may proceed, Mr. Sbaiti.

22 MR. SBAITI: Thank you, Your Honor. Your  
23 Honor, we got an exhibit list from -- we agreed to  
24 exchange exhibits at 12:00 on Wednesday, exhibit lists  
25 and share exhibits on Wednesday. We submitted our list,



1 counsel for the Defendant submitted their list, and once  
2 we actually got their documents, it was a little bit  
3 later in the day on Wednesday, and we spent quite a bit  
4 of time yesterday running down these exhibits that we  
5 had, and come to realize a great majority of what  
6 they're planning to rely on are e-mails and documents  
7 that have never been produced in this case.

8           We sent discovery two different times  
9 last year, and we've attached the discovery and we've  
10 attached the objections, or the responses, some of which  
11 are objections, some of which are agreements to produce,  
12 but none of these documents were produced to us. Some  
13 of these documents -- all of them are responsive to our  
14 requests, Your Honor, at least one or more of our  
15 requests. All of these documents appear to, at the very  
16 minimum, be relevant to the affirmative defenses that  
17 have been asserted in this case since last summer.

18           We asked generally, you know, we need all  
19 your documents related to your affirmative defenses. We  
20 asked for all documents related to any investigation  
21 that was being done. They agreed to produce those, and  
22 the first time we got a substantial production in this  
23 case was in March, and I think that was right before the  
24 Summary Judgment hearing and our Motion to Exclude  
25 witnesses that Your Honor heard right around that period

1 of time.

2           Even in that production, there are  
3 several categories of documents that we now recognize,  
4 given what they're showing us, that clearly exist but  
5 have never been produced. One is there are no documents  
6 produced from anything after June 15th, 2020, which is  
7 the date Mr. Sohail was compelled to resign from his  
8 board seats at Wiseman, from both his CO position and  
9 board seat at Wiseman.

10           We also don't have any documents from any  
11 operations, any investigation, any goings-on in  
12 Pakistan. We also don't have any documents relating to  
13 their internal investigations. Clearly, there are  
14 several of them because they filed criminal complaints  
15 in Pakistan. We don't have any of those documents.

16           We also don't have documents, including  
17 things like screenshots, text messages, WhatsApp  
18 messages and the like from the files of Mr. Aslam, Mr.  
19 Abro, Mr. Sharma, Mr. Sachedina, all of whom have been  
20 listed on the witness list.

21           You'll also recall, Your Honor, we have a  
22 pending motion. You've heard it, but it hasn't been  
23 ruled on, to exclude the testimony of Mr. Sharma and Mr.  
24 Sachedina because they skipped out on their depositions.  
25 That's actually happened twice. So we think it would be

1 improper for these gentlemen to be able to testify at  
2 this hearing given that we've tried to depose them for  
3 months now.

4           We also think it's improper for  
5 Defendants to rely on documents, selectively produced  
6 documents, when these documents that they're trying to  
7 rely on have never been produced, number one; and number  
8 two, when the surrounding context, the body of documents  
9 have never been produced and haven't been proffered or  
10 offered to us despite the fact that we asked for them a  
11 very, very long time ago.

12           Additionally, some of these documents are  
13 privileged. May I share my screen real quick, Your  
14 Honor?

15           THE COURT: Yeah. No, I'm just trying to see,  
16 you said you filed a Motion to Exclude the testimony of  
17 Sharma and Sachedina. I'm trying to see when we heard  
18 that.

19           MR. SBAITI: I think it was around February.

20           THE COURT: But you filed it for the TI  
21 hearing?

22           MR. SBAITI: No, we filed that motion -- we've  
23 moved to exclude their testimony in our current Motion  
24 in Limine, but we filed that motion as a Motion for  
25 Sanctions back in February.

1 THE COURT: Okay. Okay. All right.

2 MR. SBAITI: February 4th.

3 THE COURT: Okay. That really wasn't very  
4 clear. Please go ahead.

5 MR. SBAITI: Back to this point, Your Honor,  
6 so if it's okay, I'm going to share my screen with you.  
7 Can you see this document? It's got Ms. Newsome's name  
8 at the top. It's an email.

9 THE COURT: Yes.

10 MR. SBAITI: Your Honor, this is their  
11 proffered Exhibit 5. It's a privileged document. It's  
12 got Mr. Mohsin Rafique, who we understand to be  
13 Wiseman's lawyer, and it's got Mr. Masser, who we  
14 understand to be another lawyer for Wiseman. And it's  
15 even labeled privileged and confidential. Your Honor,  
16 that's selective -- that's subject matter waiver. They  
17 can't pull out their privileged documents that they  
18 think are going to help them and not produce all the  
19 rest. Clearly, it's relevant to what's going on.

20 So, Your Honor, we've got a huge problem  
21 here which is this is now becoming trial by ambush, and  
22 we don't think that's the way this should be conducted.  
23 They shouldn't be allowed to not produce documents.  
24 They shouldn't be allowed to then submit documents as  
25 evidence, documents they've never produced as evidence,

1 for use in an evidentiary hearing.

2 It would be one thing if it came out in a  
3 deposition or somewhere else, we can deal with that when  
4 that happens, but when it's basically about 30 hours  
5 before an evidentiary hearing as the first time we're  
6 seeing any of these documents, we have no context, we  
7 have no way to run it down, we have no way to know how  
8 it's going to be used, what else is out there  
9 contradicting it, what else is out there clarifying it.

10 Your Honor, it's just trial by ambush.  
11 It's patently unfair, and we think under Rule 215, this  
12 is exactly the kind of evidence that should be excluded.

13 THE COURT: So you're asking for the Court to  
14 exclude Defendant's Exhibits 1 through 31? Every single  
15 one of them you've never seen, every single one of them  
16 are newly produced or relevant, the subject that should  
17 have been produced to discovery and they haven't done  
18 so, but this information showed up in their exhibit list  
19 for the Temporary Injunction hearing?

20 MR. SBAITI: Sorry, Your Honor. Let me be  
21 more specific. It's in our motion, but if Your Honor's  
22 got a pen --

23 THE COURT: I'm sorry, I will admit I didn't  
24 read it last night.

25 MR. SBAITI: It's okay.

1 THE COURT: Sorry.

2 MR. SBAITI: It's their Exhibits 1 through  
3 15A, Exhibits 18, 19 and 20, and Exhibits 25 through 31.

4 Their other exhibits are either -- I  
5 think all their other exhibits are things we gave them,  
6 so we're not trying to strike those.

7 THE COURT: Okay. That's why I repeated it  
8 back. I wanted to make sure I was clear because looking  
9 at your order, it has all of them.

10 MR. SBAITI: Okay. Yeah, sorry about that,  
11 Your Honor. I think we have an amended order that  
12 should have been sent or will be sent very shortly.

13 And the other thing, obviously, we're  
14 trying to exclude, Your Honor, are the witness testimony  
15 either -- well, Mr. Sachedina and Sharma wholesale, and  
16 then Abro and Aslam to the extent any of their testimony  
17 would be based on any of these documents. We obviously  
18 think that testimony or the subject matter should be  
19 excluded.

20 THE COURT: So when you say wholesale of  
21 Sharma and Sachedina, why?

22 MR. SBAITI: Because, Your Honor, they're the  
23 guys that skipped out on their deposition last November.

24 THE COURT: So you're asking for their  
25 exclusion as a form of sanction?

1 MR. SBAITI: Yes, Your Honor.

2 THE COURT: And you said for Abro and Aslam,  
3 you would only limit their testimony as to any of the  
4 exhibits, these Exhibits 1 through 15A, 18, 19, 20, 25  
5 through 31?

6 MR. SBAITI: Yes, Your Honor. Or the subject  
7 matter covered by them for the same reason.

8 THE COURT: Hold on just a second.

9 (Pause.)

10 THE COURT: Mr. Sbaiti, can we move on to  
11 Ms. Newsome or is there anything else you wanted to add?

12 MR. SBAITI: That was my argument, Your Honor.

13 MS. NEWSOME: Thank you, Your Honor.

14 Mr. Hurst was going to handle the responsive motion.

15 THE COURT: Okay, Mr. Hurst.

16 MR. HURST: May it please the Court, Your  
17 Honor. Thank you.

18 First of all, the reason I suspect he's  
19 titled this is a Motion in Limine is because this is  
20 ridiculously untimely. At 10:30 last night we get  
21 some -- with all due respect to opposing counsel, it's  
22 the latest in the long line of attempts to sneak attack  
23 us to try to prevent our side from defending ourselves  
24 against these crazy allegations in this injunction  
25 proceeding.

1           A Motion in Limine, Your Honor, by its  
2 very rule, is a procedure to prevent the jury from being  
3 exposed to potentially prejudicial information before a  
4 ruling on admissibility can be obtained. A Motion for  
5 Sanctions, which I guess he's trying to ask or be  
6 unentitled this, to try to exclude witnesses or to  
7 exclude documents should have been first brought in a  
8 Motion to Compel or Motion for Sanctions.

9           The interesting thing is, Your Honor,  
10 first of all, the majority of these documents were  
11 produced to opposing counsel last week. As far as  
12 whether these documents could have been produced last  
13 year or this year, most of them, or many of them, were  
14 actually not even done until after April, so they're  
15 recent documents.

16           But, most importantly, Your Honor, if you  
17 knew the whole story, which I wish you would,  
18 Ms. Newsome has communicated with Mr. Sbaiti and Mr.  
19 Bridges for the last several weeks saying tell us, tell  
20 us what documents there are and what information it is  
21 that you don't think has been produced to you.

22           On May 12th, for instance, Your Honor,  
23 Jervonne says to Mazin, to Jonathan Bridges, "Please  
24 send me a letter or email correspondence identifying the  
25 documents or communications that you contend have not



1 been produced to your client, including the  
2 corresponding Requests for Production. Once I receive  
3 that information, we'll address any discovery deficiency  
4 allegations you contend exist. To be clear, without  
5 specifics as to the Requests for Production and the  
6 documents or communications you think have not been  
7 produced, we cannot alleviate any discovery issues as we  
8 simply do not know what issues exist. We are attempting  
9 to confer on this matter. We would appreciate if you  
10 would work with us to address this. Representations  
11 that our clients have not produced documents when we  
12 have not been informed as to what documents we have  
13 failed to produce is not in line with the rules of  
14 procedure with respect to discovery disputes, but please  
15 let us know." No response.

16                   May 15th, three days letter: "If you  
17 could send a letter from your team identifying any  
18 discovery issues that you feel you have not received  
19 from the Defendants in the Wiseman matter, we can  
20 address any deficiencies. Just tell us we haven't  
21 produced everything not in accordance with the rules  
22 which require you to confer specifically about  
23 deficiencies. Please identify what you think Defendants  
24 have not produced along with corresponding Requests for  
25 Production."

1           May 21st: "I sent two emails thus far  
2 requesting your firm tell us which documents you believe  
3 the Defendants have not produced along with the  
4 corresponding Requests for Production. I ask again if  
5 you contend that we have not produced documents, let us  
6 know what they are and what request they relate to and  
7 we will do our best to address it relatively quickly."

8           Your Honor, with all due respect to  
9 Mazin, who I, again, like and consider him a friend, but  
10 the idea of a sneak attack and trial by ambush, that's  
11 pretty rich coming from them considering they're trying  
12 to offer, and continue to try to offer, depositions to  
13 which they didn't even invite us to, file motions at  
14 10:30 the night before a hearing to try to prevent us  
15 from presenting the very witnesses they are accusing  
16 improperly of gross conduct and preventing us from  
17 allowing us to defend ourselves. It's like they keep  
18 trying to win the game without even -- by preventing us  
19 from even taking the field.

20           The very documents that are being listed  
21 under the exhibits are, again, documents that we need to  
22 use to defend ourselves against these outrageous  
23 allegations and what I think is a patently improper  
24 attempt at a Temporary Injunction.

25           Let me see if I have anything else, Your

1 Honor.

2 Oh. There's no surprise as to the  
3 witnesses. I mean, this is nuts that we -- there's  
4 something called the Constitution that says if  
5 somebody's going to accuse us of improper allegations  
6 and criminal conduct, which is essentially what they're  
7 saying, the witnesses can defend themselves and say  
8 whether that happened or didn't happen and explain the  
9 situation. They don't even want us to do that. In  
10 fact, they don't even want us to be able to confront the  
11 people that have allegedly given sworn statements and  
12 are making these accusations. They want to prevent the  
13 people that are being accused from taking the stand to  
14 defend themselves.

15 Your Honor, this is an adversarial  
16 system. Stop the sideshows. Stop the lack of  
17 transparency. Stop the sneak attacks. All we're  
18 asking, Your Honor, is if we're going to have a hearing  
19 on, again, what we think is a very improper request for  
20 a Temporary Injunction, both sides should be able to be  
21 able to take the field, both sides should be able to  
22 play offense, both sides should be able to play defense,  
23 and we can have a normal evidentiary hearing,  
24 evidentiary trial, whatever you want to call it, like  
25 any other case. This case is no different just because

1 they've become creative and come up with allegations and  
2 arguments.

3           And the idea that we're somehow trying to  
4 sneak things, Your Honor, we don't want to obviously  
5 burden you with the e-mail communications and attempts  
6 to resolve things with the e-mail traffic, but that's  
7 exactly what they're forcing us to do. We're trying to  
8 say, look, tell us what your complaints are, we're here,  
9 we want to work with you. We want both sides to be able  
10 to present our case. We have a Judge that's paying  
11 attention. We appreciate the time and attention there.  
12 Let's let the Judge see both sides, and you tell us what  
13 you don't think you have, and we'll give it to you.

14           The issue of the depositions, there's  
15 obviously two sides to that. That's not T'd up for  
16 today. If they're going to ask for exclusionary  
17 sanctions as to documents and to witnesses, we need an  
18 opportunity to prepare for and respond to these  
19 outrageous allegations. If they claim this happened  
20 six, eight, nine months ago, why have they not brought  
21 that by a Motion to Exclude witnesses instead of trying  
22 something which is called a Motion in Limine at 10:30  
23 the night before a 9:30 hearing when a Motion in Limine  
24 is not even a proper vehicle to address something like  
25 this?

1           Your Honor, I would respectfully ask we  
2 go forward, both sides present their witnesses by live  
3 testimony because that's what's required, and we've  
4 already talked about this. Both sides be able to  
5 present the exhibits that would shed light so Your Honor  
6 can make an informed, transparent decision on how this  
7 issue should be ruled upon.

8           And if Your Honor needs to look at the  
9 case law or take it under advisement, I know you'll let  
10 us know if that's what you want to do.

11           Regardless, Your Honor, this is not --  
12 this should not and cannot be a situation where  
13 literally we get our hands tied behind our backs and our  
14 mouths gagged so that we can't even defend ourselves and  
15 present evidence.

16           THE COURT: Mr. Hurst, the one concern I have  
17 is that if there are any exhibits that would have been  
18 responsive to a discovery request, then I don't know why  
19 a last minute disclosure -- I mean, that sounds like  
20 ambush. So I don't know if we're going to have to go  
21 through every one of these exhibits to determine if  
22 these should have been disclosed, and if they should  
23 have been disclosed, then I'm leaning towards excluding  
24 them.

25           Now, even though, yeah, Motion in Limine,

1 and maybe it should have been a Motion to Strike or  
2 Motion for Sanctions, you know. The Courts clearly say  
3 that regardless of the title, I'm going to look at the  
4 substance of the motion. So my concern right now is,  
5 and maybe we have to go through this painstaking task or  
6 maybe Mr. Sbaiti has already identified -- I think he  
7 said he's already identified those exhibits which should  
8 have been disclosed earlier which were not, and I think  
9 those were Defense Exhibits 1 through 15A, 18, 19, 20  
10 and 25 through 31.

11 MR. HURST: So what we've been trying to do  
12 over the last month, Your Honor, is avoid that very  
13 exercise by Ms. Newsome literally going to them almost  
14 every single week saying what have we not provided, what  
15 request do they relate to, please tell us. Your Honor,  
16 it is their burden, and, again, that's why,  
17 respectfully, to have done this 10:30 the night before  
18 the hearing as opposed to last week when we gave them  
19 the majority of these documents anyways, that's their  
20 burden if they're going to try to exclude something and  
21 object that it wasn't properly produced in discovery  
22 requests to show us what discovery requests they're  
23 responsive to and when it happened.

24 It's not our burden to come forward and  
25 say, well, Judge, you know, here's an exhibit responsive

1 to such and such request or not responsive to such and  
2 such request. They had notice. They could have given  
3 this to us so that we could have prepared and filed a  
4 response. Judge, just taking their word for it,  
5 particularly in light of this being 10:30 at night that  
6 these should be excluded just because they say so is  
7 absolutely patently unfair and improper.

8 THE COURT: All right.

9 MR. SBAITI: May I respond to a couple of  
10 those points?

11 THE COURT: Please.

12 MR. SBAITI: Your Honor, the reason it was  
13 filed at 10:30 last night is because the actual exhibit  
14 list wasn't sent -- the actual exhibits weren't sent to  
15 us until late in the day on Wednesday, and there's 30  
16 something exhibits, and it takes time to be able to  
17 ferret out what goes where, whether it was produced,  
18 whether or not it was responsive. I mean, that took  
19 time, and then we had to draft the motion and put all  
20 the adornments that motions literally have. That's not  
21 an automatic process, and then it got filed as soon as  
22 we could.

23 THE COURT: Well, I'm not really concerned  
24 about what time it was filed. If you didn't get it  
25 until 5:00 o'clock this morning, the fact is -- so what

1 I'm thinking about is if we can get an agreement of the  
2 parties, I hate to do this, y'all need to sit down and  
3 -- well, let me read your motion.

4 Does your motion, Mr. Sbaiti, actually  
5 say Exhibit Number 1 relates to Request for Production  
6 number two was not produced?

7 MR. SBAITI: We did not go through that type  
8 of specificity, Your Honor, in the interest of time;  
9 otherwise, we'd still be writing this. But what I can  
10 tell you, Your Honor, is we did attach our requests as  
11 exhibits. And, Your Honor, for example -- let me find  
12 my documents here. Jonathan, do you have those handy?

13 MR. BRIDGES: Is this what you're looking for?

14 MR. SBAITI: Thank you. For example, Your  
15 Honor, we attached Mr. Kazi's response to our first  
16 Request for Production, and one of the things that was  
17 on there that we've asked for is all communications with  
18 external accountants, lawyers, regulators -- this is  
19 Request for Production number six. This was sent last  
20 summer. All communications with external accountants,  
21 lawyers, regulators, law enforcement, investigations or  
22 other third parties involving, with any facet of any  
23 investigation or review, involving Mohammad Sohail or  
24 his actions and any report regarding the same.

25 Well, that's exactly what most of these



1 documents have to do with is their communications in  
2 Pakistan having to do with who was providing evidence to  
3 Mr. Sohail, who was saying what to Mr. Sohail.

4           We have in our second Request for  
5 Production, which we also attached, Your Honor, we ask a  
6 broader question -- two broader questions which were we  
7 want all the documents that are related to any of their  
8 affirmative defenses. If you'll recall, Your Honor, one  
9 of their affirmative defenses is that Mr. Sohail and  
10 Mr. Waleed at Wiseman had this cabal to break the law  
11 and to cause embezzlement or to steal information, and  
12 then we also specifically asked for, generally, all  
13 their documents related to any investigation. I would  
14 identify those three, Your Honor, as being sufficient to  
15 put them on notice that these documents are responsive.

16           Moreover, these are documents that  
17 they're coming forward with, Your Honor. For them to  
18 send e-mails to us after we've already gotten the TRO  
19 and say, well, we don't know what documents you want  
20 with those requests outstanding and them knowing, or at  
21 least in the process of knowing that these are documents  
22 that they're going to be using here, Your Honor.

23           Now, Mr. Hurst saying he produced them  
24 last week; they weren't produced. A handful of  
25 documents were attached to one of our responses or their

1 opposition to our Temporary Injunction hearing, but  
2 that's not a proffer of evidence. It was attached with  
3 affidavits, Your Honor, which they themselves have said  
4 they're not relying on because they don't think  
5 affidavits are admissible. We waited to see what actual  
6 exhibits they plan to offer at this hearing to see what  
7 in the world it is we're going to be talking about, and  
8 that's what we moved upon. I think the prejudice is  
9 palpable, Your Honor.

10 THE COURT: Okay. Well, you know --

11 MR. HURST: Your Honor --

12 THE COURT: Go ahead.

13 MR. HURST: I'm sorry, Your Honor. I hate to  
14 interrupt, but may I proceed? I apologize.

15 THE COURT: It's Friday, Mr. Hurst.

16 MR. HURST: What Mr. Sbaiti said about the  
17 documents not being produced is not true. Twenty-five  
18 of the thirty-one documents were sent to them last week  
19 which means they had those documents. If they had a  
20 concern about those documents, they could have filed a  
21 motion, but, in advance of filing a motion, there's  
22 something that our rules require, both locally and the  
23 rules of procedure, and that's called a certificate of  
24 conference. They didn't even attempt to make any kind  
25 of certificate of conference to try to confer with us on

1 why these things aren't admissible, why they would be  
2 responsive to a Request for Production.

3           There's a reason why we have the rules,  
4 Your Honor, and trying to thwart the rules by trying to  
5 prevent us from taking the field is absolutely,  
6 unequivocally improper. If he wants to say okay, well,  
7 the documents are prejudicial to us, of course they are.  
8 I mean, this is why we're using the documents for the  
9 purposes of the case. That's not the standard. The  
10 standard is if there's an exclusionary rule that says  
11 they weren't produced in context with a Request for  
12 Production, then that's why we have a conference first,  
13 and then we would have had a hearing.

14           We had, Your Honor, set aside multiple  
15 times this week where we could have had a robust hearing  
16 on the very documents that he's objecting to starting at  
17 10:30 last night by "Motion in Limine." None of that is  
18 proper notice. There's no attempt to confer.

19           Your Honor, I'd respectfully ask let's go  
20 forward, let's use this. Your Honor can take into  
21 account, even after the fact, the documents and weigh --  
22 this is a bench trial. Weigh whether or not you think  
23 there was any surprise or prejudice associated with the  
24 use of these documents and go forward. That's the whole  
25 point. The reason a Motion in Limine exists is to make

1 sure the jury is not surprised by something, but the  
2 Judge still acts as a gatekeeper as to whether or not  
3 those are prevented. A Motion in Limine does not  
4 prevent a Judge from looking at documents or weighing  
5 testimony.

6 THE COURT: Mr. Sbaiti?

7 MR. SBAITI: Thank you, Your Honor. I really  
8 just have three things to say. Those documents were  
9 attached -- some of the documents, like he said, were  
10 attached to their response that was filed last Thursday.  
11 At the hearing last week, instead of saying we're  
12 relying on our evidence, counsel asked Your Honor, as  
13 you might recall, can we have an exchange of witness  
14 lists then and exhibit lists, and I think Your Honor  
15 encouraged us to deal with that on our own, which we  
16 did. We came to an agreement that we would exchange it.  
17 So that's what we waited for because it might change.  
18 There might be different stuff. We didn't jump the gun  
19 and start saying you're going to try to use this, we  
20 need to exclude it.

21 The actual motion is titled Motion in  
22 Limine to Exclude, so, you know, to the extent that's  
23 any of the issue.

24 I think the two other points I would  
25 make, Your Honor, that Mr. Hurst brings up, but doesn't

1 really recognize, is this is a Temporary Injunction  
2 hearing. He's right. This is not a trial, and I have a  
3 burden of production as the proponent of this  
4 injunction. Whether he has evidence in opposition or  
5 not is completely irrelevant. It doesn't matter to my  
6 burden of production, and it doesn't change the fact of  
7 whether or not I've satisfied my burden of production at  
8 the end of the day.

9           If he has specific documents he thinks  
10 might be necessary for impeachment because they might  
11 reflect -- or they might reflect a change in testimony  
12 or something like that, well, then that should be dealt  
13 with on a document by document basis, but I don't see  
14 that happening. What I see happening is there's a bunch  
15 of documents they want to bring in to kind of turn this  
16 hearing into a circus. All we're going to be focusing  
17 on in the hearing is whether or not threats were made to  
18 Mr. Sajid, and whether or not those can be a basis for  
19 an injunction. That's a very narrow issue that we're  
20 going to be tackling during the hearing, and all the  
21 documents they're talking about have to do with their  
22 investigation which we asked for last year. There's no  
23 excuse.

24           And I would further say, Your Honor, on  
25 the witness exclusion, Mr. Hurst talks about, well,

1 these aren't a surprise. Well, that's not exactly the  
2 issue. The first time we knew they were going to be  
3 relying on Mr. Aslam or Mr. Abro as actual witnesses was  
4 last week, and I would remind the Court, because this  
5 topic has come up a couple of times, we asked for their  
6 disclosures in our original complaint filed in July of  
7 2016. We got their disclosures May 20th. So the late  
8 disclosure rule under Rule 215 also is a basis for  
9 exclusion.

10 We're just trying to keep this an equal,  
11 straightforward hearing. I understand Mr. Hurst saying  
12 let's just throw it all into the hopper and see what  
13 comes out. They have 31 exhibits to our -- frankly, we  
14 only sent over nine, and I don't think we're going to  
15 use but three or four of them. Two of them are  
16 testimonial. They're transcripts.

17 THE COURT: Well, my major concern is I'm  
18 really concerned there's certain exhibits that were not  
19 disclosed to you in discovery. The question is how do  
20 we give you the time to go through and identify? I  
21 don't feel comfortable proceeding now. I don't because  
22 I don't think it's fair.

23 MR. HURST: Your Honor, a couple things on  
24 what Mr. Sbaiti said. First of all, I take issue with  
25 things he's telling you, but, again, I would ask that we

1 be heard as to whether or not those things are truthful.  
2 The 25 exhibits were actually emailed to him separately  
3 and e-mailed to you, Your Honor, as well last Friday at  
4 1:37 p.m. Tonia Ashworth from my office emailed you,  
5 copied Mazin, copied the other -- it looks like Kim  
6 James. I'm not sure Mr. Bridges was actually copied on  
7 that one. But the lawyers in this case, the firms in  
8 this case were all copied. The exhibits were all sent  
9 to both sides and to the Court.

10 Your Honor, additionally, again, this is  
11 why we can't just take opposing counsel's word on stuff.  
12 Exhibit 19 was produced. It was Bates numbered and  
13 produced. Exhibit 8 was produced and Bates numbered  
14 some time back. You know, the reason the witness -- the  
15 issue of the witnesses being disclosed in the Request  
16 for Disclosure, this motion, this Temporary Injunction  
17 motion just came about recently. Of course these  
18 witnesses are going to be persons with knowledge because  
19 they're the ones being accused of allegedly threatening  
20 witnesses. So to say that, well, I am -- I shouldn't  
21 have to -- I should be able to exclude the very people  
22 I'm making these accusations against because, you know,  
23 this issue just became relevant with respect to a  
24 request for a Temporary Injunction is outrageous.

25 Your Honor, the one thing I would ask

1 Your Honor to consider is does Mr. Sbaiti have these  
2 witnesses here to testify or not? Because, if not,  
3 there's nothing to talk about. I mean, it's impossible  
4 for them to meet their burden on a Temporary Injunction  
5 without presenting those very witnesses that they claim  
6 they have that will support the allegations. If they  
7 have them here, then, yes, I am saying let's go forward  
8 because Mr. Sbaiti, as of last Friday, at a minimum,  
9 could have T'd up anytime over the last week the idea  
10 that any of these exhibits specifically tied to the  
11 Requests for Production, should have been excluded, but  
12 he didn't do that.

13 He could have specifically T'd up in  
14 front of this Court the idea that witnesses shouldn't be  
15 able to testify because he's got concerns over Requests  
16 for Disclosure. He didn't do that. Instead, he filed a  
17 Motion in Limine the night before the hearing. And,  
18 Your Honor, this is just absolutely improper. If he  
19 doesn't have the ash to go forward, and then we're  
20 spending a lot of the Court's time, we're spending a lot  
21 of our respective money based on these issues he has.

22 MR. SBAITI: Your Honor, may I share my  
23 screen? I'm not disputing that maybe at some point this  
24 was produced somewhere. This is Exhibit 8 that he just  
25 said it was Bates labeled and produced. Well, this is



1 the version they sent. No Bates label. So if it's  
2 Bates labeled and produced, what's the Bates number?  
3 Where was it? Why isn't it on the actual exhibit?  
4 That's the whole point of those Bates numbers is to tell  
5 us this is where you can find it in the actual  
6 production so that we can know.

7                   What he just told you was e-mailed to me  
8 in the afternoon on Friday, which Your Honor will recall  
9 we were busy dealing with about three other things in  
10 two different cases I have in front of you on Friday.  
11 We were also dealing with trying to make sure we met all  
12 the obligations on a Temporary Injunction they got on  
13 behalf of Sybrid that was supposed to become due on  
14 Monday.

15                   For them to say, well, we sent it in a  
16 list a week before a hearing, I just don't see how  
17 that's enough, and I don't think my motion's a sandbag,  
18 and I don't think it's proper that a week ahead of time  
19 is the first time I'm getting bits and pieces of  
20 documents I asked for last fall.

21                   THE COURT: So, Mr. Sbaiti, short of my  
22 excluding these exhibits, what relief are you seeking  
23 from the Court? Do you want to see if we can get an  
24 agreement of the parties to extend the time so you can  
25 identify which exhibits were produced and file a Motion

1 for Sanctions?

2 MR. SBAITI: To be honest, Your Honor, I am  
3 asking for Your Honor to exclude them because I do want  
4 to have the hearing today. I agree with Mr. Hurst on  
5 one thing: I'd like for the hearing to go on today. I  
6 don't think it's proper for them to be able to rely on  
7 exhibits that I think, when we actually get to them in  
8 any event, are going to be largely irrelevant to the  
9 evidence we produce in favor of our injunction.

10 THE COURT: Okay. But I need to know  
11 specifically which exhibits -- you're saying 1 through  
12 15A were last-minute produced?

13 MR. SBAITI: At best.

14 THE COURT: But then I need to give the other  
15 side time to either confirm or deny that existence,  
16 right? I need to give them that opportunity, and they  
17 were not notified of your concerns until -- I mean, at  
18 10:30 last night I admit I was asleep for a change.  
19 Only thing I can think of, and I hate it, you know,  
20 reset this for another week so you guys can hash it out.

21 MR. SBAITI: Your Honor, I don't know how long  
22 the hearing is going to take.

23 THE COURT: I set aside four hours, and I've  
24 got to be out of here by 2:00 o'clock this afternoon.

25 MR. SBAITI: Okay. I think --

1           THE COURT:  If you think you can hash this out  
2 in two hours and we can start at 11:00 -- what time is  
3 it now?  Oh, it's already 10:21.

4           MR. SBAITI:  10:20.

5           MR. HURST:  This is why, Your Honor, we should  
6 have had a certificate of conference on these things.  
7 The representation to the Court that we did not produce  
8 these documents is false.  If he would have conferred  
9 with us, if we could have had a meaningful certificate,  
10 I think that's why we have conferences, and it's not  
11 like we don't have a relationship where we can't have  
12 these communications.  That's not the situation here.

13                       But the situation here is that we are  
14 being burdened with an improper injunction based upon a  
15 verification that the other side's already admitted is  
16 improper and not based upon personal knowledge.  If  
17 there's improper verification that supported the TRO and  
18 there's no live witnesses, there's no reason to go  
19 forward, Your Honor.  So all of this is moot, and we  
20 don't have to spend the next four hours.

21                       If there are live witnesses, then let's  
22 present them.  And I think that might be the fastest  
23 thing, the best thing for Your Honor to look at and be  
24 able to evaluate as to whether or not -- yeah, we can  
25 make our legal arguments and provide, as you've heard

1 already, a preview of why we think --

2 THE COURT: But I want to make sure what's  
3 fair and that we have a complete record. That's all I'm  
4 concerned about, and this won't be the first time --

5 MR. HURST: I understand, Your Honor. This is  
6 the --

7 THE COURT: -- doesn't move as smoothly as we  
8 want, and that's why I praise the Lord when they do.

9 MR. HURST: Your Honor, this is the second  
10 week in a row where we have witnesses that are late at  
11 night available from Pakistan to testify, and every time  
12 we have to extend the TRO, we're under this burden  
13 because --

14 THE COURT: Well, that's just it. I mean,  
15 it's justice.

16 MR. HURST: But it's not, Your Honor.  
17 Respectfully, this is not justice. I would say, Your  
18 Honor, this is a justice delay, justice denied  
19 situation, if you will, because we're not getting a  
20 chance to present our side --

21 THE COURT: But you will get it --

22 MR. HURST: -- again an improper verification.

23 THE COURT: If his allegations are true, then  
24 I'm excluding those exhibits. I'm excluding testimony  
25 on it. Why are we going to have testimony then on

1 certain exhibits if they're going to be excluded?

2 MR. HURST: Well, we can address that too, but  
3 I'm actually talking about the -- Mr. Sbaiti, the  
4 Plaintiff's witnesses, are they here or are they not  
5 here?

6 MR. SBAITI: That has nothing -- yeah, we have  
7 witnesses. That has nothing to do with excluding their  
8 evidence, Your Honor, and I think Your Honor hit the  
9 nail on the head which is if there's going to be an  
10 exclusion, then I think this also shortens the burden on  
11 the Court for having an extended hearing.

12 When we see 31 exhibits compared to a  
13 handful of hours, and we're trying to keep this simple,  
14 it's pretty clear to us that what they're really trying  
15 to do is try some of their affirmative defenses to the  
16 Court, which we also think is improper for separate  
17 reasons. We'll deal with that when the evidence is  
18 attempted to be proffered.

19 What I was going to say though, and I  
20 don't know if this is a solution, but if there's an  
21 afternoon next week that we can reconvene this, and I  
22 also hate to do it that way because it's late in the  
23 day, it's late at night in Pakistan. I'd much rather do  
24 it in the morning.

25 THE COURT: We have to do it in the morning.

1 I have to get on another schedule. Hold on. Next week  
2 is not a good week I know.

3 (Pause.)

4 THE COURT: All right. The only thing I can  
5 do is June 4th at 9:30. June 10th, but I have got to be  
6 out of the office by 1:00 o'clock on the 10th. I think  
7 next Friday -- let me see what the 11th looks like. I  
8 didn't check that.

9 MR. HURST: I have an alternative suggestion,  
10 Your Honor. We could go forward with the hearing. As  
11 Your Honor knows, there is a very high burden on getting  
12 a Temporary Injunction. There is a very high burden on  
13 excluding a witness or excluding a document, producing a  
14 document that has not been produced to them or provided  
15 to them, they can object to it. By objecting to it,  
16 they're going to represent to the Court, hopefully  
17 honestly and accurately, that that document was not  
18 produced or that they are -- or whatever other  
19 exclusionary reasons there might be as it goes forward.

20 We don't think we need all 31 documents  
21 necessarily, but in an abundance of caution, because  
22 they are trying to do something very, I would say,  
23 unprecedented with respect to this Temporary Injunction  
24 they're asking you to admit, we've submitted those  
25 exhibits. Totally transparent. Your Honor, the burden

1 is on them to present to Your Honor that these documents  
2 were not produced --

3 THE COURT: Do I not --

4 MR. HURST: -- and I need to give them time  
5 to --

6 THE COURT: Mr. Mosser, if you don't quit  
7 shaking your head, I'm going to cut off your video.  
8 It's very irritating. It's very rude, and you should  
9 know better than that. If you're going to have emotion,  
10 then just cut off the video.

11 MR. MOSSER: I will cut off my video. I  
12 apologize, Your Honor.

13 THE COURT: Are you an attorney?

14 MR. MOSSER: Yes, I am. I will turn off my  
15 video.

16 THE COURT: Totally inappropriate.  
17 Mr. Sbaiti?

18 MR. SBAITI: I think Mr. Hurst was saying why  
19 don't we deal with it on a document by document basis,  
20 and I'm thinking through the implication of that.

21 THE COURT: Then you know what, why don't we  
22 take a ten-minute break. It's 10:30. Let's come back  
23 at 10:40.

24 MR. SBAITI: Thank you, Your Honor.

25 (Brief recess.)

1           THE COURT: We went off the record to take a  
2 short break.

3           Mr. Sbaiti, I think at the end you were  
4 about to take a look at the exhibit responses and make a  
5 proposal to the Court.

6           MR. SBAITI: Yes, Your Honor. I think what we  
7 were discussing was Mr. Hurst's proposal, and I think we  
8 have a version of it to let this hearing happen today.  
9 We want to get this hearing done and finished as much as  
10 anybody. We have a witness standing by who we would  
11 like Your Honor to hear from.

12           In any event, I think -- what I think is  
13 the best proposal from our perspective is if Your Honor  
14 can deal with things on either a document by document  
15 basis and then -- the way we look at it is if Your Honor  
16 grants our motion, then the Motion in Limine is moot;  
17 otherwise, Your Honor can always rule on our Motion to  
18 Exclude; grant, deny, let it in after the fact just as  
19 part of the record, and that way we kick the can down  
20 the road, but at least we get to go forward with the  
21 hearing.

22           MR. HURST: Your Honor, this is Michael Hurst.  
23 I would agree with that. That sounds like an okay way  
24 to proceed. I just want to remind the Court, I know the  
25 Court's aware the only reason why Your Honor moved the



1 hearing from last week to this week is because you  
2 wanted to be able to have the live testimony of  
3 Mr. Waleed Khalid and Mr. Sajid Fiaz, and so here we  
4 are.

5 I think we can also limit the amount of  
6 exhibits. We're trying to go forward with that as well.  
7 We don't know that we need all of them, and obviously  
8 some of them may be used just for impeachment purposes.  
9 With that said, that's where we are. So if Mr. Sbaiti  
10 is ready to go forward, then so are we.

11 THE COURT: Those of you who have been in  
12 hearings with me in the courtroom know I usually stand,  
13 and I'm standing in my office, but I think I'm ready to  
14 sit down. So if you see the camera -- my seat in my  
15 office is just a bit too short for me, so if you see me  
16 dipping in and out, I'm trying to figure out a way to  
17 sit down, but, if not, I'll keep standing.

18 All right. Go right ahead, Mr. Sbaiti.

19 MR. SBAITI: Your Honor, are we permitted to  
20 do a brief opening argument?

21 THE COURT: Brief.

22 MR. SBAITI: Thank you, Your Honor. We've got  
23 a short slide show to present to Your Honor. May I  
24 share my screen?

25 THE COURT: Please.

1 MR. SBAITI: Thank you, Your Honor.

2 Your Honor, the hearing that we're  
3 talking about is a motion for a Temporary Injunction to  
4 stop the harassment of witnesses, and the relief we're  
5 requesting is a couple of things, and I will say, Your  
6 Honor, this is a lot narrower than the relief we  
7 originally requested, and I think it's even narrower  
8 than the TRO. The Defendants filed a motion or an  
9 opposition critiquing the relief we requested and  
10 pointing out, you know, things they thought were  
11 problematic.

12 And as Your Honor will recall, during the  
13 TRO I think we all were struggling with what's the  
14 proper remedy, how do we make it narrowly tailored to  
15 balance constitutional interests and other interests,  
16 but at the same time prevent and enjoin the specific  
17 actions that we think are problematic.

18 So what we've come up with after a lot  
19 more thought, because we had a lot more time, is the  
20 following: I think the two planks we'd ask Your Honor  
21 to consider is, first, pending further order from this  
22 Court, Defendants, Wiseman Innovations, L.L.C., Anwar  
23 Kazi, Zameer Sachedina, Rohit Sharma, as well as Sybrid  
24 Health, L.L.C., and any of their principles, agents,  
25 servants, employees and representatives, and those

1 acting in concert with them, are each and all of them  
2 enjoined from communicating to any witness who has been  
3 disclosed by any party, or is a potential witness in a  
4 dispute involving Mr. Sohail, what negative consequences  
5 may be imposed on them or positive inducements provided  
6 to them as a result of testifying in a certain way or on  
7 a certain subject or declining to testify in a certain  
8 way or as to a certain subject.

9           So there we try to go right at the heart  
10 of one of the issues which is either threats or  
11 inducements to get people to testify in a specific way  
12 that, you know, and not offer those types of  
13 inducements.

14           The second is that pending further order  
15 from this Court, Defendants Anwar Kazi, Zameer  
16 Sachedina, Rohit Sharma, are each and all of them  
17 enjoined from communicating directly with any witness  
18 located in Pakistan without the presence of Wiseman's  
19 outside counsel currently appearing in this Court. So I  
20 think that also provides a cloak of not restricting  
21 communication, but making sure that if they're going to  
22 start communicating with people in Pakistan, that  
23 outside counsel is there to monitor it because knowing  
24 Mr. Hurst, and his firm, and Ms. Newsome, and knowing  
25 the Dykema firm, they're not going to let this type of

1 shenanigan go forward.

2           We believe it's all about the integrity  
3 of this Court's jurisdiction and integrity of the legal  
4 process. Under the Texas Constitution, Article 5,  
5 Section 8, Your Honor has the constitutional authority  
6 to issue all writs to enforce your jurisdiction. As for  
7 the integrity of your jurisdiction, Your Honor, Your  
8 Honor has the inherent power to take action that will  
9 aid in the exercise of your jurisdiction in the  
10 administration of justice and in the preservation of the  
11 Court's independence and integrity. That's from  
12 TransAmerica which is a Texas Supreme Court case.

13           Furthermore, we believe that witness  
14 intimidation and harassment are a form of spoliation  
15 that irreparably harms the judicial process and deprives  
16 Plaintiff of a fair process. And the Maryland Supreme  
17 Court pointed out that spoliation is sort of a generic  
18 conduct, but that witness intimidation or the actual  
19 tampering with evidence is more egregious than simply  
20 not producing documents and constitutes -- is  
21 irreparable harm because it clearly inhibits the Court's  
22 ability to hear evidence and accurately determine the  
23 facts. Thus, without the inherent power to protect  
24 against evidence destruction, Courts would be prevented  
25 from hearing relevant evidence and would be unable to

1 ensure the proper administration of justice.

2           So the burdens -- we have just a burden  
3 of production, Your Honor. This is not a trial on the  
4 merits, and Defendants' contrary evidence is actually  
5 not relevant to our burden of production. We fully  
6 anticipate that they're going to have evidence that they  
7 say contradicts what our witness will say, and that they  
8 have evidence that maybe even explains some of their  
9 actions the way they want Your Honor to see them, but  
10 that doesn't change the fact that we have a burden of  
11 production and a burden of persuasion to show that there  
12 is a threat to the judicial process and that we're  
13 entitled to an interim remedy.

14           So why was this motion brought? The  
15 witness you're going to hear from today is Sajid Fiaz.  
16 Originally, we moved with Mr. Waleed Khalid as well. A  
17 lot of evidence about him has been discussed in prior  
18 motions here because of what happened just a few weeks  
19 ago. Mr. Sajid Fiaz is a former -- essentially the IT  
20 director at Wiseman. He's in Pakistan. You'll hear  
21 that he was detained by Wiseman's agents. He was not  
22 allowed to leave the room. He was asked if he would  
23 testify, sign affidavits about my client, Mr. Sohail's,  
24 actions having to do with, among other things, Premier  
25 Sybrid's allegations about misappropriation of private

1 information. This all happened in April just over a  
2 month ago.

3 He was threatened with dire consequences  
4 to himself and his family if he didn't lie, causing him  
5 to go to the hospital because he was so panicked. He  
6 was, again, threatened on the phone by Wiseman's agents,  
7 some from the United States and some from Pakistan. And  
8 then on or about April 20th he resigned, and he resigned  
9 via letter to the board of Wiseman basically saying  
10 you've been harassing and threatening me, and you want  
11 me to lie about Mr. Sohail and I'm not going to do it.

12 All in all, Your Honor, the timing is  
13 suspect because this is obviously when the Wiseman folks  
14 were trying to build a case on behalf of Sybrid to bring  
15 the companion lawsuit in this case. You'll hear all  
16 that testimony directly from Mr. Fiaz. So why is the  
17 motion necessary? Because this wasn't the first time,  
18 and it needs to stop.

19 You'll also hear from Mr. Fiaz that he  
20 was told he would be made an example of just like  
21 Mr. Waleed Khalid was made an example of. That was the  
22 insinuation. I don't think we need to bring Mr. Khalid  
23 here as a witness because I think it'll take a lot more  
24 time than we have, and we don't think it adds anything.  
25 If you don't think we're entitled to this injunction

1 after hearing Mr. Fiaz, I don't think you're going to  
2 give us an injunction by hearing both of them.

3           So what's Defendants' position? Well,  
4 the first thing, and they've already tipped their hand  
5 to this in their recent filing, is they're going to harp  
6 on a technicality. They want to say that counsel,  
7 verifying an injunction seeking to not have witnesses  
8 tampered with, is somehow improper under one of the  
9 rules. The problem they're going to have is we're  
10 asking Your Honor to invoke your inherent authority.  
11 They're going to hang their hat on the traditional 682  
12 rules that say it has to be verified by the petitioner.

13           I'm as much a petitioner for this  
14 injunction as my client, Your Honor. As an officer of  
15 the Court, I have as much right to a sound judicial  
16 process that's free of witness tampering as anybody. So  
17 I'll stand on my verification because my verification  
18 was obviously cured, to the extent I didn't have  
19 personal knowledge of what Mr. Fiaz had testified to,  
20 but I attached all of his testimony to that application,  
21 and I verified that that testimony was given to us under  
22 oath, which it was.

23           Their second thing they're going to do I  
24 believe is they're just going to contradict Mr. Fiaz.  
25 They're going to say they didn't do what he says they

1 did, and they're going to try to contradict it.

2           Then the third thing it looks like they  
3 want to do, and this is really what all their exhibits  
4 are, and this is why the piecemealing of these exhibits  
5 is so nefarious, is they're going to try to justify  
6 their actions. They're going to try to tell Your Honor  
7 that the allegations that they wanted him to support are  
8 the truth. They're going to try to justify threatening  
9 him. And, in the end, what you're going to find out is  
10 threatening a witness, even to tell the truth when he  
11 doesn't believe what you want him to say is the truth,  
12 is not proper. It's duress. It's not the way to go  
13 about getting the testimony that you want.

14           So why are the Defendants wrong? Sajid  
15 Fiaz is the only uninterested witness at this hearing.  
16 I think right now he's the only uninterested witness in  
17 this entire case so far. He quit a lucrative position  
18 he held for years at Wiseman. He's not a relative of my  
19 client. He's not Wiseman's current employee. He has no  
20 reason to make anything up. He's already filed a police  
21 report in Pakistan about the threats made against him.  
22 He has nothing to gain by being here other than to tell  
23 us the truth and the story because when we found out  
24 about it, we reached out to him and asked him if he  
25 would testify.



1                   So, intimidating witnesses into  
2   testifying how Defendants want threatens the integrity  
3   of the judicial process, Your Honor. That's our thesis.  
4   That's all we should be talking about today. The truth  
5   of the allegations they wanted him to support have  
6   nothing to do with the fact that they went after him and  
7   put him in the hospital and made him afraid for his  
8   safety. Witnesses have to speak their truth. If you  
9   don't agree with what they say, the proper response is  
10  impeachment and cross-examination; it's not threats.  
11  It's not telling them that nobody can protect you.  
12  Mr. Sohail can't protect you, but if you tell us what we  
13  want to know, we'll protect you. Talk to us about it.

14                   I think, Your Honor, in the end, the  
15  decision is simple. There's no prejudice to Defendants.  
16  There's no prejudice to them whatsoever from the relief  
17  we just asked for, and it actually may be to their  
18  benefit by sanitizing their evidence and allowing them  
19  to avoid future allegations like this, which is what we  
20  all want, versus there's immense risk to the judicial  
21  process and this Court's jurisdiction if this -- it's  
22  already been threatened. If it happens again, we don't  
23  know who these other witnesses are who have already  
24  acquiesced to threats or the pressure tactics that  
25  they're being employed, and it does threaten my client's

1 right to have his day in court, and it threatens my  
2 right to a judicial process, and it threatens Your  
3 Honor's jurisdiction and the sanctity and integrity of  
4 Your Honor's court.

5           So I think, Your Honor, in a nutshell,  
6 our thesis is very simple. We're going to present, I  
7 think, one witness. We've got cross-examination for  
8 other witnesses. We'd like you to hear from this  
9 witness. I think he's an incredibly credible witness.  
10 You're going to hear what he has to say, and I think  
11 that's pretty much it, Your Honor. They're going to  
12 have their own witnesses deny it, and we'll  
13 cross-examine them in due course, Your Honor. That's my  
14 opening statement. I appreciate your time.

15           THE COURT: All right. On behalf of the  
16 Defense?

17           MS. NEWSOME: Yes, Your Honor. May it please  
18 the Court. I'm going to share my screen as well. I  
19 have a revamped PowerPoint. I don't want to cause any  
20 issues with the evidence we were going to present to the  
21 Court, so, understanding Your Honor's concern about  
22 that, I removed some of the exhibits.

23           Your Honor, it's as simple as this:  
24 Here's what Mr. Sohail really wants to do with this  
25 Temporary Injunction. First, he wants to stifle our

1 ability to interview witnesses and conduct third-party  
2 discovery. Second, he wants to inhibit our client's  
3 Constitutional right to petition. Also, this Temporary  
4 Injunction seeks to restrain our client's speech, as  
5 well as disrupt our client's business operations.

6 And Mr. Sbaiti said Mr. Fiaz was an  
7 employee of Wiseman, and our client had every right, as  
8 the employer, to ask questions of Mr. Fiaz regarding a  
9 recent discovery of an IT breach involving protected  
10 health information. As Your Honor recalls, in the other  
11 case, the Sybrid case, and we showed Your Honor this  
12 timeline of when we actually became aware of or when  
13 Wiseman became aware that certain protected healthcare  
14 information may have been in improper possession of  
15 Mr. Sohail.

16 So immediately, Sybrid Premiere sent a  
17 response to Wiseman and said we need more details about  
18 this potential breach. Please perform an investigation,  
19 and that is exactly what Wiseman did. They went to the  
20 IT person and asked him why did this happen, what was  
21 the circumstances involving Mr. Sohail's laptop, is  
22 there anything else involved. So, Your Honor, this is a  
23 complete disruption of not only the client's business,  
24 Your Honor, but their investigation into what they have  
25 a right to investigate and obligated to investigate

1 under the Federal Rules.

2           Finally, Your Honor, what they want to do  
3 is use this Temporary Injunction to intimidate our  
4 clients from being able to defend against Mr. Sohail's  
5 allegations. So the application for Temporary  
6 Injunction should be denied for the following reasons:  
7 First, there is no competent reliable evidence. Your  
8 Honor knows this quite well. Mr. Sbaiti's statements in  
9 his opening statement's not evidence. We look forward  
10 to hearing from Mr. Fiaz as well, but, as of right now  
11 as it stands, there's no competent evidence. The  
12 transcripts that were provided to the Court are ex parte  
13 depositions, and we provided Your Honor with some case  
14 law on that, and so there's nothing that could uphold a  
15 Temporary Injunction.

16           The relief sought is impermissibly vague,  
17 and it does not comport and comply with Rule 683.  
18 Again, Mr. Sbaiti attempts to say this is what we really  
19 want. We had this long list we troubled the Court on,  
20 but now we want to seize these few things. If Your  
21 Honor goes back to that slide that they presented to the  
22 Court, it still says any witness or potential witness.  
23 That is vague. We don't know who all knows the  
24 under-happenings of what has been going on with  
25 Mr. Sohail regarding the allegations against him that he

1 participated in a money laundering scheme, that he  
2 helped to embezzle money, that he improperly had access  
3 to Wiseman's information, Sybrid information.

4           Your Honor, we don't know all of the  
5 witnesses right now, so to single-handedly use a  
6 Temporary Injunction to tie the hands and muzzle the  
7 mouth of our client without providing any specifics as  
8 to the people that they're not -- that they can't talk  
9 to, that's impermissible under the rules, Your Honor.

10           The relief sought bars legitimate  
11 business communication. What Mr. Sohail wants to do is  
12 make all these allegations against our client and the  
13 Defendant and state you can't investigate it. You can't  
14 go talk to the people on the ground in Pakistan who were  
15 performing these transactions. You can't go to them and  
16 ask them any questions. You just have to -- he wants  
17 the Court to just take his side and not allow us to have  
18 our shot.

19           Finally, Your Honor, the relief sought  
20 amounts to a mandatory injunction without the  
21 substantiating proof. And, also, Plaintiff cannot  
22 demonstrate a probable right to recovery. What we mean  
23 by that, Your Honor, is this is a case about Mr. Sohail  
24 and his involvement in what we believe to be illegal  
25 activity, but, most importantly, activity that amounts

1 to a breach of contract, activity that amounts to torts  
2 and so a breach of fiduciary duty. This is not about  
3 Mr. Khalid. This is not about Mr. Fiaz. But the  
4 Temporary Injunction is about Mr. Khalid and Mr. Fiaz.

5 And so, Your Honor, there has to be some  
6 kind of connection between what they're asking for Your  
7 Honor to do and the ultimate relief that we are seeking  
8 as a part of this proceeding which deals totally with  
9 Mr. Sohail and the Defendant; nothing about Mr. Fiaz,  
10 nothing about Mr. Khalid.

11 I'll skip this, Your Honor. I think Your  
12 Honor knows that Wiseman Innovations is a U.S.  
13 technology company. They also have a subsidiary in  
14 Pakistan that helps to implement their processes and  
15 technology. Your Honor knows the people, the Defendants  
16 here. Mr. Zameer Sachedina is the CEO. Anwar Kazi is a  
17 board manager of Wiseman, and Mr. Rohit Sharma, all the  
18 people that they're claiming have threatened  
19 individuals, these are the -- these are their titles in  
20 terms of what they do at Wiseman.

21 Your Honor, I'll just say this briefly,  
22 and we're not going to harp on this during the  
23 examination period, but all of this really started with  
24 an investigation into the finances in early 2020. So  
25 there was investigations about what was going on with

1 the finances in Pakistan, and with that investigation,  
2 as Your Honor heard this before also in the Sybrid case,  
3 various things became uncovered as to different loans  
4 and things happening that were not approved. And so,  
5 Your Honor, that's not really the issue here, but Your  
6 Honor needs to understand that that's where this all  
7 started. And because of that investigation, a criminal  
8 lawsuit has been filed in Pakistan involving the  
9 individuals that Mr. Sbaiti is going to present to -- at  
10 the very least, involving Mr. Khalid, his involvement in  
11 that matter.

12           These criminal prosecutions are underway  
13 in Pakistan. And so what this is about, Your Honor,  
14 it's about tying our client's hands here, keeping them  
15 from being able to do anything in conjunction with tying  
16 their hands with respect to the criminal prosecution.  
17 If Your Honor enters a Temporary Injunction as broad and  
18 vague as what Mr. Sbaiti has presented to the Court, it  
19 will not only hamper the ability of our clients in this  
20 case, but it will hamper all of their abilities to do  
21 what they need to do in the Pakistan criminal  
22 proceedings, and that's exactly what they want.

23           So, Your Honor, there's no competent  
24 reliable evidence here. An injunction cannot be granted  
25 unless the applicant, therefore, should present his

1 petition to the Judge verified by his affidavit and  
2 containing a plain and intelligible statement of the  
3 grounds for such relief. Mr. Sbaiti tries to sidestep  
4 this issue by saying oh, well, Your Honor, we're not  
5 relying on a real Temporary Injunction standard. We're  
6 not relying on a real Temporary Restraining Order  
7 standard. We just want you to use your inherent powers.  
8 That's not what they presented to the Court with the  
9 Temporary Restraining Order.

10           Your Honor, the rules are the rules. He  
11 can't now come and try and manufacture a different type  
12 of pleading before the Court. There is no personal  
13 knowledge with respect to the Temporary Restraining  
14 Order that Your Honor issued in this case. Counsel does  
15 not show any basis when -- as here, counsel does not  
16 show any basis in pleadings or affidavits for his  
17 personal knowledge of relevant facts. The verification  
18 is insufficient to meet the requirements of the  
19 verification under the rules.

20           Mr. Sbaiti has admitted to the Court that  
21 his verification was not of the facts that Mr. Fiaz was  
22 testifying to. He just wants the Court to trust his  
23 knowledge that, well, there's an individual that came to  
24 me and told me all these things are going on. Your  
25 Honor, that is not enough.



1           But here's what the verification actually  
2 says, contrary to what Mr. Sbaiti said to the Court: I  
3 understand and hereby state under penalty of perjury  
4 that the foregoing statements, all of the statements  
5 that were in that temporary restraining application, all  
6 the statements -- that the foregoing statements of fact  
7 are true and correct and are within -- this is  
8 important -- my personal knowledge as stated, and hereby  
9 verify the foregoing information pursuant to the rules.

10           Now, despite the fact that this  
11 verification does not comply with what the Texas Civil  
12 Remedies and Procedure Code provides, it's just outright  
13 false, Your Honor. Mr. Sbaiti has absolutely no  
14 personal knowledge of any threats that have come from  
15 our clients to Defendants against Mr. Fiaz or against  
16 Mr. Khalid, and for that reason, and that reason alone,  
17 the Temporary Restraining Order is invalid.

18           But now we move on to the ex parte  
19 deposition, Your Honor. I believe we've stressed this  
20 situation before, but just for preservation we are  
21 vigorously opposed to the use of any transcripts.  
22 Mr. Sbaiti has represented to the Court that his witness  
23 is going to be here, Mr. Fiaz, and so with that, Your  
24 Honor, we are given the opportunity to cross-examine  
25 him, but to the extent that he tries to use the

1 transcripts, Your Honor, we are opposed to that.

2           The relief sought is impermissible and  
3 vague and does not comply with Rule 683. Your Honor,  
4 this is the main issue here. He wants just an outright  
5 blanket ruling that our clients can't talk to anybody.  
6 That's what that injunction ruling said that he wants  
7 Your Honor to sign: Any potential witness. Again, Your  
8 Honor, we don't know who that is, and Mr. Sbaiti can't  
9 tell us who that is. That could be anybody. And what  
10 they want, Your Honor, is really a blank check to come  
11 to the Court and cash in every time they feel our  
12 clients are performing an investigation, asking a  
13 question, every time that person feels that they may be  
14 under pressure or threatened that they have a free  
15 access to the Court to claim contempt of that  
16 restraining order or contempt of the injunction order.

17           Your Honor, there are many other avenues  
18 that the Court can take besides presenting or putting in  
19 a Temporary Injunction order to that extent. What it's  
20 going to allow Mr. Sbaiti to do is come to the Court  
21 every time we attempt, even the attorneys, every time we  
22 attempt to investigate the claims and allegations in  
23 this case, and that is just not in compliance. It does  
24 not comply with what the rules require that it must be  
25 specific as to the person.

1           And, Your Honor, we do have case law that  
2 we cited to Your Honor in our briefing, in our trial  
3 briefing that says just this point. If we're going to  
4 say that individuals cannot be spoken to, those  
5 individuals have to be identified.

6           And I hear Mr. Sbaiti say, well, anybody  
7 that's been disclosed. Well, Your Honor, guess what  
8 that allows them to do? That allows them to disclose  
9 anybody they want to on the Request for Disclosure just  
10 to hamper us to be able to talk to that witness.

11           So, again, Your Honor, that Temporary  
12 Injunction order that he wants Your Honor to sign is  
13 just completely inappropriate. It has to be with good  
14 cause and good faith, people that he believes have been  
15 threatened or -- or -- we got to know who they are.  
16 That's just point-blank.

17           The relief sought bars legitimate  
18 business communications. Your Honor, we do have case  
19 law on that that we submitted to the Court in our trial  
20 briefing. So basically, it's just that simple. Most of  
21 the people involved were employees of Wiseman or  
22 employees of Wiseman in Pakistan. To enter an order  
23 where the CEO of the company, the engineering innovation  
24 specialist of the company, the board manager of the  
25 company are hindered and prohibited from talking and

1 defending themselves, Your Honor, all of them are  
2 Defendants. All of them are Defendants here. So to  
3 keep them from being able to investigate or defend  
4 against themselves against the allegations of Mr. Sohail  
5 is completely inappropriate, specifically given the fact  
6 that these are the executives of the company. They have  
7 to be able to talk to people about the happenings and  
8 what went on in terms of Mr. Sohail and his involvement.

9           Your Honor, to add to that, they have to  
10 be able to conduct their job duties. They have to be  
11 able to do what they're required to do pursuant to their  
12 job titles and job description, and such a Temporary  
13 Injunction order will not allow them to do that.

14           Finally, Your Honor, the relief sought  
15 amounts to a mandatory injunction. It's basically  
16 saying that, you know, you have to -- well, I'll say  
17 this: Mr. Sbaiti has tried to reduce the scope of the  
18 injunction. So to the extent that it's requiring our  
19 clients to affirmatively do something, we object to  
20 that, but if Mr. Sbaiti is representing to the Court and  
21 will adhere to it that he's not seeking any type of  
22 mandatory action, then we will, you know, just sidebar  
23 that argument.

24           But the final argument is that Plaintiff  
25 cannot demonstrate a probable right to recovery. Again,

1 Your Honor, this is about what Mr. Sbaiti is saying  
2 threats, alleged threats to two individuals that are not  
3 even involved in this case. Two individuals that were,  
4 in fact, involved, that we believe in the wrong doings;  
5 the embezzlement, the loans, the unapproved loans,  
6 things of that nature.

7 But, Your Honor, as far as the ultimate  
8 relief that our clients are seeking and the ultimate  
9 relief Mr. Sohail is seeking, this Temporary Injunction  
10 has absolutely nothing to do with the probable right of  
11 recovery.

12 So, with that said, Your Honor, there has  
13 to be a connection. What does entering a Temporary  
14 Injunction that prevents our clients from investigating  
15 and defending themselves in this matter have to do with  
16 the relief that Mr. Sohail ultimately wants or the  
17 defenses or the relief that our clients ultimately want?

18 Now Mr. Sbaiti said he's not bringing  
19 Mr. Khalid here, but, again, he has not withdrawn his  
20 transcripts, and, therefore, we want to present this.  
21 This has nothing to do with the defenses or any type of  
22 production deficiencies that Mr. Sbaiti will claim.  
23 This is just for purposes of showing the Court that  
24 Mr. Khalid's statements to this Court are absolutely  
25 false without any type of threats regarding his

1 resignation and his departure from the company.

2 Here's his statement: "It has been a  
3 pleasure working with you and the team. I am grateful  
4 to you for the guidance and insights that you have  
5 provided over the past almost five years. It has been a  
6 wonderful experience being apart of Wiseman  
7 Innovations."

8 Your Honor, this is something that we're  
9 going to present to the Court today through Mr. Aslam as  
10 a witness that shows there were no threats regarding the  
11 departure of Mr. Khalid at all. In fact, his  
12 representation here is I enjoyed working with you all.

13 Finally, Your Honor, Mr. Sajid, and  
14 Mr. Sbaiti brought this up, that he was in the hospital.  
15 We're going to present testimony by Mr. Aslam today  
16 where he reached out to Mr. Fiaz and asked him how he  
17 was doing. There was nothing in this entire  
18 communication between Mr. Aslam and Mr. Fiaz regarding  
19 any type of threats, any type of violence, nothing even  
20 about the -- what Mr. Fiaz said was going on, he was  
21 being pressured. Nothing about that. In fact,  
22 Mr. Aslam is asking him are you okay.

23 And, Your Honor, you'll even see he's  
24 going to tell him, well, hey, drink plenty of fluids,  
25 have some sugar-based juice. It will reduce headaches.

1 At this time Mr. Fiaz is not claiming any type of  
2 threats from any of the Wiseman representatives, and  
3 you'll know who Mr. Aslam is once we put him on the  
4 stand, but he is a Wiseman employee in Pakistan. And,  
5 Your Honor, he was involved in that investigation and  
6 talking to Mr. Fiaz about that IT breach. He was  
7 involved in it, and he's going to testify today there  
8 was no such threats. The only thing that they asked him  
9 to do was answer some questions so they can get to the  
10 bottom of the PHI IT breach.

11 I already spoke to this, Your Honor.  
12 Basically, you know, I'll end where I began. Again,  
13 there's no competent reliable evidence that has been  
14 presented to the Court regarding any threats.  
15 Mr. Sbaiti's verification was a false misrepresentation  
16 to this Court that he has personal knowledge. He has no  
17 personal knowledge, and if he continues to want to  
18 present that to the Court, Your Honor, we did put him on  
19 the list as a witness because if he's claiming he has  
20 knowledge of these threats, then we should have the  
21 opportunity to cross-examine him as to his personal  
22 knowledge.

23 Again, the relief sought is impermissible  
24 and vague, does not comply with the rules. The relief  
25 sought bars the legitimate business communication and is

1 a prior restraint on speech.

2 And finally, Your Honor, the Plaintiff  
3 cannot demonstrate a probable right to recovery. With  
4 that, Your Honor, we will yield the floor for evidence.

5 THE COURT: Ms. Newsome, can you tell me the  
6 date you e-mailed over the Plaintiff's trial brief?  
7 I've got a stack on my desk and I don't see yours.

8 MS. NEWSOME: Tuesday, Your Honor.

9 THE COURT: All right. And I'll just say it's  
10 not that the Court is not being diligent, but you are  
11 one of 1,800 cases on my docket.

12 MS. NEWSOME: Understood, Your Honor.

13 THE COURT: All right. Mr. Sbaiti?

14 MR. SBAITI: Your Honor, may I do a short  
15 response before I bring up our witness because I think  
16 there's some framing that needs to happen?

17 You'll see Mr. Sajid Fiaz is on -- and  
18 for some reason, Your Honor, it's not your picture I'm  
19 seeing. It's a telephone thing. It's a -- someone  
20 might be on the phone.

21 Ah, there we go.

22 Your Honor, the relief that we've asked  
23 for doesn't bar them from investigating anything. That  
24 is one of the purposes of us trying to be a lot more  
25 circumspect in the relief we're asking for. What



1 they're saying is that they don't want their outside  
2 lawyers or their lawyers to do the investigating. They  
3 want to do the investigating themselves, and that really  
4 goes to the root of the problem is that when they do the  
5 investigating, they being Wiseman and its internal  
6 henchman or whatever we're calling them today, they tend  
7 to put pressure on people. Their tactics are to put  
8 pressure, to intimidate, to cajole, to induce. Their  
9 tactics are not to do it the way lawyers and the way  
10 proper investigators feel about investigating.

11           Nothing in the two proposals I showed you  
12 inhibit a single bit of investigation. None of it  
13 inhibits talking to witnesses by the proper people, and  
14 it doesn't even inhibit the officers she mentioned from  
15 talking to those witnesses. We just simply ask that  
16 outside counsel be a party to it so that you don't have  
17 these problems as a sanitizing feature.

18           The second thing that they brought up,  
19 Your Honor, is the verification that I already  
20 addressed, but I think if you look at the TRO, we  
21 verified the facts in the TRO as stated, and in the TRO  
22 we mentioned that the facts are coming from two  
23 witnesses.

24           The alternative, Your Honor, if they were  
25 to win this argument the way they want to win it, to say

1 there can't be an injunction, you could never have an  
2 injunction, if somebody went out and murdered a witness  
3 because if the Plaintiff in that case didn't witness the  
4 murder, he can't verify that petition in his own  
5 personal knowledge, nor could the lawyer, and yet that  
6 surely cannot be the barrier to getting an injunction  
7 against witness harassment because the parties are  
8 usually not there when the witness harassing occurs as  
9 they were not here.

10           So the absurdity I think of their  
11 position that I can't be the advocate for this or that  
12 my client can't be the advocate, I can't verify what the  
13 witnesses who were harassing are stating by verifying  
14 their statements, that their statements were made to me  
15 and that's the basis of my petition, which is all I have  
16 to verify is that there are sworn witness statements of  
17 harassment. I don't have to verify the underlying  
18 facts. I can't. No one could. This is the trick that  
19 they want to pull on Your Honor to say that, no, this is  
20 just like every other injunction, and it's why we stated  
21 it that way.

22           Finally, Your Honor, the abuse that  
23 they're trying to argue for that would come from the  
24 injunction just isn't there. We've refined it, I  
25 believe, to the point where Your Honor can issue this

1 injunction, and I think it's time to hear from Mr. Fiaz  
2 because after you hear -- by the way, Your Honor, we  
3 haven't offered Mr. Waleed's testimony. I don't have to  
4 withdraw it because we haven't offered it. We just got  
5 here. We're not planning to offer his testimony. I  
6 said we don't need it. If we need a formal withdrawal  
7 of it, we formally withdraw it.

8                   We're relying on the testimony of  
9 Mr. Fiaz which I think I've said a couple times. He's  
10 present, Your Honor, but I would like to invoke the rule  
11 before his testimony begins.

12                   THE COURT: Ms. Newsome?

13                   MS. NEWSOME: Yes, Your Honor. Speaking to  
14 the personal knowledge, Your Honor, you saw the  
15 verification. Mr. Sbaiti said that he had personal  
16 knowledge of everything that was stated in the  
17 application for Temporary Restraining Order. He cannot  
18 try to backtrack now and say that's not what I meant.

19                   Your Honor granted a Temporary  
20 Restraining Order based on his representation to this  
21 Court that the facts have been verified. They were not  
22 verified, and despite what Mr. Sbaiti said, he does, in  
23 fact, have to verify it and he said it couldn't be  
24 verified. That's not true. He has a witness here today  
25 to hopefully provide that testimony which could have

1 provided that testimony awhile back.

2 But, again, here we are, but we just  
3 wanted to make sure we're not waiving our objection to  
4 the fact that that verification was invalid, and,  
5 therefore, the Temporary Restraining Order is invalid.

6 Again, Your Honor, he brings up this  
7 Mr. Khalid as not being presented here, but that's what  
8 the Temporary Restraining Order was based on. So,  
9 again, we're just making our objections known, and to  
10 the extent that he tries to -- Mr. Sbaiti tries to  
11 present testimony by way of transcript, we object to the  
12 introduction of any such testimony --

13 THE COURT: Okay, guys, let's go on. We don't  
14 usually have rebuttal. You've made your arguments. I'm  
15 going to look at the law, we'll address those, the issue  
16 of the introduction of the transcripts, and we had  
17 arguments last week whether or not he could present  
18 those. I believe it's -- let's just take that up.

19 So we have a request now to invoke the  
20 rule. All right. Who are the individuals? I will put  
21 them in a breakout room. Y'all do not leave the  
22 meeting. Just stay there, read a book. When we're  
23 ready to bring you in, I will bring you in.

24 But who are the individuals that need to  
25 go into the breakout room? I think, what, Mr. Abro?

1 Who's the corporate rep?

2 MS. NEWSOME: The corporate rep is not listed  
3 on the --

4 MR. HURST: Who did we designate as corporate  
5 rep at this hearing?

6 MS. NEWSOME: Oh, Mr. Zameer Sachedina. Mr.  
7 Sachedina is going to be our corporate rep, Your Honor,  
8 sitting, but he's in the room with us right now.

9 THE COURT: Okay. All right. So it's  
10 everyone -- so we have Mr. -- why are y'all being so  
11 quiet now when I give you an easy question? Who --

12 MS. NEWSOME: Mr. Abro, Your Honor. Mr. Abro,  
13 forgive me, and Mr. Aslam are our potential witnesses,  
14 and so those would need to go to the breakout room.

15 THE COURT: Okay. And Mr. Pahl and Mr. Mosser  
16 are?

17 MS. NEWSOME: Counsel. They're counsel for  
18 us.

19 THE COURT: And who's 214, the last three  
20 numbers 800?

21 MS. NEWSOME: Your Honor, we're using a  
22 conference line for all of us. You know the headache we  
23 had last time by muting and un-muting, so that's just  
24 our conference line.

25 THE COURT: Okay. All right. Just one

1 second. And if anyone, if I cut you off, it's not  
2 intentional. Just please dial back in. Let me create a  
3 room. I'm going to assign Mr. Abro and Mr. Aslam.

4 Mr. Aslam and Mr. Abro, do you see a  
5 message -- there you go. All right. I think they're  
6 gone. All right.

7 The rule has been invoked via Zoom.  
8 Mr. Abro and Mr. Aslam have been placed in a breakout  
9 room.

10 MS. NEWSOME: We can't hear you, Mr. Sbaiti.

11 MR. SBAITI: I'm sorry. I was just asking  
12 Your Honor are you ready for us to call our witness?

13 THE COURT: Yes, I am.

14 MR. SBAITI: Your Honor, we call Sajid Fiaz.

15 THE COURT: All right. Good morning or good  
16 afternoon, good evening, Mr. Fiaz. Thank you. Do you  
17 mind taking an oath?

18 SAJID FIAZ,  
19 having been duly cautioned and administered the oath,  
20 testified as follows:

21 THE COURT: Thank you very much.

22 DIRECT EXAMINATION

23 Q. (By Mr. Sbaiti) : Mr. Fiaz, do you prefer  
24 Mr. Fiaz or Mr. Sajid?

25 A. Whatever you're comfortable with.

1 Q. Okay. I'm going to call you Mr. Sajid if  
2 that's okay because that's how we wrote it up before.

3 A. Yes.

4 Q. All right. Thank you. Are you okay if we  
5 speak in English? Do you feel comfortable in English?

6 A. Yes, I will because it's just not my native  
7 language, so I will definitely continue with it, but if  
8 there's something, maybe I will request for  
9 clarification.

10 Q. Yeah, if you don't understand any question I  
11 ask you, please feel free for clarification.

12 A. Sure.

13 Q. Thank you. Can you tell the Court where you  
14 are right now?

15 A. I am in my home --

16 Q. And -- sorry. I almost cut you off. Which  
17 city?

18 A. It's Islamabad. The Federal City of Pakistan.

19 Q. And what time is it there right now?

20 A. It's 9:30.

21 Q. 9:30 p.m.?

22 A. Yes, 9:37 p.m. to be exact.

23 Q. Okay. Thank you. Can you tell the Court  
24 whether you used to work for Wiseman in Pakistan?

25 A. Yes, I used to work for Wiseman in Pakistan as

1 infrastructure manager.

2 Q. And when you say infrastructure manager, can  
3 you describe what kind of infrastructure you managed?

4 A. I was basically the head of security of  
5 Wiseman Systems security Cloud computing environment  
6 when they were sponsored on Microsoft special policy  
7 implementations on IT infrastructure that covers the  
8 HIPAA pharmacies and information security of the one  
9 policies. I was a designated HIPAA officer since 2014  
10 for Wiseman. And before that I used to work in Sybrid  
11 Pakistan. There I was also working on the same title,  
12 and Wiseman Pakistan was the original investor of  
13 Premier in Dallas.

14 Q. Okay. So you kind of went through your  
15 history there. I appreciate that. How long did you  
16 work for Wiseman Pakistan, from what date to what date?

17 A. I was -- I joined Wiseman team -- actually, it  
18 requires some explanation if you allow me.

19 Q. Sure.

20 A. The Wiseman team came into being as a Wiseman  
21 from three different stages, and when we were working  
22 for Sybrid Pakistan and I was hired by Sybrid Pakistan  
23 in 2011, and at that time, if I recall correctly, Anwar  
24 Kazi was the COO of Sybrid Pakistan, and later in 2014 I  
25 was in the technical department for software



1 development, and I was transported to that team with  
2 several other engineers to work for Premier in 2014.

3 And then from there when we moved out in  
4 2018, Wiseman was spinoff from Premier. It was 2018  
5 then I started working for Wiseman. So it was basically  
6 the transition from Sybrid Pakistan and Premier and then  
7 Wiseman.

8 Q. Okay. And so do you remember what month  
9 approximately in 2018 the spinoff in Pakistan happened  
10 where you went working from Sybrid Premier Pakistan to  
11 Wiseman Pakistan?

12 A. It was September 2018. I think it was couple  
13 months after my marriage.

14 Q. Okay. That's how I remember a lot of things  
15 too.

16 A. Yeah, that's how I remember.

17 Q. And when did you leave Wiseman?

18 A. I left Wiseman on -- I resigned actually on  
19 20th of April 2021.

20 Q. Twentieth of April, 2021?

21 A. Yeah.

22 Q. Do you recall who hired you at your job at  
23 Sybrid originally?

24 A. It was hired -- it was done through HR  
25 department process. There was an advertisement. I

1 applied online to get me involved. It was back in 2011.

2 Q. Okay. At the time that you left Wiseman, do  
3 you mind sharing what your salary was?

4 A. It was -- if I tell you in Pakistan rupees, it  
5 was over 435,000 Pakistan rupees.

6 Q. Did you say 435,000 Pakistani rupees?

7 A. Yes.

8 Q. There's a little bit of cut in your video a  
9 little bit so that's why I'm asking you to clarify just  
10 to make sure I heard you. I apologize.

11 A. No problem. If you want, I can repeat it  
12 again. That was 435,000 rupees.

13 Q. Okay. Is that a good salary in Islamabad?

14 A. Yes. It's the highest ranked salary in the  
15 local district.

16 Q. And at the time you were in Wiseman between  
17 2018 and 2021, did you have the same title throughout or  
18 did your title change?

19 A. I had the same title.

20 Q. Okay.

21 A. IT infrastructure manager.

22 Q. Did you say IT infrastructure manager?

23 A. Yes. With additionally extra responsibilities  
24 of HIPAA officer and information officer.

25 Q. Did somebody have that title before you?

1           A.    No.  Since I was in the team in -- I was  
2 working with the team since 2014, so I was doing all the  
3 HIPAA compliance and ISMS (ph) compliance.

4           Q.    Even for Sybrid at the time?

5           A.    Yes.

6           Q.    Okay.  As part of your job at Wiseman in  
7 Pakistan, were you also in charge of Wiseman's USA IT  
8 security?

9           A.    Yes.

10          Q.    Okay.  And in that role, can you tell the  
11 Court whether you have knowledge of the HIPAA rules for  
12 Wiseman USA?

13          A.    HIPAA rules for USA and Pakistan were both the  
14 same.

15          Q.    Okay.  And are they roughly the same type of  
16 rules?

17          A.    Yes, because it's the health industry so the  
18 rules have to be the same.  We have to comply with the  
19 best rules.

20          Q.    And was part of your job as the IT  
21 infrastructure manager, I believe you said you also  
22 looked at data security.  So was part of your job making  
23 sure HIPAA information didn't leave Wiseman improperly?

24          A.    Yes.

25          Q.    Now, when Mr. Sohail resigned from Wiseman on

1 June 15th, 2020, were you aware what happened to him?

2 A. Yes. I was aware that he has a night --

3 MR. ROSS: Objection, Your Honor. Calls for  
4 hearsay.

5 MR. SBAITI: Your Honor, I'm asking for his  
6 awareness, so...

7 THE COURT: Overruled.

8 Q. (By Mr. Sbaiti) : Now, were you aware whether  
9 Mr. Sohail continued on as a consultant for Wiseman?

10 A. Sorry. Please repeat again.

11 Q. After June 15th, were you aware whether  
12 Mr. Sohail had continued on as a consultant for Wiseman?

13 A. I was asking to get his e-mail account, but no  
14 e-mail was shared as a consultant.

15 Q. So you were the one who created an e-mail  
16 account for him as a consultant?

17 A. Yes.

18 Q. Who asked you to do that?

19 A. If I remember correctly, it was sent by Rohit.

20 Q. Rohit Sharma?

21 A. Yes, Rohit Sharma.

22 Q. Okay. Now, when he resigned, when he left the  
23 company in July, were you ever told that he had left the  
24 company in July of 2020?

25 A. Yes. There was a meeting called, and we were

1 told that that's what happened with the management and  
2 Sohail and how Wiseman is planning to file cases against  
3 him regarding the data theft and code access, code theft  
4 and some financial theft.

5 Q. And so that was in July of 2020?

6 A. I cannot recall the date exactly, but it was  
7 in 2020 soon after Sohail left the company.

8 Q. When Sohail left the company, did you have to  
9 do anything with his e-mail account?

10 A. I was asked to -- initially I was asked to  
11 stop his access. I was asked to change his password.  
12 The password later on shared with Rohit Sharma. I was  
13 asked to create a consultant account for Sohail that I  
14 believe was done, and it was also shared with Rohit  
15 Sharma. I was also asked to make a PST backup and keep  
16 it safe online somewhere when it is necessary that it  
17 can be utilized.

18 Q. Let's kind of go through that step by step.  
19 So when Mr. Sohail stopped being the CEO and became a  
20 consultant, you created a new password for his e-mail?

21 A. Yes.

22 Q. And you shared the password with his e-mail  
23 with Rohit Sharma at the time?

24 A. Yes.

25 Q. And who instructed you to do that?

1 A. Rohit Sharma.

2 Q. And when Mr. Sharma left about a month later  
3 in July, did you turn off Mr. Sohail's access to his  
4 e-mail?

5 A. I never received e-mail for restriction of  
6 that account.

7 Q. Does Wiseman have a policy about restricting  
8 access to e-mail of people who leave?

9 A. Yes. We receive e-mail from HR or the  
10 designated manager, and they are responsible to inform  
11 IT department for locking.

12 Q. Okay. Did you ever come to see whether  
13 Mr. Sohail's e-mails, his consulting e-mails were locked  
14 out after he left in July 2020?

15 A. I don't remember we did that.

16 Q. How long after someone resigns or is  
17 terminated from Wiseman do they lose access to their  
18 e-mail?

19 A. It depends on the resignation status. The  
20 answer is it'll processes later. So if someone resigns  
21 immediately, the accounts are locked immediately, and if  
22 someone is giving notice according -- like 30 days or a  
23 few weeks or whatever notice they give, we receive email  
24 from HR that this person or this source will leave and  
25 the last working day will be this date so we can give

1 the system alert, and on the last day we will lock the  
2 account.

3 Q. And so when they're locked out of their  
4 account, that means they can't get back in to see their  
5 e-mails; is that correct?

6 A. That's correct.

7 Q. Does that also mean the e-mails are all  
8 deleted?

9 A. No. We lock the account. It doesn't mean the  
10 account is deleted. The account is separation.

11 Q. Okay. Were you ever asked to do an image or  
12 do any analysis of Mr. Sohail's laptops that he turned  
13 in after he left Wiseman?

14 A. No. From that part I was not asked to do any  
15 analysis, but for e-mails I was asked to figure out some  
16 e-mails and make a PST that does not contain Wiseman  
17 e-mail and some -- and it should contain only external  
18 e-mails.

19 Q. Okay. So if someone were to send an e-mail to  
20 Mr. Sohail, say, three or four days after he resigned,  
21 he wouldn't be able to get that e-mail; is that correct?

22 A. That's correct. He won't be able to see that  
23 e-mail.

24 Q. Now, you said you resigned from Wiseman on  
25 April 20th; is that right?

1 A. That's correct.

2 Q. Okay. Can you tell the Court why you  
3 resigned?

4 A. I resigned from Wiseman based on the multiple  
5 events, but the main event was the threatening call I  
6 received from Rohit Sharma that was complete by Bilal  
7 Aslam. It was done on February 12th, and it was  
8 midnight in Pakistan when they called me, and they  
9 threatened me to my life and my family members, so that  
10 was the reason I decided to leave Wiseman.

11 Q. I'd like to show you -- Your Honor, may I have  
12 permission to share my screen?

13 THE COURT: Please.

14 MR. SBAITI: Thank you, Your Honor.

15 Q. (By Mr. Sbaiti) : I'd like to show you an  
16 exhibit to your testimony that you gave awhile ago. Do  
17 you recognize this document?

18 A. Yes, I do recognize.

19 MR. ROSS: Objection, Your Honor. Objection.  
20 This is hearsay, Your Honor.

21 THE COURT: What's the basis for the  
22 objection?

23 MR. ROSS: It's hearsay. It's just a written  
24 statement of facts that he's testifying about.

25 THE COURT: But he wrote the statement.



1 MR. ROSS: It's improper corroboration.

2 THE COURT: Overruled.

3 Q. (By Mr. Sbaiti) : Sorry, Mr. Fiaz. Do you  
4 recognize this document?

5 A. Yes, I do. This is the letter that I wrote to  
6 board of directors of Wiseman.

7 Q. And did you -- what day did you draft this  
8 letter or did you start drafting this letter?

9 A. I think I started writing this letter a couple  
10 of days before I resigned. It took me time to drop all  
11 the contents because due to high blood pressure, I  
12 wasn't able to work on screen for long hours. My eyes  
13 were getting blurred due to high blood pressure. That's  
14 why it took time. But that's what happened with the  
15 incident with Rohit.

16 Q. Is this your resignation letter?

17 A. This is the letter before. The resignation  
18 letter was separate.

19 Q. You sent a separate resignation letter?

20 A. Yes. This letter was attached with my  
21 resignation notice.

22 Q. I see. Okay. So in the first sentence you  
23 say, "To protect me and my family against extreme  
24 threats and abuses by the various members of Wiseman  
25 management, I have decided to resign with immediate

1 effect from the position of manager IT infrastructure."

2 When you wrote this, what extreme threats  
3 and abuses did you have in mind?

4 A. I was given dire consequences, threats on  
5 WhatsApp call that includes not limiting to the life  
6 threats of my family will suffer, my kids will suffer, I  
7 will suffer, and they also said on the call that they  
8 have knowledge against Sohail. Sohail has nothing  
9 just -- but just an individual person against Wiseman  
10 Innovations, and Wiseman Innovations is powerful. So if  
11 we can do to him, we can do to anybody.

12 Q. So I'd like to go through this bit by bit, if  
13 we could, just so the Court understands and so the  
14 record is clear.

15 When you say, "I'm being forced to give  
16 and sign statements that are based on lies that I do not  
17 agree with and are contrary to the facts and  
18 circumstances," can you tell the Court if you were  
19 presented with a written statement at any time to sign?

20 A. I was asked -- I was not given any statement  
21 or not shown. I was just asked to meet the lawyer in  
22 Wiseman Pakistan and sign whatever he will write on the  
23 document.

24 Q. And do you know the name of the lawyer you  
25 were supposed to meet?

1 A. That's Mr. Mohsin.

2 Q. Can you spell that for the court reporter if  
3 you don't mind?

4 A. M-O-H-S-I-N.

5 Q. And he's Wiseman's lawyer in Pakistan?

6 A. Yes.

7 Q. Did you go meet with him?

8 A. Not specifically in this case, but I met him  
9 prior times.

10 Q. So you had met him in the past?

11 A. Yes.

12 Q. But you didn't go meet with him when they said  
13 go meet with him?

14 A. No, I didn't.

15 Q. And you say, "Latest incidence is a 30 minute  
16 WhatsApp call by Mr. Rohit Sharma on April 12th, 2021,  
17 on my phone number where he threatened me and my family  
18 with dire consequences unless I support them in making  
19 wrong statements regarding Sohail and his family." Do  
20 you see that?

21 A. Yes, I see that.

22 Q. I think then you say, "Rohit said that write  
23 Sohail was the CEO and I, Sajid, have to follow his  
24 instructions so that all the blame will be on Sohail and  
25 you'll be protected and the company will protect you if

1 anything comes up and we will have evidence against  
2 Sohail." Do you see that?

3 A. Yes, I see that.

4 Q. Now, we'll get into the more specifics, but  
5 when Rohit told you he wanted you to say you were  
6 following Sohail's instructions, did he tell you what  
7 instructions he wanted you to say that Sohail had made?

8 A. He just gave me this line that you just say  
9 that Sohail -- that I was following instructions from  
10 Sohail, and we would take care of everything.

11 Q. So, in other words, did you understand him to  
12 mean that he would fill in the details later?

13 A. Yes.

14 Q. Okay. You say, "He subjected me to extreme  
15 abuse and false accusations in the presence of Bilal  
16 Aslam who was also part of the telephone call." Do you  
17 see that?

18 A. Yes, I see that.

19 Q. Now, did you end up going to the ER at the  
20 hospital?

21 A. Yes, I did.

22 Q. Do you remember what day that was?

23 A. It was 12th April.

24 Q. The 12th of April?

25 A. Yes.

1 Q. Okay. Now you say, "Prior to this recently, I  
2 was forced and confined by Asad Abro, Bilal Aslam and  
3 Mohsin where I was told how they made an example of ex  
4 HR manager Waleed Khalid when he refused to  
5 unconditionally obey them and provide statements against  
6 Mr. Sohail and his family." Do you see that?

7 A. Yes, I see that.

8 Q. So does this mean prior to April 12th you met  
9 with these gentlemen?

10 A. Yes, prior to the 12th.

11 Q. Now, when you say "confined by," does that  
12 mean -- well, what does that mean?

13 A. They called me in office, and they called me  
14 in office and they made me sit in the Asad's room. They  
15 asked me to follow whatever Rohit is saying because  
16 there were communication going on back and forth, you  
17 have to accept that -- you need to accept that there was  
18 a wrong loan issue to Myer Nadine (ph) and accept that  
19 to me it was involved in something, Sohail was involved  
20 in that security breach and I did not expect -- they  
21 kept me there -- they made me sit there for some time.

22 Q. Do you know how long they made you sit there?

23 A. I believe it was 30 minutes or more.

24 Q. Did you feel like you couldn't leave the room?

25 A. Yes, because I was sitting in a position where

1 there were three of these guys, these men were sitting  
2 beside me, so I was kind of in a certain situation I  
3 couldn't leave the room.

4 Q. Would you tell the Court whether you felt  
5 intimidated, physically intimidated at that time?

6 A. Yes, because the language and tone was very  
7 harsh.

8 Q. When you say their tone was harsh, what do you  
9 mean by that? If you wouldn't mind elaborating.

10 A. The tone was aggressive I would say -- I meant  
11 to say.

12 Q. Did they make any threats to you at the time?

13 A. They said that if we made an example of Waleed  
14 Khalid, the HR manager, who was working for Wiseman, and  
15 they mentioned they quoted again even Rohit ordered this  
16 two times, but they ordered again and they said we made  
17 an example of Khalid and he's not able to work anymore.  
18 He joined somewhere and how did we made the call to that  
19 company and he got fired.

20 Q. And were you afraid they were going to do that  
21 to you?

22 A. Yes, definitely.

23 Q. Now, you also say, I'm going back to this  
24 document, "They asked me to share with them passwords to  
25 my personal e-mail." Do you see that?

1 A. Yes, I see that.

2 Q. By personal e-mail, do you mean not your  
3 Wiseman email; your home e-mail?

4 A. Yes.

5 Q. Did they tell you why they wanted that?

6 A. They said that if there is any communication  
7 between Sohail and Waleed or any other ex-employees.

8 Q. So the next thing you say is, "I was told the  
9 Chief Justice of the Supreme Court of Pakistan is  
10 related to Anwar." Did you mean Anwar Kazi?

11 A. Yes, Anwar Kazi.

12 Q. Okay. "Related to Anwar, and he is now  
13 involved with the Wiseman cases to monitor them closely,  
14 and they would make sure my entire family suffers unless  
15 I exactly did what they wanted me to do." Did I read  
16 that correctly?

17 A. Yes, that's correct.

18 Q. When you say, "I was told that the Chief  
19 Justice of the Supreme Court of Pakistan was related to  
20 Anwar," who told you that?

21 A. Rohit Sharma.

22 Q. Was this on the telephone?

23 A. It was on WhatsApp call on the 12th, sir.

24 Q. Okay. So this wasn't Asad, Bilal and Mohsin  
25 in the room with you prior to the 12th. This was on

1 that April 12th call with Rohit?

2 A. Yes.

3 Q. And who else was on that call?

4 A. Bilal Aslam.

5 Q. And anybody else?

6 A. No.

7 Q. Now, you said, "Mr. Zameer Sachedina has been  
8 part of several calls in the past where, in his  
9 presence, these threats were issued and I was subject to  
10 ridicule, insults and threats."

11 Were there multiple calls prior to the  
12 12th where they tried to get you to do things and make  
13 threats?

14 A. There were regular meetings happening in the  
15 company, and IT department also works with Zameer, but  
16 in those calls Rohit was also present, and he always  
17 used to be aggressive on phone and insert.

18 Q. Have you ever personally met Mr. Sachedina?

19 A. Yes, when he visited Pakistan.

20 Q. Okay. And what was his title at the time?

21 A. His title was CFO, Chief Financial Officer,  
22 yes.

23 Q. Okay. Now, the next paragraph says, "Since  
24 July 2020, work environment at Wiseman has become toxic  
25 as entire management team uses their unchecked might and



1 combined authority to hurt employees like me to  
2 illegally create false evidence for their litigation."

3 Now, can you tell the Court what that  
4 statement is based on?

5 A. The Wiseman toxic environment and the  
6 management unchecked might is when Sohail resigned and  
7 there was a meeting conducted with all the managers, and  
8 they told that how they were going to handle that with  
9 iron hands and -- and everybody felt like it's a trap  
10 that if it is happening to Sohail, it would happen to  
11 anyone. And after that they used to send polite e-mails  
12 regarding the compliance and regulations that do not  
13 communicate with the ex-employees and stuff like that.

14 Q. So did management issue an order that none of  
15 you could communicate with Mr. Sohail?

16 A. Not specifically for Sohail, but all the  
17 ex-employees were leaving to Wiseman soon after Sohail  
18 resigned. So it was specifically to Sohail, Waleed and  
19 to me, and there was one other guy called Shams.

20 Q. Okay. Did they present to you any reason why  
21 they didn't want you talking to Mr. Sohail, for example?

22 A. It was not mentioned in any formal  
23 documentation like email or something, but in the  
24 meetings they used to talk about the data stealing and  
25 stuff and they were going to file the cases, and main

1 reason was that -- what I believe they wanted that no  
2 one should communicate so that they -- so that Sohail  
3 and everybody could not know, understand, employees  
4 would not know what happened exactly they are making  
5 false accusations.

6 MR. ROSS: Your Honor, we object. Your Honor,  
7 we would object to the fact he's speculating about why  
8 Wiseman may have -- what Wiseman's reasons may have been  
9 for doing what they did.

10 MR. SBAITI: Your Honor, he was asked to  
11 interpret his understanding which is the only thing we  
12 would offer that testimony for is his understanding of  
13 what they were trying to get at.

14 THE COURT: Overruled.

15 Q. (By Mr. Sbaiti) : The next paragraph you say,  
16 and I'm just going to start in the middle, "Today I have  
17 to leave Wiseman to protect myself and my family from  
18 the threats, abuses and violence." Did anybody threaten  
19 violence against you?

20 A. I'm sorry?

21 Q. I was reading the middle of the next  
22 paragraph. I'll put my cursor on it. "Today I have to  
23 leave Wiseman to protect myself and my family from the  
24 threats, abuses and violence." So my question was did  
25 any of the threats against you include some sort of

1 violence?

2 A. When they say that there was dire  
3 consequences, you will face dire consequences,  
4 definitely it includes they will send someone to my  
5 home. We stopped going out after these texts, and we  
6 still don't go. We are so scared and terrified that  
7 somebody could come outside and do something bad to me  
8 or my family. I have two little kids, five and three  
9 years old.

10 Q. Did they ever mention your family or kids in  
11 their statements to you?

12 A. They mentioned that my family will face  
13 consequences.

14 Q. And who said that?

15 A. It was Rohit Sharma. It all happened in that  
16 30 minute WhatsApp call.

17 Q. So you say I'm writing my resignation -- I'm  
18 moving on. "I'm writing my resignation to the board in  
19 the hope that they will do their job, act on the  
20 situation, and make sure me and my family are protected  
21 from the retaliation of criminal minded management for  
22 bringing this situation to the board's attention."

23 Do you recall who you sent this to?

24 A. I sent this to a board of directors. It  
25 was --

1 Q. Let me stop you right there. When you say  
2 board of directors, do you mean in Pakistan or in the  
3 United States?

4 A. In U.S.

5 Q. Who did you understand to be on the board of  
6 directors?

7 A. Anwar Kazi, Zameer Sachedina, Hize Nazeem and  
8 Mohsin.

9 Q. Okay. And you had all of their e-mail  
10 addresses?

11 A. Yes.

12 Q. Did you have it because of your job  
13 essentially?

14 A. Since all of these have Wiseman account except  
15 Junaid, and I am managing almost all the environments of  
16 Premier and Wiseman so I knew his e-mail address.  
17 That's why I sent it.

18 Q. I'm going to look at the bottom here. You  
19 say, "Accordingly, all formalities of my release must be  
20 coordinated only through my attorney copied in this  
21 e-mail. I do not wish anyone to call or write me  
22 directly as I am now being represented by an attorney."  
23 Had you already hired an attorney at the time?

24 A. Yes, I was coordinating with lawyer.

25 Q. Okay. Did Wiseman or any of its employees

1 call you directly after you sent this e-mail, this  
2 letter?

3 A. Nobody contacted me.

4 Q. Do you know if any of them contacted your  
5 attorney?

6 A. They sent me e-mail, but nobody contact me.

7 Q. Who sent you an e-mail?

8 A. I received e-mail from HR department. If you  
9 would allow me, can I have a sip of water?

10 Q. Sure. Of course.

11 A. Sorry. So, they send me e-mail from HR  
12 department asking that there is litigations going on in  
13 U.S. and Pakistan, and they did not collected my laptop.  
14 They wanted me to hand over them by myself even though I  
15 have my agenda, and I can forward it to my lawyer, but  
16 multiple times they were seeking from HR directly.

17 Q. And so I think in your letter you say, "I'll  
18 be handling over all Wiseman belongings to Bilal Aslam  
19 to include," and then you list the following items. Did  
20 you eventually turn those over to Wiseman?

21 A. There was coordination done. Bilal Aslam was  
22 COVID positive, COVID-19 positive at that time, and he  
23 advised me to contact the IT resource who will  
24 coordinate with me and collect the laptop.

25 Q. Now, looking here when you say, "The Azure

1 admin global account password and all key passwords are  
2 kept in offline file KeyPass unlocking password for that  
3 file will be handed over to Bilal Aslam." Do you see  
4 that?

5 A. Yes, I see that.

6 Q. Have you ever shared that password with  
7 anyone?

8 A. Bilal Aslam called me and advised me to give  
9 these passwords to IT source, Adnan Hahn (ph), and I  
10 handed over all these passwords to him. According --

11 Q. Prior to -- I don't mean to interrupt you.  
12 Can you finish your statement? I'm sorry.

13 A. According to Bilal Aslam, after that I also  
14 sent Bilal a message on WhatsApp that I have shared the  
15 passwords.

16 Q. And prior to you resigning, had you ever  
17 shared this password with anyone?

18 A. The master password is called user password,  
19 and since I was responsible for security, I was managing  
20 the global account. It was not shared with anyone.

21 Q. It was not shared with anyone?

22 A. It was not shared with anyone.

23 Q. Okay. Thank you. Finally, I'm looking at a  
24 picture in this exhibit. Can you tell us what this is?

25 A. This is my blood pressure home monitor device.

1 Q. What date were these taken, if you recall?

2 A. They are different days because I was  
3 regularly monitoring. It was 13, 14, 15, and I'm still  
4 managing all these. I kept it for 15 days as per  
5 doctor's advice.

6 Q. Okay. And finally, is this a picture of you  
7 in the hospital on the 12th?

8 A. Yes.

9 Q. Who took this picture?

10 A. My younger brother.

11 Q. Could you say that again?

12 A. My younger brother.

13 Q. What is his name?

14 A. His name is Wajid.

15 Q. Could you spell that for the court reporter if  
16 you don't mind?

17 A. W-A-J-I-D.

18 Q. And is his name Wajid Fiaz as well?

19 A. His name is Mohammad Wajid.

20 Q. Mohammad Wajid, okay.

21 A. Yes.

22 Q. All right. And over here on the right side it  
23 looks like you have a couple of missed calls or maybe  
24 those are actual calls from the 12th. Can you tell the  
25 Court what we're looking at right here?

1           A.    This green chart is the conference calls green  
2 chart that was between Rohit, Bilal Aslam and me on the  
3 12th of April. That was the 30 minutes call.

4           Q.    Okay.

5           MR. SBAITI: Your Honor, I would like to admit  
6 this exhibit. Plaintiff's 2 I would like to be  
7 admitted.

8           MR. ROSS: Your Honor, we stand on our  
9 objection that it's hearsay.

10          THE COURT: Overruled. So admitted.

11          MR. SBAITI: Thank you, Your Honor.

12                         (Plaintiff's Exhibit No. 2 admitted.)

13          Q.    (By Mr. Sbaiti) : I'd like to go through some  
14 of the allegations and statements that Wiseman's  
15 actually made in this lawsuit to see if these are the  
16 kinds of things that your testimony was asked about.  
17 Can you tell the Court whether anyone at Wiseman asked  
18 you to make statements about giving Mr. Sohail access to  
19 Premier's confidential medical data?

20          A.    Could you please repeat?

21          Q.    Sure. Can you tell the Court whether anyone  
22 at Wiseman asked you to make statements about giving  
23 Mr. Sohail access to Premier's confidential medical  
24 data?

25          A.    The voice is breaking up.



1 Q. Okay. Let me try one more time. Can you tell  
2 the Court whether anyone at Wiseman ever asked you to  
3 make statements about giving access to Premier's  
4 confidential medical data?

5 A. I could only hear the medical data, the  
6 Premier medical data.

7 Q. Yes.

8 A. What Premier?

9 Q. He's not hearing the beginning of my question.  
10 Sorry, Your Honor.

11 Can you hear me now, Mr. Sajid?

12 A. Yes, it's better now.

13 THE COURT: If we're not talking on the 800 on  
14 your conference number, can you mute that or maybe I can  
15 mute it? I can mute you. All right. There. I muted  
16 you and maybe that'll help.

17 MR. SBAITI: Thank you, Your Honor.

18 Mr. Sajid, can you tell --

19 THE COURT: Just one second. Hold on.  
20 Mr. Ross is -- all right. Just one second. Hold on.

21 MR. ROSS: Your Honor, the only problem we  
22 have, and we know the technical issues, but with muting  
23 us is we're not able to object.

24 THE COURT: Well, you waved your hands pretty  
25 well, Mr. Ross.

1 MR. ROSS: I wouldn't trouble the court  
2 reporter to also interpret my hand movements.

3 THE COURT: All right. I just want to make  
4 sure because we are doing across international, and I'm  
5 just trying to figure out the best way. Let's just see  
6 how we could go, but, if not, I might have to ask you to  
7 do the Pee Wee Herman and get my attention. Okay. All  
8 right.

9 MR. SBAITI: Is it possible for them to unmute  
10 one of their laptops and mute the telephone because that  
11 won't pick up so much shuffling because I think that's  
12 what's gotten into the question?

13 THE COURT: I don't know. Mr. Hurst, is your  
14 laptop -- I thought you guys were all hearing and  
15 speaking through the conference phone and that your  
16 video was through your laptop or whatever means you were  
17 using.

18 MR. SBAITI: My proposal won't work. Okay.  
19 I'll go slow and give them a chance to signal if they  
20 have an objection.

21 Q. (By Mr. Sbaiti) : Mr. Sajid, you can unmute  
22 yourself, Mr. Sajid. I'm going to try this again.

23 Can you tell the Court whether anyone at  
24 Wiseman ever asked you to make statements in the past  
25 month or so about giving Mr. Sohail access to Premier's

1 medical data?

2 A. Yes, I was asked for that.

3 Q. And who asked you to make statements about  
4 that?

5 A. It was asked that Sohail had access to Premier  
6 medical data.

7 Q. And did you answer the question?

8 A. I don't remember exactly because I was going  
9 through the high blood pressure thing. I don't remember  
10 if I answered that.

11 Q. Okay. Do you recall whether they wanted you  
12 to make statements you didn't believe were true about  
13 giving him access or him having access to Premier's  
14 medical data?

15 A. Yes, I recall that. Sohail, after his  
16 resignation, he never had access to Premier or any  
17 medical data.

18 Q. Did anyone ask you to sign a statement or make  
19 any statements that he was given that access despite the  
20 fact that you didn't think he had that access?

21 A. Yes. The questions I was being asked and  
22 forced to sponsor according to their requirement, what  
23 they wanted me to write in a specific manner, that, yes,  
24 Sohail had access to data, but I did not get that. I  
25 always said no.

1 Q. And about what timeframe was that?

2 A. It all started after April. I think 5th April  
3 or 6th April started that time.

4 Q. Of 2021?

5 A. 2021.

6 Q. Okay. And did you agree to make those  
7 statements?

8 A. I did not agree.

9 Q. And do you recall who specifically asked you  
10 to make those statements?

11 A. Rohit was always asking these things. He  
12 always used to send e-mails asking for information and,  
13 you know, like that.

14 Q. Can you tell the Court whether anyone at  
15 Wiseman asked you to make statements in the April  
16 timeframe about giving Mr. Sohail access to Premier  
17 e-mails or e-mails from Premier?

18 A. Again, the e-mail was sent and asked when he  
19 was -- until when he had access and did he have access  
20 to Premier after his resignation, which I replied with  
21 the detail that he did not have access to Premier data  
22 and also provided them the last 12 months information  
23 that there was no accessed information available on  
24 Microsoft Cloud, and, upon that, I received the response  
25 from Rohit that you need to get Microsoft involved and

1 see if they can extract more details, which I did.  
2 There was case opened on Cloud, and Microsoft tech team  
3 said they can only kept it for 12 months long.

4 Q. And the 12 months --

5 A. And Rohit Sharma continued to push me that how  
6 is this possible, you need to provide me exact date and  
7 time and things like that.

8 Q. And so is it fair to say you didn't have any  
9 access to Premier in the prior 12 months from April  
10 going back 12 --

11 A. The Microsoft Office system, it only keeps  
12 logs for 12 months.

13 Q. Okay.

14 MR. ROSS: Objection to leading, Your Honor.

15 THE COURT: I didn't unmute you -- I mean, I  
16 didn't mute you, so I should have been able to hear you.

17 MR. ROSS: I'll try to speak up more, Your  
18 Honor. I wasn't sure if I was being picked up.

19 THE COURT: Your objection was what?

20 MR. ROSS: Leading.

21 THE COURT: Rephrase your question.

22 MR. SBAITI: Yes, Your Honor.

23 Q. (By Mr. Sbaiti) : When you say you pulled the  
24 logs from the Azure Cloud and those logs go back 12  
25 months, were you able to confirm for Mr. Sharma that

1 Mr. Sohail hadn't accessed any of those e-mails since  
2 July when he left Wiseman?

3 MR. ROSS: And again, leading, Your Honor.  
4 Objection.

5 MR. SBAITI: That's not a leading question,  
6 Your Honor. I'm asking if he was able to confirm. It  
7 was just following his prior statement.

8 MR. ROSS: Suggesting the answer, Your Honor.

9 THE COURT: Go ahead, Mr. Sbaiti. Please  
10 continue.

11 MR. SBAITI: Sorry, Your Honor, did you  
12 sustain his objection?

13 THE COURT: No, I just told you to move on.

14 MR. SBAITI: Oh, okay. Thank you, Your Honor.

15 Q. (By Mr. Sbaiti) : Can you tell me whether  
16 anyone -- well, strike that. Let me ask the question  
17 this way.

18 Did you do an investigation to see  
19 whether Mr. Sohail had accessed any Premier e-mails  
20 since he had left in July of 2020?

21 A. Yes, I did. I did a detailed investigation.

22 Q. Okay. And were you able to confirm whether or  
23 not he had accessed any?

24 A. Yes. I replied to Rohit Sharma's e-mails that  
25 he did not have access, but he always wanted me -- he

1 had access, you need to provide some evidence, and he  
2 won't -- the -- on the call -- on the e-mails it was in  
3 a different section, but on the call he used to tell me  
4 that Sohail -- you need to write and you need to agree  
5 that Sohail had access to the data and he was stealing  
6 the data and things like that.

7 Q. And I think what you just said was he didn't  
8 use that type of language in writing on e-mails?

9 A. Yes. He don't use that. He does call on  
10 e-mails.

11 Q. I'm going to move on to another subject. Can  
12 you tell the Court whether anyone at Wiseman asked you  
13 to make statements about having given access to  
14 Wiseman's source code?

15 A. I was asked for that, but I told them that  
16 Sohail never had access to source code because source  
17 code is something called depoffs (ph) and that is --  
18 depoffs can share certain portion of the application  
19 that includes the dashboards and report, but definitely  
20 not the source code.

21 Q. Can you tell the Court whether they ever asked  
22 you to make statements -- sorry. I'm going to go back  
23 to the prior one.

24 Did they ever ask you to say that you had  
25 given him access to the source code or that he did have

1 access to the source code?

2 A. He did not have access to the source code.

3 Q. Understood. I'm asking did anyone ever ask  
4 you to say that he did despite the fact that he didn't?

5 A. He -- most of the time because Rohit always  
6 wanted to have in certain specific manner, and if I say  
7 no, he continue to push me from a friendly tone to  
8 aggressive and then aggressive to abusive.

9 Q. And was Sohail having access or having taken a  
10 source code one of the things he wanted you to say had  
11 happened?

12 A. Yes, he wanted me to say that.

13 Q. To your knowledge had that happened?

14 A. No, it did not happen because he did not have  
15 access to the source code.

16 Q. Now, can you tell the Court whether anyone at  
17 Wiseman ever made statements about giving Sohail's  
18 brother, Junaid, his old computer or laptop?

19 A. On Junaid's resignation, I was surprised that  
20 Rohit called me, and in June 2020, and he said that just  
21 say that Sohail asked me to give Sohail -- to make him  
22 give Wiseman the source code which was not the case  
23 because I received a call from Rohit, and he was asking  
24 me, and it very surprised me why he was asking me to say  
25 that. And Sohail was CEO at that time, and Sohail asked



1 me to go and talk to Zameer for which direction to  
2 follow because Zameer can give me the better directions,  
3 and I mentioned this same statement quite a few times to  
4 Rohit, but he did not accept those.

5 Q. So when Mr. Sharma reached out to you about  
6 Junaid -- saying that Sohail had instructed you to let  
7 Junaid keep his laptop, you called Mr. Sohail and he  
8 didn't take a position on it; he said go talk to Zameer?

9 A. Yes, because he was CEO and Junaid was  
10 reporting to Zameer.

11 Q. Do you need some water again? I know we're  
12 talking quite a bit.

13 A. Yeah, it's the medication I take for the blood  
14 pressure so my throat gets dry. Since Zameer -- Sohail  
15 asked me to talk to Zameer because Junaid was reporting  
16 to him, and according to policies it's the manager to  
17 see what has to be done.

18 Q. And had Sohail ever called you and said let  
19 Junaid keep his laptop even though he's resigning?

20 A. No. Never.

21 Q. Was there a policy at Wiseman that when there  
22 was somebody resigning, if they had an old computer,  
23 they might get to keep it?

24 A. There was no written policy, but there was  
25 understanding in U.S. office that they can keep three

1 years old laptop because after three years it's outdated  
2 and we have to get new one because technology gets hard.

3 Q. Did you receive any phonecalls while you were  
4 in the hospital from anyone at Wiseman?

5 A. Yes. I received calls from Bilal Aslam, and  
6 he used to give me -- Bilal was basically the intention  
7 was that they wanted me to cooperate with Rohit Sharma.  
8 They will give, like, threats, you will face  
9 consequences, dire consequences, and he used to guide me  
10 that they have put you in this situation, and from here  
11 you are in ER, from the ER you will go to ICU. I'm  
12 sorry, I'm still recalling these words and it --

13 MR. ROSS: Objection. Hearsay. Hearsay, Your  
14 Honor.

15 MR. SBAITI: Your Honor, he's reporting what  
16 the threats were that came from the agents of the  
17 Defendant. That's not hearsay.

18 THE COURT: Overruled.

19 A. So I'm still shivering recalling these events  
20 when they used to call me even I was in hospital, and  
21 instead of being -- instead of being polite and  
22 merciful, they used to give me threats, and I see that  
23 they have put you in a situation where you are in ER,  
24 and from ER you will go to ICU. The situation that  
25 you're in -- because my blood pressure was continuously

1 around 200. My blood pressure was around 200, and my  
2 heartbeat was high, and he said think about your family,  
3 think about your kids. If you go to ICU, there will be  
4 -- you know what is the next stage. You will go up.  
5 You will go up, and that means it's extreme threat that  
6 they give me on that call.

7                   So -- and I was crying. Literally, I was  
8 crying on the phone why are you doing this to me, and  
9 it's not only one call that I cried in front of Asad  
10 when he called me. I cried in front of Zameer when I  
11 had a call with him that why are you guys putting me in  
12 this situation. You know that my kids are young, three  
13 and five years old. It's still giving me goosebumps  
14 when I'm recalling all these instance.

15           Q.    When they made these calls to you and they  
16 said you're going up, were these calls in English or in  
17 Urdu?

18           A.    Basically it's called you will go to jannat.

19           Q.    Jannat. That's heaven, right?

20           A.    Yeah. Heaven, yes. So that's the exchange  
21 that you can give to someone that you will be no more.  
22 The simple -- in short time, if you don't agree that you  
23 will be no more.

24           Q.    Have you filed a complaint with the police in  
25 Pakistan?

1           A.    Yes, I did. I did because I had to protect my  
2 family from these threatening calls and stuff.

3           Q.    Can you tell the Court whether you told the  
4 police in Pakistan you felt your safety might be in  
5 danger?

6           A.    Yes, I had already did the investigation.  
7 They did several hours of investigation with me. They  
8 read through the documents that I wrote. I presented  
9 all the evidence that I sent them. It's the  
10 resignation, the follow-up e-mails from HR and the  
11 events that's being charged, call logs, everything, the  
12 voice messages that Bilal sent me, the call recordings  
13 of the coordination between Bilal and my younger  
14 brother. I presented everything to police and also in  
15 front of board here in Pakistan.

16          Q.    When they were making these threats over a  
17 period of time, did there ever come a period of time  
18 when anyone at Wiseman offered you some kind of  
19 protection or offered you some kind of benefit if you  
20 were to say the things they wanted you to say?

21          A.    On the 30 minutes call, Rohit Sharma said that  
22 you -- if you say something that what we want to write  
23 that we want you to say which is that I followed  
24 Zameer's instruction, and I was the -- and that he had  
25 access to the code and stuff like that, and I said no,

1 that I will not do that. He said just say that, and we  
2 will protect you. We will protect your family. And I  
3 told them how it is possible because everything is in  
4 Cloud. That can't be backtracked. You know, if you  
5 want me to write something like that, Microsoft Cloud,  
6 the Teams on Microsoft, everything can be backtracked  
7 and nobody -- you know, I have 22 years experience in  
8 this industry, and I know that the technology that I was  
9 talking about they do not understand.

10 And I try multiple times, I tried  
11 multiple times telling them that if you want to say  
12 something like this, I cannot do that because it's  
13 trackable, and it will put me in danger. It will put me  
14 in a situation where there will be no one to protect me  
15 because I have written something like that and I did not  
16 agree to that.

17 Q. When he said we'll protect you and your  
18 family, protect you and your family from what? Did he  
19 say?

20 A. No, he did not say anything. He just said  
21 we'll protect you if anything comes up.

22 Q. Is all the testimony you've given today the  
23 truth?

24 A. Yes, that's the truth.

25 MR. SBAITI: We will pass the witness, Your

1 Honor.

2 THE COURT: Hold on. I'm sorry. I was  
3 talking away and I didn't have myself unmuted. I'm  
4 going to take a ten-minute break. Guys, those of you  
5 who are in the U.S., I know it's lunchtime. I will  
6 permit you to eat or drink so that we can get to the  
7 rest of the witnesses. I know it's getting late over  
8 there, but it is lunchtime here. Grab your lunch or  
9 whatever you need, and we'll proceed with the cross  
10 then. So it's 12:20. Let's get back at 12:35.

11 (Brief recess.)

12 THE COURT: Okay. Let's go on the record. We  
13 went off the record for a short break. Who's going to  
14 be doing cross?

15 MR. ROSS: I am, Your Honor. Jason Ross.

16 THE COURT: Mr. Ross, okay. Please proceed.

17 CROSS-EXAMINATION

18 Q. (By Mr. Ross) : Good evening, Mr. Fiaz. How  
19 are you?

20 A. Good evening. Better than before. Taking  
21 medicines.

22 Q. Okay. Good. Good. Glad to hear that. Now,  
23 I represent the Defendants in this matter, and I just  
24 want to clarify we've never spoken before, have we?

25 A. No, we haven't.

1 Q. Okay. I want to go back to an e-mail you were  
2 speaking of earlier, and Mr. Sbaiti was asking you about  
3 an email where you say management issued an order not to  
4 talk to Sohail. Do you recall that questioning?

5 A. Yes, I do recall that.

6 Q. I'd like to show you --

7 (Zoom technical delay.)

8 THE COURT: Go right ahead.

9 THE REPORTER: I'm sorry, Counsel. Everyone  
10 froze and the last thing I heard was "we'd like to show  
11 you," so if you could repeat it, please.

12 MR. ROSS: Okay. I'd like to show the witness  
13 Defendant's Exhibit 2.

14 MR. SBAITI: Jason, we're kind of watching you  
15 pull things up. I don't know if that was your intent.

16 THE COURT: Is that your Zoom United? Okay.  
17 There we go.

18 MR. ROSS: Sorry about that. Got too many  
19 windows open.

20 Q. (By Mr. Ross) : Mr. Fiaz, are you familiar  
21 with this e-mail of July 10th, 2020?

22 A. Yes.

23 Q. If you'll take a second to read it, and let me  
24 know when you're done.

25 A. Yes, I've read that.

1 Q. And is this the e-mail you were referring to  
2 earlier with regard to Wiseman telling its employees  
3 that they could not speak to Sohail?

4 A. Yes.

5 Q. Will you agree with me that this e-mail does  
6 not actually prevent you or anyone else from speaking to  
7 Sohail about social matters?

8 A. Yes, that's correct, but the e-mail -- this  
9 e-mail is very polite. Before this e-mail there was a  
10 meeting and I recall his words were --

11 MR. ROSS: Objection. Nonresponsive, Your  
12 Honor.

13 MR. SBAITI: Your Honor, the witness was  
14 responding to the question.

15 THE COURT: Let this witness testify. He's  
16 explaining. Go ahead, Mr. Fiaz.

17 A. I'm recalling his words. If I were you, I  
18 would stop e-mail -- I would block everyone and I would  
19 not communicate with anyone aside from Wiseman, and this  
20 is one word they use, and there were several meetings in  
21 which they always say that filing a case against Sohail,  
22 the prosecutions and the financial embezzlements. And  
23 before sending this e-mail, they used to conduct the  
24 weekly e-mail that terrorized everyone and pressured  
25 everyone that not to contact. To who there will be --



1 that there will be consequences.

2 And if I may explain that the first line  
3 that says that a violation of HR policy and  
4 confidentiality agreement is fine, but in HR policy  
5 there is nothing mentioned that the employees cannot  
6 communicate with the former employees.

7 Q. Mr. Fiaz, I'm going to ask you a much simpler  
8 question, okay. Does this email itself, the writing  
9 that you have in front of you, do the words in that  
10 writing say that you cannot speak to Sohail about things  
11 unrelated to the company, about social matters,  
12 holidays, anything unrelated to the company?

13 MR. SBAITI: Objection, Your Honor. The  
14 document speaks for itself, and he's not the author of  
15 the document.

16 THE COURT: I'll allow it.

17 MR. ROSS: Your Honor, he testified --

18 THE COURT: Guys, I'm allowing the question.

19 THE WITNESS: I'm sorry.

20 Q. (By Mr. Ross) : Can you answer my question,  
21 Mr. Fiaz?

22 A. As I said, that this e-mail is pretty  
23 standard, and the reason behind this e-mail at the  
24 meeting were to say that you cannot --

25 MR. ROSS: Objection, Your Honor.

1 Nonresponsive.

2 THE COURT: Sustained. Mr. Ross, let me just  
3 cut through this because we're going to be here all  
4 night. The letter, it states for itself, "Please be  
5 advised that discussing any company matters, disclosing  
6 internal emails or discussions or disclosing any  
7 confidential information." All right?

8 Q. (By Mr. Ross) : That's what the e-mail says,  
9 isn't it, Mr. Fiaz?

10 A. Yes, that's what the e-mail says, but the fact  
11 that I'm telling is that --

12 MR. ROSS: Objection, Your Honor.

13 THE COURT: Move on to another line of  
14 questioning. I have the document.

15 MR. ROSS: I'd be happy to move on. I'm going  
16 to stop my share now.

17 Q. (By Mr. Ross) : Mr. Fiaz, you testified that  
18 there was an unwritten policy where if a computer was  
19 three years old, it was given to an employee; is that  
20 correct?

21 A. That's correct, but it was the DCM (ph), and  
22 it was done only in Wiseman U.S., and this was done --  
23 and this practice was done between the people that were  
24 working there at that time. Zameer is aware of this  
25 policy because he -- he also -- he also was the one who

1 kept one laptop, and Sohail, he -- Sohail and Anwar,  
2 these three gentlemen they used to, you know, do this,  
3 but this policy was not documented.

4 MR. ROSS: Your Honor, I'll object  
5 nonresponsive. And just in the interest of time, I'd  
6 ask you to help the witness understand just to answer  
7 the question.

8 THE COURT: Mr. Ross, we're a long distance.  
9 We're dealing with people whose first language is not  
10 English, so we need to kind of like -- I'm going to give  
11 him some leeway. It's late at night. We're grateful  
12 that he's testifying. So I can see the documents. I  
13 can see what the document says. I'm not going to be as  
14 strict on him as I would a U.S. employee under normal  
15 U.S. -- someone whose first language was English, the  
16 nuances. Let's get very direct, ask your questions, and  
17 we've got two other witnesses we've got to cover today.

18 MR. ROSS: Understood, Your Honor. I'm trying  
19 to keep this short and concise.

20 THE COURT: Thank you.

21 Q. (By Mr. Ross) : Mr. Fiaz, this unwritten  
22 policy where employees in the U.S. got gifts of  
23 computers, can you name the individuals who received  
24 these computers?

25 A. Zameer.

1 MR. SBAITI: Objection. Irrelevance, Your  
2 Honor.

3 MR. ROSS: Your Honor, he opened the door.

4 THE COURT: For the names or is he aware? I  
5 mean, I'll let you, but I don't see how this is even  
6 relevant or how this is going to help me reach my  
7 decision today.

8 MR. ROSS: Well, Your Honor --

9 THE COURT: He wasn't even within his scope of  
10 responsibilities if he would even know that.

11 MR. ROSS: Your Honor, I'm doing my best to  
12 try to keep this brief. Briefly, on why this is  
13 relevant --

14 THE COURT: Relevance, Mr. Ross.

15 MR. ROSS: It's relevant because it goes to  
16 the issues of -- that he was speaking of earlier about  
17 his responsibility over cyber security issues which was  
18 a main concern around the time that he resigned, and  
19 he's testified that there was an unwritten policy. I am  
20 trying to ask just, you know, beyond the people involved  
21 in this case, Mr. Sohail and his family members, who was  
22 a recipient of this unwritten policy.

23 THE COURT: Okay. Go ahead.

24 Q. (By Mr. Ross) : Mr. Fiaz, who got a computer?

25 A. Zameer one computer if I remember correctly.

1 Sohail had one computer, and I believe that was  
2 returned. Anwar Kazi. Anwar Kazi.

3 Q. So the unwritten policy covered three  
4 computers?

5 A. I don't recall the exact computer counts  
6 because this was the on-premises matter. The thing I  
7 know is after three years they used to change computers.

8 Q. Okay. I'd like to show you what has been  
9 designated as Defense Exhibit 6 if I can share my  
10 screen.

11 THE COURT: Yes. You have the ability to do  
12 so.

13 Q. (By Mr. Ross) : Okay. Mr. Fiaz, this is a  
14 series of e-mails leading up to the days where you  
15 resigned; is that correct?

16 A. Yes, that's correct.

17 Q. Okay. We're going to start at the end of  
18 these e-mails which is around April 7th, 2019 (sic),  
19 okay. And I'll scroll up so you can see that's the day.  
20 And this is where Mr. Rohit is asking you whether  
21 Sohail's access to Premier was revoked. Do you recall  
22 that?

23 A. Yes, I recall that.

24 Q. Okay. Now, when did -- when did Sohail stop  
25 being an employee of Premier?

1           A.     Employee of Premier, I don't remember the date  
2 exactly because I don't have the date up, but it was in  
3 2018 or '19.

4           Q.     Okay.   So --

5                   MR. SBAITI:   Your Honor, I'm looking at this  
6 e-mail thread he's put up.   Your Honor, I renew my  
7 objections.   This is the perfect example of selective  
8 production that we mentioned before.   And also, Your  
9 Honor, this is completely outside the scope, I believe,  
10 of anything that Mr. Sajid testified to.   This is about  
11 somebody looking into -- first of all, it's privileged.  
12 He's got two -- at least one lawyer on here, so where  
13 are the rest of all the privileged documents on this  
14 subject?   But secondly, Your Honor, this really goes  
15 beyond the scope of direct.

16                   MR. ROSS:   Your Honor, he opened the door.  
17 They spoke at length about the days leading up to his  
18 resignation, about pointed questions he was asked about  
19 IT security, about Mr. Sohail's access to Wiseman and  
20 Premier emails and databases, and they opened the door  
21 to all this.   Your Honor, additionally, cross is wide  
22 open.   I don't think -- it is within the scope, but, you  
23 know.

24                   THE COURT:   Where are we?   Where are we going  
25 with this line?

1 MR. ROSS: Your Honor, I am trying to  
2 establish that beyond the, you know, allegation of  
3 threats and undue force and anything inappropriate,  
4 there were some completely appropriate, but pointed,  
5 questions to Mr. Fiaz about the execution of his  
6 responsibility as a HIPAA officer and his responsibility  
7 for security of Premier and Wiseman's databases.

8 THE COURT: Hold on a second. Can you scroll  
9 up? Keep going. Okay. I'll allow it.

10 Q. (By Mr. Ross) : Mr. Fiaz, the first date on  
11 this email we're looking at which is from Thursday,  
12 April 8th, 2021, at 3:29 p.m., where Mr. Rohit is  
13 reminding you that you are responsible for the IT  
14 security of the Premier network, and Sohail's e-mail  
15 should have been revoked in 2019. Do you see that?

16 A. Yes, I see that.

17 Q. Do you agree that once Sohail was no longer an  
18 employee of Premier, that he should not have had access  
19 to that e-mail?

20 A. There were more attachments to this e-mail  
21 that I provided to Rohit. This is partial information.

22 Q. Okay. But, again, do you agree that once Mr.  
23 Sohail was no longer an employee, he should no longer  
24 have had access to Premier's email?

25 A. And he did not have access to Premier's email

1 after his resignation. I mention this is probably in  
2 the same e-mail. If you maybe scroll up or scroll down  
3 there are technical reasons, and I'm sure that everybody  
4 in Wiseman team -- I'm more technical than anyone on the  
5 Cloud computing in their team, and I kept telling them  
6 that if you look at this reply, it's 2019 time and  
7 Office 365 was on single tenant.

8 In the migration, we did migration on  
9 22nd November, and after that all Premier's email access  
10 was removed, and I opened up to get my -- the same  
11 details I provided to Rohit, but he just wanted me to  
12 write in a specific manner, so I don't know. This is  
13 all the Cloud computing. Nothing can be created.  
14 Everything is on Cloud. We cannot make a single change  
15 in Cloud without --- everything can be backtracked.

16 Q. Do you know when the e-mail access was  
17 revoked?

18 A. Again, it's mentioned in the e-mail, the  
19 second paragraph, that we did migration on 22nd  
20 November, and it was single tenant done, and I believe  
21 that Sohail's account was removed before that migration.

22 Q. If you move up to the e-mail on Thursday,  
23 April 8, 2021, at 4:08 p.m., Mr. Rohit is asking you  
24 about Sohail's laptop; is that correct?

25 A. That's correct.



1 Q. Okay. And he asked you when you were asked to  
2 format the laptop or upgrade the laptop, correct?

3 A. Yes, that's correct.

4 Q. And he asks you if it had endpoint security  
5 installed. Did it have endpoint security installed?

6 A. Yes, it -- and because it was a company's  
7 laptop and from securities if it was installed, and I  
8 had advised to Rohit. If you just scroll up, you will  
9 see my reply.

10 Q. Okay. I want to stay on this April 8th e-mail  
11 for one more question. He asked you if Sohail had  
12 access to the master password, correct?

13 A. He asked me for the master password, but I  
14 don't know what Rohit wanted with that. I replied  
15 exactly the specific manifest so he'll have access to  
16 endpoint security password, and there was policy that  
17 was created for Sohail specifically, and it was  
18 presented to the auditors in 2020 when Wiseman gave the  
19 information security ordered. It was the same policy  
20 where we granted permission to use -- to access endpoint  
21 security and use password for Sohail, and it was  
22 presented to them because it is when they get the leads,  
23 we recalled everything. It is policy and the procedure  
24 of how to unlock, and security was mentioned and  
25 documented as properly as per specifics.

1 Q. Okay. So the ESET password that you mentioned  
2 there on your email of 12:04 p.m. on the 9th, Sohail did  
3 have that ESET password, correct?

4 A. That's correct.

5 Q. And did you ever provide any information on  
6 when that password was revoked?

7 A. It was the laptop, you know, the endpoint  
8 security passwords were specifically created for use, so  
9 there was a policy created for that. There was a  
10 procedure created for that. Both policies and  
11 procedures were applying to the past standards, and at  
12 least one Wiseman share -- Wiseman actually are where  
13 all the passwords are kept, and there was also -- I  
14 provided all the details and when and how we granted  
15 this information to Sohail so that he could access  
16 because he was working in business development. He was  
17 doing presentations, and one time I recall it was a man  
18 hour (ph), something he was presenting there was a  
19 problem, and he was not able to use the projector screen  
20 or screen on his laptop because of the security so we  
21 had to unlock, and Zameer was witness of that. Zameer  
22 was there at that meeting, and he also witnessed me --  
23 he remembers that I did that weekly we did that policy  
24 under that incident.

25 Q. So, again, did you ever answer the question of

1 when -- did you ever answer the question to Mr. Rohit on  
2 when Sohail's password was revoked?

3 A. I mention --

4 Q. Yes or no?

5 A. Microsoft -- Microsoft thing said that we can  
6 provide three months log. We did that, and there was no  
7 access for last 12 months.

8 Q. It's two different things. Whether or not he  
9 accessed it, but whether or not the IT managers within  
10 Wiseman actually went in and revoked that EMET access.  
11 Did you ever revoke the access?

12 A. Yes, it was revoked. It was revoked before  
13 the migration.

14 Q. And when was that?

15 A. If I have system access, I could provide  
16 details, but it's not on top of my head. It's quite  
17 old.

18 Q. Okay. A separate question. Did you ever  
19 provide information to Mr. Rohit answering when the  
20 password was revoked?

21 A. I told him that the system and single tenant,  
22 and I'm still trying to explain. I don't know how to do  
23 it. It's a technical thing. The single tenant has only  
24 one ID. You cannot separate. So when we migrated,  
25 after that Sohail was not able to use that permissions

1 on Premier, and his e-mail was removed from that section  
2 of his e-mail so that he could not receive Premier  
3 e-mail. This is all technical. I'm sorry if I could  
4 not explain, but this is all technical. If we move --  
5 for example, if you allow me, I could try to explain in  
6 an example.

7 Q. I think in the interest of time we're going to  
8 have to stop you there, okay. But I have one more  
9 question about --

10 MR. SBAITI: Objection, Your Honor.  
11 Objection. I think he should be able to give his  
12 example so that there aren't accusations that he was  
13 being vague or that there wasn't a clear record of what  
14 he was trying to say.

15 THE COURT: I mean, I understand what he's  
16 saying, but just for purposes of the record, like I said  
17 before, let's, you know, let's hear it even if it is  
18 technical, but I think I understand what you mean that  
19 there was e-mail for one client, and it's a bit  
20 different than what we might do in the U.S. if you get  
21 rid of an employee, you just call up IT and say disable  
22 their e-mail account. I understand what you're saying,  
23 but perhaps your technical explanation might help. Go  
24 ahead, Mr. Fiaz.

25 THE WITNESS: So, Mr. Ross, if I can get your

1 e-mail address Ross@WisemanI.com, and I created -- and  
2 you are -- you know that Wiseman and Premier are single  
3 company sitting in the same lane, sharing all the IT  
4 infrastructure sources. I will give you two e-mail  
5 addresses based on the rules you were hired in Premier  
6 and Wiseman. So, you will have only one ID. That is  
7 Ross@WisemanI.com, and at the back end, if you want to  
8 receive email from Premier, you will receive e-mail at  
9 Ross@PremierManagementCompany.com.

10 So now later on it was decided that Ross  
11 will not receive Premier's email. I just go ahead and  
12 change properties of your account and remove that email  
13 address from your properties. You will not be able to  
14 receive any e-mails from Premier anymore. It's as  
15 simple as that. And all these things are done --  
16 whatever changes I do, these changes will be logged in  
17 Office 365 for the log.

18 Q. (By Mr. Ross) : As far as you are aware, does  
19 Wiseman still have possession of those logs?

20 A. Yes, as far as I know Wiseman still has access  
21 to those logs.

22 Q. Okay. Has anything been done to prevent  
23 access to those logs?

24 MR. SBAITI: Objection. Lacks foundation.

25 THE COURT: He can testify whether or not he

1 knows. He may or may not know since he's no longer  
2 employed there.

3 MR. SBAITI: Thank you, Your Honor.

4 Q. (By Mr. Ross) : I can probably pinpoint my  
5 question a little better.

6 During the time you were employed by  
7 Wiseman, was there anything done to the logs to make  
8 them inaccessible to Wiseman?

9 A. Logs on the Cloud, logs -- you cannot restrict  
10 logs for inaccessibility, but logs are always readable.  
11 They cannot be altered, modified or deleted. That's the  
12 Cloud.

13 Q. Okay. Now, if we go back down to this email  
14 from April 8th, 2021, at 3:51 p.m., where it has this  
15 November 2nd, 2019, date where the migration was  
16 performed -- are you following me so far?

17 A. Yes, I am following you.

18 Q. So is that November 2nd timeframe, is that  
19 when Sohail no longer had credentials where he would  
20 have had the ability to access the Premier database?

21 A. The database is different than the e-mail  
22 account.

23 Q. E-mail. I'm sorry. E-mail.

24 A. Yeah, so the email, as I mentioned, it was  
25 removed before this date. The migration of the content

1 was done on 22nd.

2 Q. Okay. I'd like to redirect your attention to  
3 your resignation letter. I don't think we need to show  
4 it. I just have a few questions about it.

5 You said you started drafting it a few  
6 days before April 20th, 2021; is that correct?

7 A. Yeah.

8 Q. Do you have multiple drafts of that  
9 resignation letter?

10 A. No. Actually by drafting means that I started  
11 writing it down, leave my laptop, and then come back and  
12 then continue because of the issues that I am into after  
13 these high blood pressure and stuff that happened to me.  
14 After the threatening calls of Rohit and Bilal my right  
15 eye is affected. The lens behind my eye are having  
16 pressure. They call it blood issue. It clears that eye  
17 circle around my eye. So when I work for more than a  
18 couple of hours on a screen, my vision gets blurred. So  
19 that's why it took time for me to write that e-mail.  
20 It's not that I did multiple drafts. It's the time that  
21 I took to write it.

22 Q. Did you show the letter to anyone before you  
23 provided it to the Wiseman board?

24 A. No.

25 Q. Did you get advice from anyone on language you

1 should include?

2 A. My lawyer.

3 Q. Did you get advice from anyone outside your  
4 lawyer on what language you should include?

5 A. No.

6 Q. Did you have communications with Sohail during  
7 the time that you were drafting the resignation letter?

8 A. How is this possible? No.

9 Q. I'm sorry. I just didn't hear you.

10 A. No, I never had communication with Sohail.

11 Q. So during the, let's say, April 15th to April  
12 20th, you did not have any phonecalls with Sohail?

13 A. No. Never.

14 Q. Did you have any texts or WhatsApp exchanges?

15 A. No.

16 Q. Any e-mails?

17 A. No. No communications at all. I was  
18 following Wiseman's policy.

19 Q. Good. And same question about Junaid.

20 A. I did not have any communication during the  
21 trial of this, no.

22 Q. Okay. Now I'd like to direct your attention  
23 back to -- before we get to the exhibits, in your direct  
24 examination with Mr. Sbaiti he went over some photos  
25 that were taken during your time at the hospital; is



1 that correct?

2 A. Yes, that's correct.

3 Q. I'd like to show you a copy of those photos  
4 again if I could. This is part of a WhatsApp exchange.  
5 Who was the person you were communicating with here?

6 A. This is -- this is -- it's not showing the  
7 name of the person, but I believe it was Bilal.

8 Q. Okay. It's Bilal. And over here we have  
9 written, "Did you get tested for COVID?" Is that an  
10 accurate translation?

11 A. Yes, that's the accurate translation, and the  
12 time mentioned was the time I was back home.

13 Q. Okay. So you're home from the hospital, and  
14 he's asking you when you were at the hospital, did they  
15 test you for COVID, and then he says did you get  
16 yourself checked by the doctor, right?

17 A. Yes.

18 Q. Okay. And you tell him you didn't have any  
19 COVID symptoms, and then Bilal tells you drink some  
20 fluids, have some sugar-based juice, it'll reduce your  
21 headache, right?

22 A. Yes, that's right.

23 Q. Okay. And that's an accurate translation of  
24 what he's telling you there?

25 A. Yes, that's an accurate translation.

1 Q. Okay. And fair to say there's no threats in  
2 that text exchange?

3 A. That exchange was just the follow-up on  
4 checking on me on how I am feeling because they did not  
5 document anything. What do you think that they would  
6 document something they would threaten me? They're  
7 going to write something on WhatsApp? They would never.  
8 Everything they did on voice, yeah. Sorry.

9 Q. But it's your testimony that at the time of  
10 these text exchanges, at the same time you were getting  
11 threats by Bilal; is that correct?

12 A. Call. Call. On the call.

13 Q. Okay. So Bilal is calling you and threatening  
14 you and also writing this?

15 MR. SBAITI: Misstates testimony.

16 A. Bilal explained in phonecalls, he is polite  
17 when he calls, and he always says why don't you think  
18 about your family, you know, how they are feeling with  
19 you. We will go to any level. Rohit will not spare  
20 anyone. He is always like that. He always explain  
21 things, and he was being a good call, and on the line  
22 and on the message I need to cooperate, I need to  
23 cooperate with Rohit in a specific manner. That's the  
24 specific thing.

25 Q. I'm going to show you another exhibit, what

1 we've designated as Defendant's Exhibit 5.

2 MR. ROSS: Your Honor, before I move on, I'd  
3 like to offer the admission of Exhibit 15A that we just  
4 published.

5 THE COURT: Mr. Sbaiti?

6 MR. SBAITI: Your Honor, no objection.

7 THE COURT: No objection? Okay. So admitted.

8 (Defendant's Exhibit No. 15A admitted.)

9 MR. ROSS: And as I sit here, I realize I'd  
10 like to offer the admission of Exhibit 6 we spoke about  
11 earlier.

12 MR. SBAITI: We do object to that for the  
13 reasons already stated, Your Honor.

14 THE COURT: And the reasons, please, just to  
15 make sure the record's clear.

16 MR. SBAITI: Yes, Your Honor. Exhibit 6 was  
17 not -- was, at the earliest, produced to us last Friday  
18 and so -- or sent to us last Friday, and it is outside  
19 the scope. We don't believe it's relevant to anything,  
20 as the witness testified, and so, you know, we would  
21 object on that basis.

22 THE COURT: Objection sustained.

23 Q. (By Mr. Ross) : Okay. What I'm showing you  
24 here is Defendant's Exhibit 5, and I'd like to start  
25 with the second e-mail in the chain, okay. I'm going to

1 go down a little bit. This is an email from Rohit on  
2 April 13th, correct?

3 A. Yes, that's correct.

4 Q. Okay. All right. And --

5 A. It's after the threatening call he made me,  
6 and I was on medication and I was not reading my e-mails  
7 at this time.

8 Q. Okay. All right. This is after you've been  
9 to the hospital?

10 A. Yes, after I have been to the hospital.

11 Q. And Rohit is asking you about -- if I scroll  
12 down a little bit, he asks you a series of 21 specific  
13 questions, right?

14 A. That's right.

15 Q. And those questions were about a data  
16 breach, right?

17 A. Not specifically a data breach. Most of them  
18 are access and communication that I was communicating  
19 with them, can I provide screenshots on my WhatsApp, can  
20 they have my e-mail password, what's my email password  
21 with him.

22 Q. Well, if we look at the first question, Rohit  
23 asks you if you or someone from IT connected to Sohail's  
24 laptop on 15th of June to create a PST of all Wiseman  
25 e-mails and then transfer it to a hard drive. Do you

1 see that question?

2 A. I see that question, but I don't remember  
3 answering these e-mails. I don't know why these are  
4 present.

5 Q. Yeah, that was actually my next question to  
6 you. Did you ever answer Rohit's question here?

7 A. Because I was on medication, and I was not  
8 feeling to work for Wiseman anymore, for four or five  
9 days I was on bedrest sometimes taking medications, and  
10 after that I just resigned.

11 Q. Okay. And if we go down to question number  
12 eight, Rohit asks you did Sohail ask you to hand over  
13 Junaid's laptop after his resignation. Who is Junaid?

14 A. Junaid was president of Wiseman in Pakistan.

15 Q. Okay. Is he related to Sohail?

16 A. His brother.

17 Q. And Rohit is asking you if Sohail asked you to  
18 hand over Junaid's laptop to him after his  
19 resignation, right?

20 A. That's right.

21 Q. And did you answer that question?

22 A. This question was already addressed in 2020  
23 when Rohit used to send me an e-mail with privilege and  
24 confidential subject and asking me the information, and  
25 I already provided that I was never asked for -- Sohail

1 never asked me for this and he guided me about it.

2 Q. So when you got the e-mail in April of 2021,  
3 you just didn't answer that specific question, question  
4 number eight, because you had already answered it a year  
5 ago?

6 A. I did not answer this e-mail. Not specific  
7 that question, whole E-mail.

8 Q. Okay. So you didn't answer any of these  
9 questions, any of these 21 questions in this email?

10 A. Most of these questions were already discussed  
11 with him, and he wanted me to answer in a way that he  
12 wanted me to write.

13 Q. Okay. But you didn't respond in writing to  
14 this e-mail, did you?

15 A. No, I didn't.

16 MR. SBAITI: Asked and answered.

17 THE COURT: Sustained.

18 Q. (By Mr. Ross) : You were asked in question  
19 number six there for your WhatsApp contact with Sohail,  
20 Junaid and Waleed. And that's Waleed Khalid, correct?

21 A. That's correct.

22 Q. And did you provide that?

23 A. I did not.

24 Q. Okay.

25 A. But there is no communication with an answer.

1 Q. Okay. But at the time, you didn't tell Rohit  
2 I'm not going to give you anything because there's  
3 nothing to give you, did you? You just didn't answer  
4 the email?

5 MR. SBAITI: This is bordering on repetitive  
6 and harassing. He's already said he never answered any  
7 of these questions on this email.

8 THE COURT: Where are we going with this? I  
9 think I heard four times he didn't respond. He didn't  
10 respond. And I know he gave the rationale that because  
11 he was sick, but we keep asking -- we keep going over  
12 this. He didn't answer 1 -- he didn't answer number 1  
13 through 21.

14 MR. ROSS: Okay. I'll move on, Your Honor.

15 Q. (By Mr. Ross) : I'd like to look very briefly  
16 at the first e-mail on this chain, and, again, this  
17 comes on April 13th, 2021, correct?

18 A. Yes, that's correct.

19 Q. And here Mr. Rohit is separately asking you  
20 about a folder that was discovered on Sohail's laptop  
21 that was labeled shared with Sajid. Do you see that?

22 A. Yes, I see that.

23 Q. And Rohit asks you why was this folder shared.  
24 Did you answer him?

25 A. I said that I did not reply to this e-mail.

1 Q. Okay. But this is a separate e-mail. I just  
2 wanted to make sure --

3 A. It's the same e-mail followed by another  
4 question.

5 Q. Okay. So you did not answer -- you didn't  
6 answer this e-mail either?

7 MR. SBAITI: Same objection, Your Honor.

8 MR. ROSS: I was just clarifying the record,  
9 Your Honor.

10 THE COURT: Hold on a second. Wait. Did I  
11 hear an objection?

12 MR. SBAITI: You did, Your Honor. I was  
13 reiterating my objection. He asked him again. He  
14 didn't respond.

15 THE COURT: So you're --

16 MR. SBAITI: Sorry, Your Honor. I was  
17 objecting that it's been asked and answered quite a few  
18 times now.

19 THE COURT: Yeah, three times.

20 Q. (By Mr. Ross) : Can you tell us now whether  
21 you're aware of this folder named shared with Sajid?

22 A. Can you please scroll down a little bit?

23 Q. Is that good?

24 A. Yeah, that's good. Okay. So technical -- I  
25 will be a little technical here. If you look at this



1 screenshot, it says that last modified by Rohit Sharma,  
2 but it should have been last modified by Sohail, and as  
3 far as I remember, this Steven Martinez folder was  
4 created back maybe in '17 or '18. I don't have specific  
5 date or time, but I know that there are many PSTs that  
6 have been used to create whenever there was some legal  
7 requirement or some other thing going on in Premier. So  
8 this PST was created back in 2014 -- sorry, 2017 or '18,  
9 and it is last modified by Rohit Sharma which is a  
10 question mark here because it should have been last  
11 modified by the system, the IT admin because IT admin is  
12 the person who uploads it on Sohail, the owner of the  
13 PST. And this PST was specifically created for some  
14 litigation, yes.

15 Q. Does the date where it says modified, does  
16 that change anytime anyone copies or accesses the  
17 folder?

18 A. Opens the folder; not copies the folder.

19 Q. Okay. But if they opened it and copied it, it  
20 would change too, correct?

21 A. It cannot be copied if it's opened.

22 Q. Okay.

23 MR. ROSS: Your Honor, we would move for  
24 admission of this exhibit which is Exhibit 5.

25 MR. SBAITI: No objection, Your Honor.

1 THE COURT: I'm sorry, did you say no  
2 objection?

3 MR. SBAITI: I did, Your Honor.

4 THE COURT: Okay. So admitted.

5 (Defendants' Exhibit No. 5 admitted.)

6 Q. (By Mr. Ross) : Mr. Fiaz, I'd like to show  
7 you Defendant's Exhibit 4. This is an e-mail you  
8 received on April 16th, 2021. Do you recall this  
9 e-mail?

10 A. I don't think I have seen that e-mail on my --  
11 I don't recall this e-mail whether it's supplied or not.

12 Q. Okay. And you never answered this e-mail, did  
13 you?

14 A. I don't remember if I answered that.

15 Q. Okay.

16 A. It is after the 12th. I don't remember  
17 answering this e-mail.

18 Q. And again, this e-mail is from Rohit, and he's  
19 asking details about a laptop of Sohail's after  
20 June 15th, 2020; is that correct?

21 A. If I'm reading this e-mail, he is asking me  
22 that Sohail told Rohit that I have been purchasing a  
23 laptop. I never did.

24 Q. Okay. But, in any event, you didn't answer  
25 this one, correct?

1           A.    I don't remember answering this e-mail, but  
2 all these questions I don't remember anything about it  
3 or have any information about it.

4           Q.    Mr. Fiaz, I'd like to discuss your resignation  
5 a little bit.  You tendered your resignation April 20th,  
6 2021; is that correct?

7           A.    Yes, that's correct.

8           Q.    Okay.  And in that resignation, you said  
9 something to the effect of all formalities of release.  
10 Do you recall that language?

11          A.    If you could show me the snippets, that could  
12 help me more.

13          Q.    Well, we're trying to keep the time short  
14 here, so I'm not going to pull it up.  I want to ask you  
15 if your resignation was accepted on April 20th, 2021?

16          A.    First of all, resignation acceptance asked  
17 about -- I don't want the work, so acceptance is not the  
18 word here.  They have to accept it.

19                    The second is that the HR, they responded  
20 that they will not accept my resignation, and I don't  
21 know how they responded to it.  They should have known  
22 the law that it's not in their control because if an  
23 employee doesn't want to work for the company, and  
24 specifically I was being threatened.

25          Q.    So after you submitted your resignation, you

1 got a response that said sorry, we don't accept your  
2 resignation?

3 A. They said that we will -- we will -- can I  
4 pull up my e-mail if you allow me?

5 Q. No, I think we need to limit it to the  
6 exhibits that --

7 A. So they said -- the HR said, HR manager said  
8 that they will wait until 20th May and follow-up with me  
9 on my decision and whether they keep my decision. And  
10 before 20th May on 9th May, they send me an e-mail that  
11 they are not going to -- there are litigations going on  
12 according to U.S. and Pakistan and they are not  
13 accepting my resignation, and they will hold my  
14 clearance. They will hold my clearance, and they did  
15 not pay me for the month of April.

16 Q. You were able to obtain employment after this,  
17 correct?

18 A. I obtained one employment. I'm still working  
19 with them, and it's in the progress. I'm still doing  
20 defense IT for them, yes.

21 Q. When did you apply for that job?

22 A. After resignation it was to -- online.

23 Q. Did you ever receive a loan from Wiseman?

24 A. Yes, I did.

25 Q. Was that paid back?

1           A.    Yes, it's paid back.  It was paid by me.  I  
2 received e-mail from finance guy, and he confirmed that  
3 my loan is here.

4           Q.    Mr. Fiaz, do you have any evidence in written  
5 form, except your resignation letter, that Mr. Rohit or  
6 anyone else threatened you?

7           A.    The texts --

8           MR. SBAITI:  Objection -- I withdraw my  
9 objection.

10          MR. ROSS:  I'm sorry, I didn't hear you.

11          THE REPORTER:  I didn't hear the answer  
12 either.  Can you please repeat it?

13          A.    The threats were made on WhatsApp call.

14          Q.    (By Mr. Ross) :  The texts were made on  
15 WhatsApp?

16          A.    Yes.

17          MR. SBAITI:  I think he said the threats.  
18 Threats, T-H-R-E-A-T-S.

19          Q.    (By Mr. Ross) :  Have you provided those  
20 WhatsApp communications to Mr. Sbaiti?

21          A.    I have the screenshots in my resignation.

22          Q.    Okay.  So apart from your resignation and what  
23 was submitted with that, is there any written  
24 documentation of any threats?

25          A.    There's nothing written in the document, but

1 when I file a case here in the police station, I went to  
2 the Court, and after Judge hear -- after the hearing,  
3 they looked at the evidences and the lawyers debate -- I  
4 don't know what's called but a lawyer debate, and the  
5 Court ordered to police to start the first investigation  
6 against Rohit, Zameer, Bilal and Asad Abro and Mohsin.

7 Q. So you're saying that you submitted written  
8 documentation to the police that you have not submitted  
9 here to Wiseman?

10 A. No, it's --

11 MR. SBAITI: Objection. Vague.

12 MR. ROSS: I didn't hear that.

13 THE WITNESS: Mr. Sbaiti was objecting.

14 MR. SBAITI: Yeah, I was objecting to  
15 documentation as vague, Your Honor. I think Mr. Fiaz's  
16 testimony was that he provided a bunch of written  
17 documentation in the form of his testimony. That's what  
18 I understood him to say. The clarifying question seems  
19 to misstate his testimony.

20 THE COURT: What was the question?

21 MR. ROSS: If he provided any documentation to  
22 the police that has not been provided in connection with  
23 this lawsuit.

24 MR. SBAITI: And, Your Honor, just to make it  
25 clear, the first question was is there any other written

1 evidence, and I believe he was referring to the written  
2 evidence the police created in their investigation.

3 THE COURT: Well, let's make sure. So Mr.  
4 Fiaz, when you went to the police, did they take notes  
5 of what you said?

6 THE WITNESS: They write the investigation  
7 report that is presented to the Court.

8 THE COURT: Did you bring any documents,  
9 either like a screenshot from your phone or any notes  
10 that were taken at the same time regarding the threats?  
11 Did you give that kind of information to the police?

12 THE WITNESS: Yes, I provided all the  
13 screenshots of the calls in a summarized form, who  
14 called me at one time -- at what time, and Court did  
15 check all those facts and they ordered that the police  
16 to file the investigation report, first investigation  
17 report. That's called a FIAT.

18 THE COURT: Mr. Ross?

19 Q. (By Mr. Ross) : Would you be willing to  
20 provide the same information to the lawyers in this  
21 case?

22 A. I believe it's already provided. If it's not  
23 shared, I will share that. I'll double check, and I'll  
24 get back on this.

25 MR. ROSS: Pass the witness, Your Honor.

1 THE COURT: Mr. Sbaiti?

2 MR. SBAITI: Thank you, Your Honor.

3 REDIRECT EXAMINATION

4 Q. (By Mr. Sbaiti) : Mr. Fiaz, just a few  
5 questions. Was Premier a customer of Wiseman?

6 MR. SBAITI: And actually, Jason, do you mind  
7 pulling down your screen share?

8 A. Premier, as far as I know, I don't know exact  
9 information about the partnership between the companies,  
10 but according to my information Premier was client of  
11 Wiseman.

12 Q. Client. I'll use that word. Client of  
13 Wiseman.

14 A. That's correct.

15 Q. And so as a client of Wiseman, Wiseman had  
16 Premier's HIPAA data to do the work that Wiseman does on  
17 behalf of Wiseman as a client; is that fair?

18 A. That's correct.

19 Q. And was there a --

20 MR. ROSS: Objection to the leading, Your  
21 Honor.

22 MR. SBAITI: Your Honor, I'm just asking  
23 clarifying questions.

24 Q. (By Mr. Sbaiti) : Was there an agreement, to  
25 your knowledge, between Wiseman and Premier so that



1 Wiseman could use or see the HIPAA information from  
2 Premier?

3 A. According to HIPAA laws, that's the first  
4 thing for the businesses to share the data.

5 Q. Do you know the name of that agreement?

6 A. That's called business associate agreement and  
7 there's NDA, Non-Disclosure Agreement associated tied to  
8 that business agreement.

9 Q. To your knowledge, did those exist between  
10 Wiseman and Premier?

11 A. I'm sure they must have because we had legal  
12 counsel taking care of this.

13 Q. And as part of your job as Wiseman's head of  
14 IT security it was to protect the client's HIPAA  
15 information, correct?

16 A. That's correct.

17 Q. Clients of Wiseman like Premier, correct?

18 A. Yes.

19 Q. Okay. And Mr. Sohail, as the CEO of Wiseman  
20 when he was the CEO, would he have been -- to your  
21 knowledge, would he have had access to some of Premier's  
22 data by virtue of his work?

23 A. I don't recall because that's 365 application  
24 team. From the application team -- the application team  
25 can confirm all that. From database access or the raw

1 data, I don't believe that Sohail had access to that.

2 Q. He didn't have access to the database, but if  
3 someone sent him information to do his job, he would  
4 have had it that way?

5 A. Yes.

6 Q. Okay. I'd like to show you Exhibit 5 again  
7 that was shown to you. I just have a quick question  
8 about this. Do you see my screen, sir?

9 A. Yes, I do see that.

10 Q. Do you see my cursor where I'm highlighting?  
11 Is that showing up?

12 A. Yes.

13 Q. It says privileged and confidential; is that  
14 right?

15 A. That's right.

16 Q. Now, you said Rohit Sharma sent you more than  
17 one email that always said privileged and confidential;  
18 is that right?

19 A. Yes, that's right.

20 Q. Now, is any of the people in the CC line a  
21 lawyer to your knowledge?

22 A. To my knowledge, I think only Nick is the  
23 counsel. The rest are all -- Mohsin Rafique is a lawyer  
24 in Pakistan, but I don't believe he should have access  
25 to the Wiseman inside information if he hasn't signed

1 the BAA or anything.

2 Q. Okay. But I wanted to just point out it for  
3 the Court. So this gentleman, Mohsin Rafique,  
4 R-A-F-I-Q-U-E, he's a lawyer in Pakistan for Wiseman?

5 A. Yes.

6 Q. And this gentleman, Nicholas Mosser, he's a  
7 lawyer for Wiseman USA?

8 A. I don't think he's lawyer. He's a legal  
9 counsel for Wiseman in U.S.

10 Q. Okay.

11 A. I'm not sure if legal counsel is lawyer.  
12 Sorry for my understanding.

13 Q. That's fair. All of us on this side got it.

14 So when Mr. Sharma would send you these  
15 other emails that said privileged and confidential,  
16 would he have included Mr. Rafique or Mr. Mosser to your  
17 recollection?

18 A. He recently joined Wiseman. Mohsin is the  
19 lawyer who started working with Wiseman on the cases in  
20 Pakistan, and I don't have exact information when he  
21 started, but from 2020.

22 Q. So, at the time that you recall him sending  
23 you e-mails saying privileged and confidential, and if  
24 you don't remember, that's fine, my question is do you  
25 recall whether he was including a lawyer, at least one

1 lawyer on those e-mails to you?

2 A. Some of them were -- were copied. There was  
3 legal counsel, Rosa, Rosa Choi. He was doing copy to  
4 her. Sometimes he did copy to Zameer. And I don't get  
5 the contacts and when he asked when who. If you recall,  
6 the IT security breach where he added one word in the  
7 middle of the e-mail, and then removed him in another  
8 reply. And there was -- and he was doing all these  
9 things on the different e-mails. He asked different  
10 questions on confidential information.

11 Q. Okay. I'm going to ask you a different  
12 question now. So this thing Stephen, looks like a  
13 misspelling of Martinez -- "Martinze-MSohail.pst". Do  
14 you recall saying you thought this was created in 2017  
15 or 2018?

16 A. Yes, it was created at that time.

17 Q. And I believe did you say it was created for  
18 some compliance or litigation reason?

19 A. One litigation reasons in Premier.

20 Q. Okay. In Premier. Not in Wiseman?

21 A. Not in Wiseman.

22 Q. Okay. Now, when it says modified August 9th,  
23 2020, does that mean, according to your testimony  
24 before, does that mean Mr. Sharma knew about this back  
25 on August 9th, 2020?

1           A.    Yes.  Sharma had access to Sohail's mailbox  
2 and his OneDrive.  He sent an e-mail asking privileged  
3 and confidential, and he asked for this e-mail inbox  
4 access.

5           Q.    I'd like to look at this question here.  It  
6 says, "Please advise truthfully here.  Did Sohail direct  
7 you to make this PST," which I think is referring to the  
8 Stephen Martinez PST, "in addition to other PSTs?"

9                               Do you see that?

10          A.    Yes, I see that question.

11          Q.    And is this a PST file here, this one in the  
12 middle that starts with a dollar sign?

13          A.    It looks like it's a temporary file, yeah.

14          Q.    All right.  I'm going to stop my share there.  
15 I want to just clarify a couple things you said at the  
16 end.  You said HR didn't accept your resignation on  
17 May 9th.  Is that when they communicated to you they  
18 didn't accept your resignation?

19          A.    They send me three e-mails.  I may look at my  
20 --

21          Q.    You don't need to look.  I'm just asking you  
22 if you recall.  If you don't, it's okay.

23          A.    No, I don't recall exactly, but they send me a  
24 couple of e-mails.  In one e-mail they said we will wait  
25 until 20th of May, and another e-mail they said that we

1 will order your clearance processes until this  
2 litigation, the cases in U.S. and Pakistan resolve. And  
3 I believe that this is another way of making me suffer  
4 financially.

5 Q. What does it mean to hold your clearance?

6 A. They did not pay me for the month of April,  
7 and there are other dues that are paid with a clearance  
8 like my annual leave, and other -- there are other  
9 company benefits that employees gets at the time of  
10 resignation if he's entitled to.

11 Q. When you say annual leave, does that mean they  
12 didn't pay you for the days off you hadn't taken yet?

13 A. Yes, they haven't paid me for the days off I  
14 haven't taken and the salary for the month of April.

15 Q. Have they paid you yet?

16 A. No, they haven't.

17 Q. Now, you were asked about did you get a loan  
18 from Wiseman. Did you recall when you took that loan?

19 UNIDENTIFIED SPEAKER: What's the relevance,  
20 Jon, if we can't even put on our witness?

21 A. 2020.

22 Q. Who -- who authorized that loan?

23 A. Zameer.

24 Q. Was it unusual for employees in Pakistan to  
25 take out loans or were you the only one?

1           A.     They -- it's a usual process in the  
2 organization if someone needs, they can take loans if  
3 company approves them.

4           MR. SBAITI:   Okay.  No further questions, Your  
5 Honor.

6           MR. ROSS:   Nothing from me, Your Honor.

7           MR. SBAITI:   Mr. Fiaz, thank you very much for  
8 your time.

9           THE COURT:   Can we release Mr. Fiaz?

10          MR. SBAITI:   Fine with us.

11          MR. ROSS:   Fine with us, Your Honor.

12          THE COURT:   Oh, thank you so much, Mr. Fiaz.

13 I know this has probably been the worst exposure you can  
14 get to the American legal system, but we do the best we  
15 can.  We appreciate you taking the time to testify.  I  
16 know it's late.  It's the beginning of your weekend, but  
17 we really appreciate it.  Thank so much.  And you can  
18 sign --

19          THE WITNESS:  It's --

20          THE COURT:   -- off.  Thank you.

21          THE WITNESS:  Thank you.

22          THE COURT:   The next witness?

23          MR. SBAITI:   Your Honor, we rest.

24          THE COURT:   Court reporter, do you need a  
25 break, a quick break?  I felt badly because I was

1 inhaling my lunch and I was like, oh my god, her hands  
2 are busy. So let's take 15 minutes and I'm just going  
3 to go into the breakroom and let the gentlemen know  
4 we'll be with them.

5 (Brief recess.)

6 THE COURT: We went off the record to take a  
7 short break. Off the record the parties agreed that  
8 Mr. Abro could be excused, and he was excused from the  
9 party. Please proceed.

10 MS. NEWSOME: Thank you, Your Honor. The  
11 Defendants would like to call to the stand Mr. Rohit  
12 Sharma.

13 THE COURT: Mr. Sharma, can you unmute  
14 yourself? It's in the bottom left-hand corner.

15 MS. NEWSOME: He's in the same room.

16 THE COURT: This is the only time you can  
17 ignore the Judge. That was the only thing. But now do  
18 you mind taking an oath? Please raise your right hand.

19 ROHIT SHARMA,  
20 having been duly cautioned and administered the oath,  
21 testified as follows:

22 THE COURT: He needs to say something.

23 MS. NEWSOME: Speak loud.

24 THE WITNESS: Yes, ma'am, I do.

25 THE COURT: Mr. Sbaiti, did you have anything?



1 Okay. I'm just making sure everyone's on.

2 MS. NEWSOME: Are we ready, Your Honor?

3 THE COURT: Yes.

4 DIRECT EXAMINATION

5 Q. (By Ms. Newsome) : Mr. Sharma, could you  
6 state your full name for the record?

7 A. My name is Rohit Sharma.

8 Q. And what is your position with Wiseman?

9 A. I'm the engineering and innovation lead.

10 THE COURT: You know what, I can't hear him  
11 very well. Is he close enough to whatever device you  
12 have?

13 MS. NEWSOME: Your Honor, we're making  
14 arrangements here.

15 THE COURT: Now, Mr. Sharma, can you say  
16 something so we can make sure we hear you?

17 THE WITNESS: Can you hear me, Your Honor?

18 THE COURT: Yes, I think that's better. Thank  
19 you.

20 Q. (By Ms. Newsome) : And Mr. Sharma, if you can  
21 slow down just a little bit, I think that would be  
22 helpful to the court reporter. Thank you, sir.

23 So what is your position at Wiseman?

24 A. I head the product innovation at Wiseman.

25 Q. Okay. And what is some of your

1 responsibilities in that position?

2 A. Primarily my responsibilities are process and  
3 product innovation, but sometimes I'm also asked to help  
4 in compliance issues.

5 Q. So were you involved in a recent investigation  
6 regarding a possible IT breach with the Wiseman  
7 Innovations Technology?

8 A. Yes, I was.

9 Q. How did you come to be involved in that  
10 investigation?

11 A. We found out that Mr. Sohail had recently  
12 subpoenaed some doctors of Premier Management Company,  
13 and we suspected that he basically still had access to  
14 Premier's information, building; data performance, HR  
15 data, and we started investigating.

16 Q. Were you asked by someone individually to  
17 proceed with that investigation?

18 A. Yes.

19 Q. And who was that?

20 A. Mr. Zameer Sachedina, the Chief Executive  
21 Officer.

22 Q. So you mentioned that there was -- that  
23 Mr. Sohail had subpoenaed some doctors. When was that?

24 A. If I'm not getting it wrong, I think it was  
25 late March 2021.

1 Q. And when did the investigation actually start?

2 A. Started around within a week's time of him  
3 subpoenaing the doctors we started looking at the data.  
4 He can't possibly have remembered the private  
5 information and the patient information, so he had  
6 possibly had files so we had investigated that.

7 Q. Who's the person to contact if there's a  
8 possible IT breach in Wiseman?

9 A. Both for the HIPAA breach and the IT service  
10 security breach, Mr. Sajid Fiaz was the person  
11 responsible.

12 Q. What was his position at the time?

13 A. He was the IT infrastructure manager and also  
14 had the role of HIPAA officer of Wiseman.

15 Q. Did you contact Mr. Fiaz personally to proceed  
16 with this investigation?

17 A. Yes, ma'am, I did.

18 Q. And how did you contact him?

19 A. So I reached out to him on e-mail and started  
20 asking him a couple of questions to start tracing the  
21 PHI breach.

22 Q. And in that e-mail communication, and I know  
23 you've been present this entire time as one of the  
24 Defendants and parties in this matter and you saw some  
25 of the e-mails presented by Mr. Ross in

1 cross-examination, are those the e-mails you're  
2 referring to?

3 A. That's right.

4 Q. In any of those communications, did you  
5 threaten Mr. Fiaz with respect to his life or any other  
6 threats regarding his participation in the  
7 investigation?

8 A. Never. All my communication to Mr. Fiaz were  
9 very professional.

10 Q. Did you tell him that his family would be in  
11 danger if he did not participate in the investigation?

12 A. No.

13 Q. Mr. Sharma, is there any reason you can think  
14 of as to why Mr. Fiaz would be making these false  
15 allegations?

16 A. Mr. Fiaz is -- was the IT security and the  
17 HIPAA officer for Wiseman. We have potentially found a  
18 breach of anymore from 50,000 and upwards, probably  
19 300,000 patients across medical, and these are mostly  
20 elderly -- elderly population. So Mr. Fiaz is just  
21 trying to slow down and scuttle an international and  
22 cyber security investigation, both from a PHI breach  
23 standard and a possibility of an American company's  
24 database gone.

25 Q. Now, based on your investigation with

1 compliance as a head of the IT, what is your  
2 understanding of how Mr. Fiaz would be implicated in  
3 such breach?

4 A. I've set up international compliance framework  
5 for a multinational company which have 385 officers,  
6 including Mr. Rohit's clients used to work with much law  
7 firms. Mr. Fiaz enabled the breach because he wanted  
8 the HIPAA security rules by allowing endpoint security  
9 password to be given. He logged on and copied the hard  
10 drives of Mr. Sohail. That's the first thing.

11 The second thing is that we believe that  
12 he's deleted team logs, the evidence that he connected  
13 Mr. Sohail's laptop.

14 And the third is that because the fact  
15 that there is patients' information in the United  
16 States, mostly elderly, are elderly people, and we have  
17 a country outside of the United States where the rules  
18 aren't very strict, Mr. Fiaz knows that eventually  
19 Federal authorities will get involved. So he's a major  
20 exposure here because he enabled the breach, and he  
21 refused to answer those questions when we were trying to  
22 investigate in a professional manner.

23 Q. Now, there was testimony there was some type  
24 of phone call on April 12th to Mr. Fiaz. Do you  
25 remember hearing that?

1 A. Yes.

2 Q. Did you make that phone call to Mr. Fiaz?

3 A. No, I did not.

4 Q. Okay. Who did?

5 A. So I was speaking to Bilal Aslam, the CEO of  
6 Wiseman Pakistan, and I was telling him that it seems  
7 that Sajid Fiaz plays himself as a victim or somebody  
8 who's innocent, but he never tells the truth. He does  
9 not necessarily lie, but he doesn't tell the whole  
10 truth. So I was telling him that see, this is the third  
11 time Sajid's name has come up in multiple issues; cyber  
12 security, unauthorized loans and other issues. And, you  
13 know, it's a little concerning for us.

14 Mr. Bilal Aslam said to me --

15 MR. BRIDGES: Objection, Your Honor. This is  
16 entirely hearsay what Mr. Aslam said to him. Mr. Aslam  
17 could testify to, but --

18 MS. NEWSOME: Your Honor, earlier, Your Honor,  
19 Mr. Fiaz was able to testify as to what Mr. Aslam was  
20 saying, and so, Your Honor, we would --

21 THE COURT: Wait, was Mr. Sharma a party to  
22 the conversation?

23 THE WITNESS: Yes, ma'am.

24 MS. NEWSOME: Yes.

25 THE COURT: Well, if he's a party to the

1 conversation, how come he can't talk about his  
2 recollection of that conversation?

3 MR. BRIDGES: Your Honor, it's an out-of-court  
4 statement by Mr. Aslam that's not under oath, and  
5 they're offering it here to suggest that it's the truth.  
6 That out-of-court statement, not under oath by  
7 Mr. Aslam, he has to say what he believes to be the  
8 truth; not Mr. Sharma repeating his words.

9 MS. NEWSOME: Understood, Your Honor. But  
10 this is present-sense impression of what's going on.  
11 This is the conversation at issue where Mr. Fiaz said it  
12 was that April 12th conversation where there were  
13 threats being made, and we're just providing the history  
14 to that point as to how Mr. Fiaz even got involved on  
15 that phone call in the first place. It's important for  
16 Your Honor to have that context and our clients to  
17 defend themselves.

18 MR. BRIDGES: Mr. Sharma can say what he  
19 sensed, what his present impressions were without  
20 repeating to the Court what someone else, not under  
21 oath, said to him.

22 THE COURT: You get the distinction? I agree.  
23 Just reformulate your question so that it gives his  
24 impression not saying exactly what he told the other  
25 person.

1 MS. NEWSOME: Understood, Your Honor.

2 Q. (By Ms. Newsome) : Mr. Sharma, on April 12th,  
3 were you involved in a conversation between Mr. Aslam,  
4 Mr. Fiaz regarding this IT breach that you shared with  
5 or testified to with the Court?

6 A. Yes, I was.

7 Q. During that conversation, were there any  
8 threats made to Mr. Fiaz?

9 A. There were never any threats made.

10 Q. During that conversation, did you bring up at  
11 all Mr. Fiaz's family with the at-risk or subject to any  
12 type of violence?

13 A. No, I did not.

14 Q. You mentioned that you sent some e-mails to  
15 Mr. Fiaz with respect to this investigation; is that  
16 correct?

17 A. That's right.

18 Q. And you sent multiple e-mails?

19 A. I sent, if I recall, seven to eight e-mails.

20 Q. Seven to eight. And when you say seven to  
21 eight e-mails, we saw three of those emails today and  
22 there were email chains so is that what you're meaning,  
23 you kind of sent a responding e-mail on top of another  
24 previous e-mail?

25 A. Yes.



1 Q. So why did you send -- why were you so adamant  
2 about trying to get an answer from Mr. Fiaz regarding  
3 this IT breach?

4 A. Primarily as I said before, this was a major  
5 international breach of elderly vulnerable Americans'  
6 protected health information, and so Sajid Fiaz's name  
7 has not the first time; his name has come up before. So  
8 we have an obligation to report to the authorities as  
9 fast as possible, specifically if a country outside the  
10 United States was involved. I was asking him questions,  
11 and he was avoiding those questions. So I kept  
12 reminding him please give me the answers. That's the  
13 context of those e-mails.

14 Q. So with those multiple e-mails back to back,  
15 were you trying to threaten to Mr. Fiaz?

16 A. No, I never threatened Mr. Fiaz. We were  
17 doing a professional internal investigation. I never  
18 threatened him. I never verbally abused him. I was  
19 never harsh with him, rude with him. Very business-like  
20 communication.

21 Q. And with those e-mails and different  
22 communications, was it your intent at all to threaten  
23 his family or for those e-mails to be considered as any  
24 type of threat?

25 A. Not at all. My only intention was to find out

1 to trace the source of the breach and take corrective  
2 action.

3 MS. NEWSOME: We pass the witness, Your Honor.

4 THE COURT: All right. Either Mr. Sbaiti or  
5 Mr. Bridges?

6 MR. BRIDGES: It's Mr. Bridges. Thank you,  
7 Your Honor.

8 CROSS-EXAMINATION

9 Q. (By Mr. Bridges) : Mr. Sharma, is it correct  
10 that you worked closely with Mr. Sohail before his  
11 resignation?

12 A. Could you rephrase that question, sir?

13 Q. Is it correct that you worked closely with  
14 Mr. Sohail before his resignation?

15 A. I directly reported to him, so the answer is  
16 professionally, yes.

17 Q. Yes. In fact, on the night of his  
18 resignation, June 15th, 2020, you spoke with him many  
19 times late into the night; isn't that true?

20 A. The calls went on -- that's not accurate. The  
21 calls went on throughout the day. He called me multiple  
22 times, and I called him multiple times.

23 Q. And well into the evening, correct, sir?

24 A. Yes. He also called me multiple times in the  
25 day and I responded back.

1 Q. And you've been sued personally in this case,  
2 right? You're one of the Defendants?

3 A. That's right.

4 Q. You served in the Navy in India. Do I have  
5 that, right?

6 A. That's right. You're accurate.

7 Q. You received training as an intelligence  
8 officer, correct, sir?

9 A. That's incorrect. I've never worked directly  
10 or specifically for any intelligence services.

11 Q. Sir, you worked as a Navy intelligence officer  
12 where you received training on how to conduct a  
13 disinformation campaign; isn't that the truth, sir?

14 A. That's inaccurate. My work in the Navy was an  
15 engineer. I was warship engineer. Throughout my career  
16 I always worked as an engineer. I never received the  
17 training that you mention about.

18 Q. Sir, do you also deny working as a spy for  
19 your country, India, in Dubai?

20 MS. NEWSOME: Objection, Your Honor. I'm not  
21 even sure why this type of interrogation is going  
22 forward. It's not relevant.

23 MR. BRIDGES: Your Honor, we have -- all  
24 right.

25 THE COURT: Mr. Bridges?

1 MR. BRIDGES: He's answered the question.

2 MS. NEWSOME: No, he -- we'd ask that --

3 THE COURT: Okay, the court reporter is  
4 shaking her head.

5 THE REPORTER: This is the court reporter. I  
6 did not hear an answer.

7 MR. BRIDGES: Your Honor, this is a man who  
8 had strongarmed witnesses in an attempt to get them to  
9 change their testimony, and he's used techniques that  
10 are recognizable as foreign intelligence, and I believe  
11 in this case the evidence will ultimately show that he's  
12 not telling the truth.

13 THE COURT: Okay. So are you reading -- when  
14 you asked him if he was a spy for his country, do we  
15 have documentation supporting that or is this kind of.

16 MR. BRIDGES: I do not have an exhibit that is  
17 available at this time, Your Honor.

18 THE COURT: Okay. I'm going to go ahead and  
19 allow it.

20 Q. (By Mr. Bridges) : Sir, do you deny working  
21 in Dubai as a spy for your country, India?

22 A. I deny working as a spy any time.

23 Q. Let's look at Exhibit 5 together.

24 A. Sure.

25 Q. Mr. Sharma, do you see an e-mail

1 labeled exhibit -- well, where is the exhibit number?

2 An e-mail from you dated April 13th, 2021, 11:30 p.m. to  
3 Sajid Fiaz?

4 A. I do.

5 Q. You wrote this e-mail?

6 A. I did.

7 Q. If we scroll down to the prior e-mail from  
8 April 13th, 2021, 1:04 p.m., Tuesday, it is also from  
9 you to Mr. Fiaz, correct?

10 A. That's right.

11 Q. And this date, April 13th, that is after the  
12 day, one day after Mr. Fiaz's resignation letter claims  
13 that you and Mr. Bilal Aslam threatened him on the phone  
14 resulting in him being hospitalized; is that correct?  
15 Do I have the timing right?

16 MS. NEWSOME: Objection Your Honor.

17 THE COURT: What's the basis for your  
18 objection?

19 MS. NEWSOME: It assumes facts that are not in  
20 evidence, Your Honor.

21 MR. BRIDGES: I'll rephrase.

22 THE COURT: Thank you.

23 Q. (By Mr. Bridges) : This is Tuesday,  
24 April 13th, and the day before April 12th. You know,  
25 sir, that's the date that Mr. Fiaz accuses you of making

1 threats against him on a WhatsApp call; isn't that  
2 correct?

3 A. That's right.

4 Q. And you're aware he was hospitalized that  
5 evening, correct?

6 A. If I recall, yes, I may have been aware.

7 Q. And you write to him the following day, the  
8 day after he claims that you threatened him, you write  
9 an offer to defend and protect him. Isn't that what the  
10 second sentence of this e-mail says?

11 A. It says that.

12 Q. And your offer to defend and protect  
13 Mr. Sohail was conditional; is that correct? I'm sorry,  
14 I've got the names wrong, sir. I need to re-ask that  
15 question. This is Mr. Fiaz.

16 Your offer to defend and protect Mr. Fiaz  
17 was conditional; is that correct?

18 A. That's without condition.

19 Q. The word if, if you are honest and do a full  
20 disclosure, do you deny, sir, that that's a condition  
21 based upon your offer to defend and protect Mr. Fiaz?

22 A. It's very clear, but I'm not sure what you  
23 mean by conditional. I told him on the phone call where  
24 he alleges that I made a threat, but if he made a bona  
25 fide mistake, we'll protect you. If you did a

1 deliberate mistake, you'll get fired. We cannot have an  
2 IT infrastructure manager, somebody who has the  
3 responsibility as cyber security to continue in the role  
4 and still have all the responsibilities. I'm not sure  
5 if that answers your question.

6 Q. I'm not sure either, sir. Your sentence says  
7 if you are honest and do a full disclosure. To me that  
8 looks like a condition. Do you deny that it is?

9 A. I don't see that as condition. I would say  
10 that if he would have lied, we would have fired him. If  
11 he was honest, we would have continued to sue him. We  
12 still may have fired him. We didn't know the outcome of  
13 the investigation. It was still ongoing. I wanted him  
14 to come clean in this e-mail. So --

15 Q. As -- I didn't mean to interrupt. Are you  
16 done, sir?

17 A. I'm done.

18 Q. After offering to protect him if he is honest  
19 and does a full disclosure, you ask him a series of  
20 questions, correct?

21 A. That's right.

22 Q. Can you agree with me those questions, some of  
23 them, imply that you believe Mr. Fiaz has done something  
24 wrong?

25 A. Can I give a context to this email?

1 Q. You can, but would you answer my question  
2 first? Can we agree, sir, that the questions, some of  
3 them, imply that you believe Mr. Fiaz has done something  
4 wrong?

5 A. We did believe that he had done something  
6 wrong, that's right.

7 Q. And your questions imply that, don't they?

8 A. Yes, I know.

9 Q. Okay. Would you like to offer some context?  
10 Go right ahead.

11 A. Yes. So if I may say, before this Sajid Fiaz  
12 had been having a couple of calls with me over the last  
13 couple of days on Teams, Microsoft Teams. That's part  
14 of our day-to-day communication, and he has been telling  
15 me there are people who in contact with the former  
16 employee, he has been telling me that he had  
17 inadvertently been awarded money laundering, he has  
18 taken loans and he said his converting black money to  
19 white money. So based on that, the initial HR  
20 disclosure investigation actually expanded because we  
21 thought okay, this is going to bigger than the IT  
22 breach. This goes back to the same allegations that  
23 were made against Mr. Sohail Mohammad, that he ran a  
24 sophisticated embezzlement and money laundering scheme  
25 and removed funds to a country money that was under FFT



1 watch list for terrorist financing watching for funding  
2 and for money laundering. So this context of how this  
3 e-mail evolved, Mr. Sajid Fiaz volunteered information  
4 to me over multiple calls on Teams.

5 Q. Are you done?

6 A. I'm done.

7 Q. Okay. Thank you. This opening paragraph  
8 where you offered to defend and protect Mr. Fiaz if he  
9 is honest and if he does a full disclosure, who is it  
10 that you intended for Mr. Fiaz to understand would be  
11 the judge of whether he had been honest and done a full  
12 disclosure?

13 A. We already have an internal investigation  
14 team. It could be sent to one of the lawyers. They  
15 would review it, and they would decide what are the  
16 facts. I'm not the judge. I'm just collecting facts.

17 Q. Sir, isn't it the truth that you wanted Mr.  
18 Fiaz to understand that you would be the judge of  
19 whether he had been honest and fully disclosed and would  
20 therefore earn your defense and your protection?

21 A. That's not true.

22 Q. And at the same time you were suggesting to  
23 Mr. Fiaz what you already believed the truth to be,  
24 isn't that true, sir?

25 A. I answered that. We already had a lot of

1 supporting evidence in what's going on in the company.  
2 We're not asking Mr. Sajid Fiaz to tell us things from  
3 scratch. We knew that somebody connected with  
4 Mr. Sohail Mohammad's laptop on the 15th of June and  
5 copied all the data that includes potentially 200 to  
6 300,000 American's population HR data. We already know  
7 that from the forensics. Now we know it from Mr.  
8 Sohail's affidavit recently that he was engaged Mr.  
9 Sajid Fiaz when there was a cyber security breach. So  
10 we have some corroborating evidence. These questions do  
11 not come from anywhere. I didn't pull them out of a  
12 hat.

13 MR. BRIDGES: I need to object to everything  
14 after the denial was nonresponsive.

15 THE COURT: Ms. Newsome?

16 MS. NEWSOME: Your Honor, he is explaining and  
17 providing context just as Mr. Fiaz was allowed to  
18 explain by context as to this email and investigation.

19 THE COURT: All right.

20 MS. NEWSOME: So as not to be misleading to  
21 the Court.

22 THE COURT: I'm going to allow it.

23 Q. (By Mr. Bridges) : I'm almost done,  
24 Mr. Sharma. Let's see if I understand correctly and can  
25 sum this up.

1                   First, Mr. Sohail says that he resigned  
2 at Wiseman because you told him he would face criminal  
3 charges if he didn't. That's an allegation in his  
4 lawsuit against you. You're aware of that, right?

5           A.    I'm aware of that, sir.

6           Q.    You deny telling Sohail that, correct?

7           A.    Absolutely deny ever saying that.

8           Q.    And yet, a criminal complaint was filed  
9 against Mr. Sohail in Pakistan; isn't that true?

10          A.    That's true.

11          Q.    Then Mr. Waleed Khalid resigns from Wiseman  
12 and he says that you and Mr. Sachedina threatened to  
13 make an example of him if he didn't lie about Sohail.  
14 You're familiar with that allegation from Mr. Khalid,  
15 correct, sir?

16                MS. NEWSOME:  Objection, Your Honor.  Again,  
17 that's a statement from some party they didn't bring  
18 today as a witness, so we would object to that as being  
19 hearsay.

20                MR. BRIDGES:  This is cross, Your Honor, and  
21 I'm just asking if he's aware of that allegation.

22                THE COURT:  He can testify if he's aware of  
23 it.  All right.  Go ahead.

24           A.    I wanted to answer your question.  The first  
25 thing is that a criminal investigation in Pakistan, the

1 whole -- it was a natural evolution of an ongoing  
2 investigation from March 2020 as the company started  
3 discovering a well-concealed fraud. It was so well  
4 concealed that it took months for the people in Pakistan  
5 to get the documents and find out what happened. The  
6 criminal complaint, Mr. Sohail Mohammad when he  
7 resigned, he already knew that this investigation is  
8 ongoing and it uncovered fraud, and my premise is that  
9 Mr. Sohail filed this lawsuit to stop this investigation  
10 like he has done this in this case. He has filed this  
11 TI hearing to stop the investigation into PHI. The  
12 criminal complaint was a very natural evolution where  
13 external parties were involved, gave evidence,  
14 significant documentary evidence turned into hundreds of  
15 pages.

16 MR. BRIDGES: Your Honor, I need to object.  
17 That entire answer was nonresponsive. It was about Mr.  
18 Sohail. The question was about whether or not he was  
19 aware of the allegations made by Mr. Waleed Khalid upon  
20 his resignation that Mr. Sharma threatened him if he  
21 didn't lie about Sohail.

22 THE COURT: Okay. Sustained.

23 Q. (By Mr. Bridges) : Let me ask again, sir.  
24 Are you aware of the allegation upon his resignation  
25 that Mr. Waleed Khalid said you threatened him to make

1 an example of him if he didn't lie about Sohail?

2 A. I'm aware of the allegations, yes.

3 Q. And you deny those allegations, don't you?

4 A. Absolutely.

5 Q. And yet a criminal complaint was filed in  
6 Pakistan against Mr. Khalid; isn't that correct, too?

7 A. That's what I just explained, sir. The  
8 criminal complaint was not filed because we were  
9 retributing. The criminal complaint was filed because  
10 we uncovered massive embezzlement and fraud and it took  
11 months to uncover it. I just explained the context to  
12 you.

13 Q. Yes, you did, and I'm going to ask a similar  
14 question we asked about Mr. Sohail, we asked about Mr.  
15 Khalid and I think now you know it's Mr. Fiaz's turn.  
16 Mr. Fiaz has alleged that you threatened him, and that  
17 you threatened to do to him what you did to Mr. Khalid,  
18 to make an example of him, and that, as a result, he's  
19 resigned from office. You're familiar with that  
20 allegation, aren't you, sir?

21 A. Yes, I'm familiar with that allegation, sir.  
22 Yes.

23 Q. And you deny it, right?

24 A. I deny it, sir.

25 Q. And yet now you're testifying that he has

1 committed a crime. Is he going to be charged criminally  
2 in Pakistan too?

3 MS. NEWSOME: Objection, Your Honor.  
4 Mischaracterizes earlier testimony and dives into  
5 attorney-client privilege, Your Honor, and calls for  
6 speculation because Mr. Rohit is not the Wiseman -- he's  
7 not the corporate representative. He is here in his  
8 individual capacity.

9 MR. BRIDGES: Your Honor, I withdraw the  
10 question, and I pass the witness.

11 THE COURT: Anything more from this witness?

12 MS. NEWSOME: No, Your Honor.

13 THE COURT: All right. Can we release him?

14 MR. BRIDGES: Yes.

15 MS. NEWSOME: Yes.

16 THE COURT: Great. Thank you, Mr. -- it's  
17 been a long week. Thank you very much, Mr. Sharma, for  
18 coming in to testify. We appreciate you're doing it. I  
19 know it's always uncomfortable to be in that position,  
20 but thank you very much. Have a great weekend, and  
21 thank you for allowing us -- for sharing your  
22 perspective.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: All right. Next witness. Oh,  
25 that's right. He's there. Are you ready for the next

1 witness?

2 MS. NEWSOME: Yes, Your Honor. Defense would  
3 like to call Mr. Aslam.

4 THE COURT: Okay. Can we stop screen-sharing  
5 so then I can see everyone?

6 MS. NEWSOME: Oh, that's not me.

7 MR. BRIDGES: No, Your Honor, that's my fault,  
8 and I'm struggling to be smart enough to do that.

9 MS. NEWSOME: I think it's the same button you  
10 use to share it.

11 (Pause.)

12 MR. BRIDGES: This is an embarrassing moment,  
13 Your Honor.

14 THE COURT: No, that's all right. We're no  
15 experts. Maybe five years from now we'll all be  
16 experts.

17 MS. NEWSOME: Mr. Bridges, if you scroll down  
18 --

19 THE COURT: Ah. Great. There we go. Now, I  
20 can see everyone. All right. I'm going to go get Mr.  
21 Aslam.

22 (Pause.)

23 MS. NEWSOME: Your Honor, we'd like to call --  
24 I think he needs to be sworn in -- we'd like to call  
25 Mr. Aslam to the stand.

1 THE COURT: Okay. Mr. Aslam, do you mind  
2 taking an oath? Please raise your right hand.

3 MOHAMMAD BILAL ASLAM,  
4 having been duly cautioned and administered the oath,  
5 testified as follows:

6 THE COURT: All right. Great. Thank you very  
7 much. You may proceed.

8 DIRECT EXAMINATION

9 Q. (By Ms. Newsome) : Mr. Aslam, I first want to  
10 say thank you for your patience both today and last  
11 week. I know it's very late in the hour there, so I  
12 will do my best to be brief.

13 Can you introduce yourself by giving your  
14 full name to the Court, please.

15 A. My full name is Mohammad Bilal Aslam.

16 Q. And Mr. Aslam, do you currently hold a  
17 position with Wiseman Innovations in Pakistan?

18 A. Yes.

19 Q. What is that position?

20 A. I'm currently working as -- my assignment is  
21 senior vice-president of technology, but my designation  
22 is chief security officer.

23 Q. And as senior vice-president of -- you said  
24 technology?

25 A. Yes, software.



1 Q. Did you have that position back in March and  
2 April of 2021?

3 A. I was senior vice-president of technology in  
4 March and April.

5 Q. Mr. Aslam, are you here today to testify about  
6 your involvement in an investigation regarding an IT  
7 breach with Wiseman?

8 A. Yes.

9 Q. Have you been threatened in any way if you do  
10 not provide testimony favorable to Wiseman?

11 A. No, I haven't been threatened.

12 Q. Thank you, Mr. Aslam. Did any of the  
13 Defendants, Wiseman Innovations, Anwar Kazi, Zameer  
14 Sachedina or Rohit Sharma force you to give testimony  
15 today?

16 A. No.

17 Q. You're here voluntarily?

18 A. Yes.

19 Q. Thank you, Mr. Aslam. You mentioned that you  
20 currently hold two positions in Wiseman Pakistan. Can  
21 you just briefly give us some of the responsibilities of  
22 those positions?

23 A. Yes. So my -- basically I am responsible for  
24 the -- all the function of the Wiseman Pakistan office,  
25 so this is a back office responsible for all the IT

1 related functions of Wiseman, and I have been working in  
2 this company since 2018, and this is basically  
3 back-office software management and IT services of  
4 Wiseman. So we're basically -- we basically provide  
5 services in public and health demand to our clients with  
6 license in the U.S.

7 Q. Thank you. So I'm going to get directly to  
8 why we're here, Mr. Aslam. Were you involved in an  
9 investigation -- well, let me ask you this because I  
10 asked you about the investigation.

11 When did you become involved in an  
12 investigation regarding a possible IT breach that  
13 involved Mr. Fiaz?

14 A. I think sometime in the start of April I was  
15 part of certain e-mails that had been sent to Sajid Fiaz  
16 about some investigation related to a data breach or  
17 possible B&J (ph) information breach. So at that moment  
18 actually I was -- I was just tested positive for COVID  
19 on April 3rd and 4th. During that time, I -- that was  
20 my first day of COVID positive with, you know, moderate  
21 symptoms, so I was not looking at my e-mails on a  
22 regular basis during those days.

23 Q. Understood. So in your position at Wiseman,  
24 is it typical you would be involved in this type of  
25 investigation?

1           A.    Anything that is going to happen within or  
2 anything that -- any process that is going to involve  
3 Wiseman Pakistan I will be part of that.  Yeah.

4           Q.    Thank you.  So, you were on those e-mails to  
5 Mr. Fiaz asking him questions about any type of data  
6 breach?

7           A.    Yes, I was copied on almost all of them.  
8 Maybe there are certain that might have been one record  
9 to him, but there were considerable amount of e-mail  
10 threads that I was involved in that was asking questions  
11 raised by -- by Rohit Sharma or others in U.S. office  
12 that were related to some of the, you know, unauthorized  
13 access or data leak or, you know, B&J information  
14 being unauthorized -- unauthorized access to B&J.  Those  
15 were the --

16           MS. NEWSOME:  Your Honor, I want to clarify  
17 here.  I believe he said e-mail threads, not e-mail  
18 threats.  I just want to make sure we're good on the  
19 email threads.

20           A.    Yes, email threads.

21           Q.    (By Ms. Newsome) :  So did Mr. Fiaz willingly  
22 participate in those questions?

23           A.    Yeah, he seems to reply on those e-mails, but  
24 the investigation was not moving forward.  On one of  
25 those threads, Mohammad was asking -- has asked him or

1 sent him reminders multiple times, but he was not  
2 responding. I know one thread where Sajid was not  
3 responding. It was related to unauthorized data breach  
4 access. That's what I can remember.

5 Q. And in those e-mails, were there any threats  
6 made against Mr. Fiaz if he didn't participate in the  
7 investigation?

8 A. No, it was just remind us to reply to those  
9 things being asked.

10 Q. So when Mr. Fiaz did not answer that e-mail  
11 that you're referring to, what was the company's next  
12 course of action from the Wiseman Pakistan standpoint?

13 A. I believe there were certain, you know, online  
14 conversation on Microsoft Teams or on my Team accounts  
15 with -- between Rohit and Sajid Fiaz, and some of those  
16 threads Sajid was saying that he needs to contact  
17 vendors like Microsoft for logs and stuff like that so  
18 eventually --

19 MR. BRIDGES: Objection, Your Honor. What  
20 Mr. Fiaz said is hearsay. It's an out-of-court  
21 declaration by someone else. He can't testify to the  
22 truth or falsity of that.

23 MS. NEWSOME: Your Honor, I mean, Mr. Fiaz is  
24 claiming that these e-mails -- excuse me, these  
25 communications contain threats from Mr. Aslam and Mr.

1 Sharma, and we believe that Mr. Aslam should be able to  
2 give the Court the context of those communications, as  
3 Mr. Fiaz did earlier.

4 THE COURT: No, I think there was a  
5 distinction. Mr. Bridges, did you want to say  
6 something?

7 MR. BRIDGES: Yes, Your Honor. He's welcome  
8 to talk about what his understanding was or what the  
9 email said. No objection to that. What he can't do is  
10 tell the Court what Mr. Fiaz said.

11 THE COURT: Correct.

12 MS. NEWSOME: Your Honor, I'll just remind the  
13 Court, what Mr. Fiaz was asked about --

14 THE COURT: He can talk about what his  
15 understanding about the conversation was. He can't say  
16 he said. All right?

17 MS. NEWSOME: Thank you, Your Honor.

18 Q. (By Ms. Newsome) : Mr. Aslam, I tell you  
19 what, let me get directly to the April 12th  
20 conversation. Were you a part of a conversation with  
21 Mr. Fiaz and Mr. Sharma on April 12th?

22 A. Yeah, that was a conference call arranged by  
23 me between the two of them, and I was part of it.

24 Q. You mentioned that that conference call was  
25 arranged by you, right?

1           A.     Actually, yeah, actually Rohit was concerned  
2     that Sajid hasn't been replying to some of the e-mails,  
3     and since there were multiple issues being investigated,  
4     me and Rohit decided that we should combine them and  
5     send one, you know, e-mail to Sajid containing all the  
6     matters related to this investigation so that he can --  
7     he has one focused thing to look at and answer all of  
8     those.

9                         Since we were working from home and the  
10    whole office is working from home, so sometimes there  
11    are delays in communication. So that call was for the  
12    specific purpose to contain all those words and give a  
13    brief to Sajid and ask him to close this or respond to  
14    this as soon as possible.

15           Q.     Thank you. So how did the conversation  
16    involve Mr. -- on April 12th, how did Mr. Fiaz, how was  
17    he joined in that conversation you were having with  
18    Mr. Sharma?

19           A.     Then we -- once we decided that we have to  
20    bring in Sajid, I called him I think on WhatsApp. I  
21    can't remember exactly what that call was, and then  
22    since it is usually his working -- he's working late, so  
23    usually we will do during those times, so he was able  
24    to -- to -- I mean, he knew that he would join and then  
25    we had a conference call between us.

1 Q. And I just want to clarify. I want you to  
2 clarify for the Court this phone call happened around  
3 12:00 a.m.; is that correct?

4 A. Yes. This call happened at 12 a.m., and in  
5 the letter to the board when he resigned, he had given  
6 us a chart from his cellphone that the call happened at  
7 12 a.m. on that.

8 Q. Is it uncommon to have a call that late or  
9 early in the morning in the Wiseman professional world?

10 A. No. Usually the IT team, and especially  
11 Sajid, he works in the night here. I do also sometimes  
12 work in the night depending on how many client calls or  
13 how many scheduled calls during the night. So it's  
14 usually we work until 12 midnight or sometimes later  
15 than that depending on the workload.

16 Q. Mr. Aslam, during that conversation with  
17 Mr. Fiaz and Mr. Sharma, what is your understanding as  
18 to the context of that conversation to Mr. Fiaz?

19 A. The context was the same that all the ongoing  
20 threads being investigated or probed should be answered  
21 as soon as possible, and we are going to send him a  
22 consolidated e-mail that contains all the points that we  
23 need answer for, and Sajid was briefed about them, and  
24 we told him that if he somehow made a mistake or, you  
25 know, did on somebody's behalf, worked on somebody

1 without to some extent or something like that, he should  
2 come clean, and get all these things answered because  
3 they're ongoing investigation happening in the U.S. so  
4 we need to respond to that by closing this thread email.

5 Q. Were there any threats made to Mr. Fiaz during  
6 that call?

7 A. No.

8 Q. Was Mr. Fiaz's family threatened at all?

9 A. No. This -- these were professional call.  
10 There was no mention of family or even a threat to Fiaz  
11 somehow.

12 Q. And about how long was that phone call; do you  
13 recall?

14 A. I think it was about 30 to 45 minutes. I  
15 can't recall that call, but I think it was 30 minutes to  
16 maybe 40 minutes.

17 Q. And what happened after that phone call?

18 A. The next day Sajid, who was not feeling well,  
19 he either called me or sent a message to me that he's  
20 not feeling well and he's been to hospital. I have  
21 disclosed from my cellphone about that chat. I think  
22 you showed that in your initial remarks, and he was not  
23 feeling well. He had elevated blood pressure. I think  
24 he spent an hour or two in the hospital under  
25 observation, and then they let him go with some blood



1 pressure medications.

2 Q. Thank you, Mr. Aslam. I'm almost done here.  
3 You mentioned that you had -- that there's a copy of  
4 that communication where Mr. Fiaz was telling you he was  
5 in the hospital.

6 MS. NEWSOME: Your Honor, if I may show what's  
7 already been pre-admitted or admitted to the Court as  
8 15A.

9 MR. BRIDGES: No objection.

10 THE COURT: Go right ahead.

11 MS. NEWSOME: Thank you, Your Honor.

12 Q. (By Ms. Newsome) : Mr. Aslam, do you see this  
13 document on your screen?

14 A. Yes, I can see that.

15 Q. Is this the communication you were referring  
16 to on -- later in the day on April 12th?

17 A. Yes.

18 Q. Is this a screenshot from your phone of the  
19 communication you had in I think this is WhatsApp on  
20 April 12th, 2021, with Mr. Fiaz?

21 A. Yes.

22 Q. And these markings over here that appear to be  
23 translations, did you add that there to assist in  
24 translating what the conversation actually said?

25 A. Yes, actually I reported -- I sent these

1 images as part of our HR investigation being launched as  
2 excerpt of Sajid sending letter to the board when he  
3 resigned. So it was requested by I think a lawyer. So  
4 I think Nick. And since he doesn't understand the local  
5 language, so I translated that for him.

6 Q. And this is an accurate translation of the  
7 conversation that you had with Mr. Fiaz?

8 A. Yeah. I had --

9 Q. Okay. And so I want to start here. Is this  
10 you talking that says COVID test, and I'm saying the --

11 A. Yeah --

12 Q. Foreign language here --

13 A. -- I'm asking have you got your COVID PCR test  
14 done, and I'm asking have you consulted doctor. And  
15 then, you know, after a doctor he told me that -- he  
16 send this picture, and this is the hospital in  
17 Islamabad, and he told me he's at that hospital and his  
18 blood pressure is elevated. So the -- actually I think  
19 I called him on his cellular phone, and he told me he's  
20 in the hospital and he would get some tests done, and  
21 then he sent his picture, and he mentioned he had COVID  
22 symptoms and blood pressure was somehow high and then I  
23 asked him are you okay now, and he's saying little  
24 better.

25 I think when he sent this a little better

1 message, he was back at home.

2 Q. So in this conversation, was there any  
3 mentioning of the phonecall that occurred earlier that  
4 morning?

5 A. If you scroll down, I think there's a little  
6 mention of that, and I'm saying that I had calls  
7 conversation with Rohit on the same matter, and he has  
8 given me some news I think on this one. For example, on  
9 10:25 p.m., I am saying I'll call you tomorrow at around  
10 11:00 noon to discuss, and I had a call with Rohit.

11 So the way that he explained me, briefed  
12 me, because I did mention that I was on sick leave  
13 before it. He also informed me some more details on the  
14 matter and that an investigation is being done, and  
15 probably Premier Management Company, which is one of our  
16 clients, is going to launch an investigation of possible  
17 HIPAA breach and what he did on there.

18 Q. So in this communication with Mr. Fiaz who  
19 said that you all threatened him in that phone call  
20 April 12th, are there any threats here in this  
21 communication?

22 A. No, there's no threat. Most of that is  
23 English, so all translation you can see there's no  
24 threat, and actually I -- you can see that actually I'm  
25 concerned about his health. Me and Sajid are very old.

1 We go way back. I first worked with him on -- during  
2 2013 I think in January 2013 by a company in Pakistan  
3 and he was -- I, to the best of my recollection, I know  
4 him since then, so you can see I'm concerned for his  
5 health.

6 Q. You and Mr. --

7 A. If I would have threatened him on that day,  
8 actually him on 12 -- on -- at 12 a.m., I wouldn't  
9 have -- he wouldn't have been answering me about these  
10 conversations. It's just that I'm asking about his  
11 health and I'm concerned.

12 Sajid has, you know, he has some medical  
13 issues since he came back, he joined Sybrid. He has  
14 ongoing celiac disease, and cannot digest food properly  
15 so that's why I'm concerned that what is wrong with him  
16 because he has been stable for at least one year since I  
17 found that celiac disease. He's a very good friend of  
18 mine, so that's why I'm concerned. I was concerned that  
19 what's happening with him.

20 Q. Thank you. Down here the last portion it says  
21 after you tell him to drink fluids and have some  
22 sugar-based juice, it will reduce the headaches, you  
23 tell him that you're going to call him, and down here it  
24 says missed voice call. Is that you reflecting you  
25 trying to call him or him trying to call you?

1           A.    It's -- it's probably me trying to call him  
2 because after that this was the last conversation until  
3 after -- I was not able to reach him after 9:00. He was  
4 not responding to most of my calls.

5           Q.    So, after this communication, Mr. Fiaz didn't  
6 respond to anymore of your calls?

7           A.    Yeah.

8           Q.    You mentioned that you gave this to the human  
9 resource department at Wiseman. Did you also provide  
10 them with a statement?

11          A.    Yes, I also provide -- I initially provide  
12 them with a statement, and then it was -- since I  
13 mentioned these conversations with him in that  
14 statement, I was asked to provide some evidence, and  
15 then I send this evidence.

16                    I can also share the WhatsApp on  
17 April 20th when Sajid resigned, there was already three  
18 more things. There's a voicemail I sent on April 19th  
19 because he was not responding to my calls, so I left him  
20 a voice message, and I can play that message now if you  
21 want to hear it.

22          Q.    No, that's okay. We appreciate you being  
23 willing to provide that, so we'll definitely get in  
24 contact with you for that.

25                    About this statement, and I'm almost

1 done, it was a part of the investigation into these  
2 allegations that you all threatened Mr. Fiaz, right?

3 A. Yes. And Mr. Fiaz -- you must have already  
4 known that Mr. Fiaz has sent a written complaint at the  
5 local police station about the same, and he has also  
6 included Zameer, the CEO of Wiseman right now, Rohit,  
7 and a local lawyer, and Asad Abro about the same, and  
8 Asad or Zameer or local counsel, Mohsin, were never part  
9 of this conference call.

10 Q. My final question here, Mr. Aslam, did  
11 Mr. Rohit -- excuse me, Mr. Sharma tell you to write a  
12 statement?

13 A. No. The statement that I gave to HR was asked  
14 as a result of that investigation when Sajid sent the  
15 letter to them.

16 Q. So it was a company investigation into whether  
17 you and Mr. Sharma actually threatened Mr. Fiaz as he  
18 alleged in his investigation letter?

19 A. Yes.

20 Q. Is that a typical type of investigation when  
21 such allegations are made?

22 A. Yes. It was --

23 Q. In your capacity, are -- oh, go ahead.

24 A. Sorry. It was an internal investigation,  
25 yeah.

1 Q. Okay. In your capacity and your position  
2 dealing with technology and data, are you required to  
3 report data breaches and security infractions?

4 A. As per HIPAA guidelines, we are required to  
5 report any data breach or security breach that we come  
6 to know as soon as possible, and I think most of our  
7 clients on -- are required to report that as well.  
8 Since we are working on their behalf, we are required to  
9 report that as soon as possible.

10 Q. Do you recall Mr. Fiaz asking for leave right  
11 after the alleged incident that he claims that he was  
12 threatened?

13 A. Yes. He --

14 MR. BRIDGES: Objection, Your Honor. Hearsay.  
15 Asking for what Mr. Fiaz may have said is, again, out of  
16 state court -- out of state declaration.

17 THE COURT: Rephrase your question.

18 Q. (By Ms. Newsome) : Are you aware that Mr.  
19 Fiaz asked for leave from the company after these  
20 allegations of threats?

21 A. Yes. Since Mr. Sajid he sent an email on  
22 April 16th that he's applying for a federal leave, and  
23 the reason for that is that he is traveling to the city,  
24 and I was surprised that he is -- that he's not feeling  
25 well and he's not responding to e-mails, but he's able

1 to travel to another city.

2 Q. Travel to where again?

3 A. In the city.

4 MS. NEWSOME: All right. Your Honor, I pass  
5 the witness.

6 MR. BRIDGES: Thank you. We've got screen  
7 sharing ongoing.

8 MS. NEWSOME: Okay.

9 MR. BRIDGES: Although it's not appropriate  
10 for me to complain about that given my own error.

11 CROSS-EXAMINATION

12 Q. (By Mr. Bridges) : Thank you, Mr. Aslam. Are  
13 you the CEO at Wiseman Pakistan?

14 A. Yes.

15 Q. Are you a director at Wiseman Pakistan?

16 A. In terms of our registration, I can't recall,  
17 but I have to look at the document. I'm not sure what I  
18 am right now.

19 Q. How did you become the CEO at Wiseman  
20 Pakistan?

21 A. It was announced by Zameer who was a CO of  
22 Wiseman.

23 Q. When did that happen?

24 A. I think back in June 2020.

25 Q. Okay. And you filed papers with the -- well,



1 let me back up. You don't know whether or not if you're  
2 a director. Do you know if there are other directors?

3 A. I can't recall right now. I have to look at  
4 the company documents. They're not in front of me right  
5 now.

6 Q. Being a director means you're on the board,  
7 right, board of directors?

8 A. Of Wiseman SMC Private Limited?

9 Q. Yes.

10 A. Yes.

11 Q. You are on the board at Wiseman. In fact, are  
12 you the only board member?

13 A. I have to look at the -- our invocation  
14 documents. I am one of the board members.

15 Q. So when you have board meetings, do you look  
16 around and you're by yourself?

17 A. Yeah, actually we -- we didn't have any  
18 physical board meeting, and I think the only board  
19 meeting that happened was I had to sign some documents  
20 to amend our bank accounts, so that was me only.

21 Q. Okay. Are you aware that in Pakistan to  
22 become a CEO or director of a company that you have to  
23 file papers with the Government?

24 A. Yes, we have to file papers with security  
25 information with Pakistan, and we did file that, and I

1 was mentioned as the CEO there.

2 Q. Yeah. And did you file that?

3 A. I have a second company which is also a  
4 company and filed that on our behalf.

5 Q. Who's that?

6 A. Actually, we have a consulting company that  
7 looks into legal matters, and they filed that and I  
8 signed that. So they filed on my behalf.

9 Q. Okay. So it's your signature?

10 A. Yes.

11 Q. And who is this consulting company?

12 A. I think it's name is JSV.

13 Q. Oh. Are they your outside accountants?

14 A. Yes, they're also our outside accountants.  
15 They have another department or system handles legal  
16 matters and also these filing matters.

17 Q. Okay. And the reason that you have to file  
18 papers with the government, with the SEC of Pakistan, is  
19 because these are changes in corporate governance; is  
20 that right?

21 A. Yes.

22 Q. Those papers, the ones that you signed, well,  
23 let's look at them. Exhibit 8, I'm going to share my  
24 screen again. Let's see if I can do it a little more  
25 competently than when I tried before.

1                   Mr. Aslam, do you see Exhibit 8, SEC  
2 certificate of incorporation?

3           A.    I think you're sharing wrong screen. I am  
4 seeing Zoom trust center.

5           THE COURT: We're just seeing your Zoom  
6 screen.

7           MR. BRIDGES: Thank you. That sounds about  
8 right for me. I need to click on it, and then click  
9 there. How about now?

10          THE COURT: Yes.

11          MR. BRIDGES: Thank you so much. Appreciate  
12 your patience. Exhibit 8, do you recognize this as the  
13 certificate of incorporation for the company that you're  
14 the CEO of, Wiseman Pakistan?

15          A.    Yes.

16          Q.    And its formal name right here in the middle  
17 of the page, Wiseman Innovations SMC Private Limited,  
18 that's the formal name of the company, right?

19          A.    Yeah, that seems to be correct.

20          Q.    Okay. If we scroll down, here's another SEC  
21 filing. Can you tell us what this is?

22          A.    This is acknowledgment of filing with SEC.

23          Q.    And we have another certificate here and then  
24 an application for company incorporation. Do I have  
25 that right?

1 A. Yes. Can you Zoom a bit? It's unclear.

2 Q. I'm happy to Zoom all of them for you, any or  
3 all of them. Do you recognize it?

4 A. Yes.

5 MS. NEWSOME: Your Honor, I'm just going to  
6 raise an objection here. I don't know what the  
7 relevance of this document is. We're here about  
8 allegations of threats. This is irrelevant.

9 THE COURT: Mr. Bridges, where are we going  
10 with this?

11 MR. BRIDGES: If you'll give me just a little  
12 bit of leeway, I'm almost done. It's his signature here  
13 at the end appointing him as director and CEO.

14 THE COURT: Gotcha.

15 MR. BRIDGES: Thank you, Your Honor.

16 Q. (By Mr. Bridges) : Here we are, Your Honor.  
17 One more down. And we are at -- nope. Thank you.

18 Page one of two. Where's our date?  
19 September 9th, 2020, is the date of this last filing  
20 with the SEC of Pakistan. Do you see that, sir?

21 A. Yes.

22 Q. Is this the document we were talking about  
23 earlier that appoints you as the CEO and director?

24 A. Yes.

25 Q. All right. If we look here at box, I guess a

1 series of boxes named particulars, 2.1, new  
2 appointment/election, right?

3 A. Yes.

4 Q. And then here right under present name in full  
5 we've got your name there, Mr. Aslam?

6 A. Yes.

7 Q. And you are being designated in column E here  
8 as director?

9 A. Okay.

10 Q. And under column D, it lists your residential  
11 address?

12 A. No, this is our office address.

13 Q. Okay. You get mail at that address?

14 A. Yes.

15 Q. Okay. And then the next line down is you  
16 again, and it lists you in category EEO, row E, as the  
17 chief executive, right?

18 A. Yes.

19 Q. So this is the document you mentioned earlier  
20 that you signed?

21 A. Yes.

22 Q. It lists our ceasing officer due to retirement  
23 or resignation in 2.2; do you see that?

24 A. Yes.

25 Q. And that's Mohammad Sohail, correct?

1 A. Yes.

2 Q. He's the Plaintiff in this case. You know  
3 Mr. Sohail, right?

4 A. Yes, I do know him.

5 Q. And it lists an address for him as well. Do  
6 you know this address?

7 A. Yes, it is our previous company address.

8 Q. That's not where Mr. Sohail would be receiving  
9 mail in September of 2020, correct?

10 A. Yes, this is the address when he was  
11 appointed. This is the same address.

12 Q. Right. So if the SEC tried to reach out to  
13 Mr. Sohail about this filing, they certainly wouldn't  
14 find him at that address, correct?

15 MS. NEWSOME: Objection, Your Honor. We have  
16 tolerated this. He still hasn't gotten to the point to  
17 how this connects with the threats and all of the  
18 investigations. It seems like he's trying to make a  
19 claim of some type of fraud with the SEC and he needs to  
20 file that if he wants to.

21 MR. BRIDGES: Your Honor, this is cross. I  
22 just have a couple questions left.

23 THE COURT: All right. I'm not sure how this  
24 is going to help me, but...

25 THE WITNESS: Mr. Jonathan, sorry, Sohail

1 would not receive e-mail or mail on this address or the  
2 address mentioned in this. My mailing is not in  
3 Pakistan, on this filing not in Pakistan. Not in  
4 Pakistan.

5 Q. (By Mr. Bridges) : Right. And not in  
6 September of 2020, two months after he left the company,  
7 right?

8 A. Yep.

9 Q. And then we have a declaration, 3.1, I hereby  
10 solemnly and sincerely declare that the information  
11 provided in the form is true and correct. Do you see  
12 that?

13 A. Yes.

14 Q. Did you sign that declaration, sir?

15 A. Yes.

16 Q. But it's not your name in the signature box,  
17 is it?

18 A. Let me see. This is a declaration by Sohail I  
19 think.

20 Q. And what's the date?

21 A. 9/9/2020.

22 Q. Yeah, two months after Mr. Sohail left  
23 Wiseman, he's making a declaration to the SEC of  
24 Pakistan on a document you said you signed; is that  
25 correct, sir?

1 A. Yes. Apparently, yes.

2 Q. Did you forge Mr. Sohail's signature on this  
3 document to the SEC of Pakistan, sir?

4 A. No, I think our service company sent this  
5 documents to USN and he electronically signed them.

6 Q. You believe Mr. Sohail signed these documents  
7 two months after he left Wiseman; is that your  
8 testimony, sir?

9 A. Yes. You can see that it's sent and  
10 electronically signed by Mr. Sohail.

11 Q. Oh, I do see that it says that, but you did  
12 tell us just a few moments ago that you signed this  
13 document, right?

14 A. This is a declaration of signature, not a  
15 document -- there are other documents with this filing  
16 that I signed also. So there are multiple signed,  
17 multiple places where I have to sign, so I'm not sure  
18 what you're asking for.

19 Q. I'm asking if you forged Mr. Sohail's name  
20 here because he clearly didn't sign it?

21 A. No. No, I didn't.

22 Q. Do you know who did?

23 MS. NEWSOME: Objection, Your Honor. Assuming  
24 facts not in evidence.

25 THE COURT: Let's take out who forged and say



1 who signed.

2 MR. BRIDGES: Certainly, Your Honor.

3 Q. (By Mr. Bridges) : Do you know who signed  
4 this document, sir?

5 A. I'm not sure. I think these documents were  
6 sent to U.S., and Mr. Sohail signed them and then  
7 revised them.

8 Q. But you don't know; is that right?

9 A. Yes, I don't know that it was actually signed  
10 by Sohail. This was my understanding that all these  
11 documents, because this company is owned by Wiseman  
12 U.S., so a lot of signatures was sent to U.S. and then  
13 they came back and then filed.

14 Q. So the document that changed the CEO and the  
15 one member board of Wiseman Pakistan was, to your  
16 knowledge, signed in Mr. Sohail's name by someone and  
17 you don't know who that is; is that your testimony?

18 A. I believe it was signed by Sohail himself and  
19 I believe it was.

20 Q. You believe it because someone told you that?  
21 Why do you believe it?

22 A. Because this is what usually happens is that  
23 whenever there's a documentation that needs to be signed  
24 by people in U.S., those documents are sent to U.S. and  
25 those people sign them. So I believe that when Sohail

1 resigned, and when this change of, you know, company was  
2 and CO was filed, these documents were also documents  
3 were sent to U.S. and all the appropriate parties signed  
4 them.

5 Q. And if Mr. Sohail says he never saw this  
6 document and never signed it and didn't have any  
7 communication about it, are you in a position to say  
8 that's incorrect, sir?

9 A. I am not in -- I am not saying it is  
10 incorrect, but I doubt that because this is 2020 and Mr.  
11 Sohail never complained about this.

12 Q. This document that we retrieved from the SEC  
13 stamped May 20th, 2021?

14 A. Yes. You received it on 2021, but this  
15 document was -- it was signed in somewhere in 2020 and  
16 you can go on top and see both this.

17 Q. Actually we can see it right here. September  
18 9th, 2020, two months after Mr. Sohail left the company.

19 MS. NEWSOME: Objection, Your Honor. Asked  
20 and answered. Still not relevant.

21 MR. BRIDGES: Withdrawn. I'm done. No more  
22 questions.

23 MS. NEWSOME: No questions, Your Honor.

24 THE COURT: Can we release this witness?

25 MS. NEWSOME: Yes.

1 MR. BRIDGES: Yes, Your Honor.

2 THE COURT: Thank you, Mr. Aslam. You deserve  
3 a gold star with a Swarovski Crystal in it. We  
4 appreciate your being with us for so long. Thank you  
5 very much and get some sleep.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Can we take down?

8 MR. BRIDGES: I learned this, Your Honor.

9 THE COURT: Okay. Where's Terri? Terri, do  
10 you want a ten minute break and then we'll have closing  
11 statements? All right. So it is 3:16, so let's say  
12 3:31. I'll give you an extra minute so let's say 3:32.

13 (Brief recess.)

14 THE COURT: Let's go back on the record. We  
15 went off the record for a short break. We are now ready  
16 for closing statements. Mr. Sbaiti.

17 MR. SBAITI: Thank you, Your Honor. May I  
18 share my screen?

19 THE COURT: Please.

20 MR. SBAITI: Your Honor, I'm going to start --  
21 stand rather where we started which is this exact same  
22 PowerPoint we began with. Now that you've heard the  
23 testimony, I think you'll see where we were going with a  
24 lot of this stuff.

25 So the first thing starts off with the

1 relief that we requested. I do need to read it all  
2 again into the record, but what it is simply asking for  
3 are the types of threats you heard testimony about  
4 today, that there would be consequences if testimony  
5 wasn't given that they were eliciting or some kind of  
6 positive inducement. Testify the way we want and we'll  
7 protect you, we'll make sure the authorities don't come  
8 get you. That's the testimony you heard today from Mr.  
9 Sajid, and that's what we're saying shouldn't happen.  
10 There should be a blanket injunction against anybody  
11 doing that against the witnesses that are obviously  
12 known in this case. And one of the things we say is it  
13 could be disclosed witnesses, and we do say a potential  
14 witness but that's because, to Ms. Newsome's point, you  
15 know, they could simply not disclose witnesses or take  
16 witnesses off of their disclosures while they rough them  
17 up and then put them on there once they get the  
18 testimony they want.

19 She accused us of being able to  
20 gamesmanship with that type of arrangement where we  
21 could put everybody on our list. Here's the difference,  
22 Your Honor. The difference is that if anyone of those  
23 people who's on the list says they been roughed up,  
24 before anything happens they're going to come before  
25 Your Honor and you're going to hear their testimony.

1                   Whereas if you don't have an injunction,  
2 then the thing that happened to Mr. Sajid who was strong  
3 enough to withstand it, well, other people may not be,  
4 and how will we ever know. They won't come forward, and  
5 now we have tainted witnesses who have been either  
6 pressurized or threatened, whatever terminology we want  
7 to use. I believe Mr. Sajid used the phrase that he had  
8 dire consequences, and the argument to him that was made  
9 is that he'd be in heaven if things persisted the way  
10 they were, and he took that as the threat against the  
11 safety of himself and his family.

12                   The second thing we're asking, Your  
13 Honor, is for the three individual Defendants, not that  
14 they can't talk to anybody, not that they can't talk to  
15 witnesses, but they can't talk to people in Pakistan who  
16 obviously are potential witnesses without Wiseman's  
17 outside counsel present. And the interesting thing  
18 about this, Your Honor, is it's not a burden at all.  
19 You notice Mr. Sharma already e-mails people by  
20 including counsel. All we're asking is to make that a  
21 rule, and I don't see how that could be at all  
22 burdensome. Why wasn't counsel on this phone call? Why  
23 is he including him on the written side but not on the  
24 telephone side? And I'll get to the evidence in a  
25 moment, Your Honor. But for them to say this is

1 burdensome or inhibits their ability to do an  
2 investigation really begs the question: Why aren't the  
3 lawyers doing the investigation to begin with? I  
4 believe they said their lawyer in Pakistan is the one  
5 who did that investigation. So why is Mr. Sharma doing  
6 the investigation? Why is Mr. Kazi or Sachedina? There  
7 are other people, both inside and outside of Wiseman,  
8 fully capable of conducting these investigations, but  
9 they don't have the history of these gentlemen, and the  
10 power structure that these gentlemen apparently have to  
11 abuse it.

12 All we're asking is if it's these three  
13 gentlemen, outside counsel needs to be on the email or  
14 on the phone. I don't think that's overly burdensome at  
15 all, and it provides at least some kind of a check. We  
16 trust Ms. Newsome, Mr. Ross, Mr. Kratovil if he's still  
17 on, Mr. Hurst. We trust them to do the right thing. We  
18 know their reputations. They're accountable here. We  
19 don't think they're going to be involved in doing the  
20 wrong thing. Having them involved in the investigation  
21 seems like the most sensible precaution to take, not  
22 only for us, but probably for Wiseman as well.

23 So why should the Court issue this  
24 injunction? Once again, Your Honor has the inherent  
25 authority to protect the integrity of the judicial

1 process. In aid of its jurisdiction, the preservation  
2 of Your Honor's independence and to make sure that the  
3 judicial process is fair for the Plaintiff. As I'll  
4 remind Your Honor, that this really comes down to a  
5 potential obstruction of justice at least on the civil  
6 side which I don't think should be countenance. And, of  
7 course, the Texas Supreme Court's already held that that  
8 type of obstruction does amount to irreparable harm.

9 Now, earlier on in the opening arguments,  
10 the point was made that we haven't shown we have a  
11 chance of success on the merits. Your Honor, that's  
12 completely incorrect. We already have a Temporary  
13 Injunction in this case where Your Honor found my client  
14 has a cause of action and has demonstrated a reasonable  
15 chance of success on the merits. Those are not the law  
16 of the case. They can't say we've got to prove that  
17 again to and there's no need to. What we're really  
18 talking about here is the integrity of the judicial  
19 process.

20 The burdens. Again, we have a burden of  
21 production. I think we've met that burden. I think  
22 Mr. Sajid was incredibly credible, and I hope Your Honor  
23 found him credible. He had the answers, all the details  
24 they were asking about, he could explain the details, he  
25 could explain the distinctions. He pointed out two very

1 fundamental distinctions is that these men are clever  
2 enough not to put their threats in writing. They put  
3 their question in writing, and then they follow-up with  
4 phone calls where they make threats. Don't say it this  
5 way, we want you to blame Sohail, we want you to say  
6 that he took it, we want you to say not that he got that  
7 file in 2017, but he got that file with the Premier  
8 Sybrid HIPAA data in 2020 so that we can actually go  
9 after him so everything is blamed on him. That, Your  
10 Honor, is tainting evidence.

11           It's manufacturing evidence, and the way  
12 this is supposed to work is that Mr. Sajid has to give  
13 the testimony he believes is true. They could elicit  
14 the testimony from him, but if he says that's not true,  
15 they can't threaten him. They can't threaten him with  
16 duress that we're going to turn you over to the police.  
17 They can't threaten him with duress something is going  
18 to happen to your family. They can't put it in a  
19 question to sort of, you know, throw their hands up,  
20 what will happen to your family? What's your family  
21 going to do if this goes forward? Look at you, you're  
22 already in the hospital. Next you're going to the ICU.  
23 All of those, Your Honor, are different ways of making  
24 threats and putting pressure on a potential -- or an  
25 actual witness according to them.



1           That's highly, highly improper, and all  
2 we're asking Your Honor to do is put it in an order that  
3 at least makes an attempt for us to make sure that that  
4 never happens again because I don't know that the next  
5 guy is going to be strong enough, like Mr. Sajid, to  
6 reach out and say this is what happened to him.

7           This is not a trial on the merits, Your  
8 Honor, and Defendants' denials of what Mr. Sajid said  
9 aren't really the relevant point. I believe we've met  
10 our burden of production.

11           We talked about Mr. Sajid. I called him  
12 the IT director. That was probably too general. But he  
13 manages their IT infrastructure. Topnotch employee. As  
14 he testified, and as I mentioned he would testify, he  
15 was detained by Wiseman's employees, Mr. Abro and Mr.  
16 Mohsin, who's the actual lawyer there, and Mr. Aslam who  
17 you heard from. He was held in an office. They sat  
18 right around him and crowded around him and told him he  
19 needed to say certain things. He said those things  
20 weren't true.

21           Then he was told to lie about my client's  
22 actions having to do with taking Premier Sybrid's --  
23 Sybrid's private information. Then he was threatened  
24 with dire consequences to himself and his family if he  
25 didn't say what they wanted him to say which caused him

1 to be hospitalized. He got a call at the hospital  
2 saying your next step is the ICU and after that it's  
3 jenma, which is the word for going to heaven. As he  
4 said, he took that to mean he was going to be no more.  
5 He was threatened again on the phone.

6 He resigned in a letter. He spoke the  
7 truth to Wiseman's board. He would not lie about my  
8 client, Mr. Sohail, and the thing that's important about  
9 this letter, Your Honor, is that the thing that they  
10 also threatened him with is he'd be made an example of  
11 just like Mr. Waleed Khalid. In other words, Your  
12 Honor, they said we're going to criminally prosecute you  
13 unless you say the things we want you to say. This is  
14 the third time this strategy has been used in this case.  
15 First, against my client, then against Mr. Khalid, now  
16 against Mr. Sajid.

17 This investigation that they say has been  
18 started off last March, Your Honor, which I would say  
19 isn't true, but it doesn't really matter for today's  
20 proceeding, this investigation they claim started off  
21 last March resulted in no firings when the initial  
22 investigation was finished. When the investigation by  
23 their external lawyer that they talk about was finished,  
24 remember they filed criminal complaints. They testified  
25 themselves they filed criminal complaints in November

1 and December. Mr. Sajid's nowhere in that complaint,  
2 and now they're saying he's an integral part of this  
3 entire scheme, yet it's only now in April and May that  
4 they're saying now is the first time they've been able  
5 to tie him to that. There's zero credibility to that  
6 statement, Your Honor.

7 He resigned. He said he wasn't going to  
8 lie about Mr. Sohail or any of the other evidence that  
9 they want. And again, I come back to the timing, Your  
10 Honor. The Sybrid case, the companion case to this one  
11 was filed April the 30th. It was filed days after there  
12 was a shift in the criminal proceedings in Pakistan, and  
13 it was obviously started sometime in April according to  
14 this investigation.

15 Now, Mr. Sharma testified that the reason  
16 it started so late was because of subpoenas that we sent  
17 out. And if you remember what he said, and I tried to  
18 write it down as fast I could but he kind of talks fast  
19 and I don't write very fast, he said based upon what was  
20 in the subpoena, there was no way Mr. Sohail could have  
21 kept all this Sybrid data in his head and so he must  
22 have gotten ahold of it and kept it. That's basically  
23 what he testified to.

24 Here's the subpoena he's talking about,  
25 Your Honor. It's filed. This is the filed notice of

1 subpoena with the Court, and it was filed on March 26th  
2 of this year. I believe this is a complete pretext.  
3 All this is, Your Honor, is a notice of deposition to  
4 this Premier doctor because we believe that my client  
5 blew the whistle on some things that happened at  
6 Premier, and that this whole case started off as a  
7 retaliation by Mr. Kazi and his henchmen against my  
8 client.

9 MS. NEWSOME: Your Honor, I have to object  
10 because that's not evidence, Your Honor. I mean, it  
11 wasn't even presented before Your Honor.

12 THE COURT: It's closing statement.

13 MR. SBAITI: Your Honor can take judicial  
14 notice. This is a filing in your docket. All I'm  
15 showing you is they should have put this up in front of  
16 you with Mr. Sharma. Your Honor, if you look at this,  
17 there's nothing in here. There's no substance in here  
18 for Mr. Sharma to testify under oath in front of Your  
19 Honor that this document is what made him think that  
20 there's so much information my client must have known  
21 that he had to have had access to Sybrid's and Premier's  
22 health data is a complete crock. It's absolutely  
23 incredible. The fact they didn't put up an actual  
24 document, this is the document and all the subpoenas we  
25 sent out look just like this, Your Honor. I'll say that

1 as an officer of the Court. There is not more  
2 substance. There is no substance here that would  
3 suggest that we're looking for things about any  
4 particular patients because that wasn't what we were  
5 looking for.

6 As I just said, there's nothing in here  
7 about the practices for those patients. That has  
8 nothing to do with any of this. The entire Sharma  
9 testimony is completely based upon this idea that the  
10 investigation was spurred upon the subpoena and the  
11 subpoena is completely silent on what he says it says,  
12 so it's absolutely incredible, Your Honor.

13 Contrast that to Mr. Fiaz. Mr. Fiaz has  
14 absolutely no reason to lie. He quit a very high paying  
15 job in Islamabad. Now he's having to work a consultant.  
16 He's not a relative of my client. He's not Wiseman's  
17 current employee. He has no reason to make anything up.  
18 They said well, you know, they were looking to embroil  
19 him in the criminal investigation. Well, the criminal  
20 investigation supposedly had ended last winter. All the  
21 sudden there's a new criminal investigation. Well, of  
22 course there is because that's the game. You start  
23 trumping up charges to threaten people if they don't say  
24 things or do what you want. They use fear.

25 He's already filed a police report in

1 Pakistan and underwent several hours of his own  
2 interrogation. He has nothing to gain by any of this,  
3 Your Honor. He testified and it went completely  
4 uncontradicted that any of the things they're saying he  
5 did, any of the accesses that they say he accessed for  
6 Sybrid Premier's data or that my client accessed would  
7 have to have gone through the Cloud and then there would  
8 have been a log. Where's the evidence of that? Where's  
9 all the evidence of all this access they insist had to  
10 have happened as a basis for the criminal charges  
11 against Mr. Sajid that they want to now save him from or  
12 protect him from if it's an honest mistake or a not  
13 honest mistake. It's all a lie. It's all a construct  
14 to cover over the fact that these are pros. These are  
15 pros at misdirection and at mental manipulation.

16           And I'd like to point out one thing  
17 Mr. Sharma said as well. He testified he was in the  
18 Navy, and he's a warship engineer, and his title, on  
19 this title he is some kind of product development  
20 specialist or the head of product development. Maybe it  
21 makes sense for a warship engineer to be a product  
22 development specialist in a software company, but I'll  
23 set that aside.

24           Why is a former warship engineer/product  
25 development specialist leading lawyers and nonlawyers in

1 an internal investigation if it's not the case that this  
2 man has, as we said he did, this man has training in  
3 espionage, essentially; that he is an intelligence  
4 officer in manipulation and misdirection. That's why  
5 he's the head of this internal investigation. There is  
6 zero explanation for why he is otherwise. Can you  
7 imagine in all the cases you have where there's internal  
8 investigations, you ever see the software specialist  
9 leading the investigation or the CEO or the senior VP?  
10 No. It's usually the in-house lawyer who has certain  
11 specific obligations and then outside counsel. They're  
12 actually on the e-mails as you see, but they're not ones  
13 asking the questions. Why are they not the ones asking  
14 the questions as would happen in any other  
15 investigation, in any other company?

16           The reason is obvious because they don't  
17 want the truth. They want the answers they can use to  
18 manipulate the witnesses to collaterally attack my  
19 client and create a sideshow lawsuit like the Sybrid  
20 action. We've gone open Kimono in that thing. We've  
21 shown every device that we have, every laptop we have,  
22 and that'll soon be done, I hope on Tuesday, and you'll  
23 see. He's kept nothing. There's no evidence that any  
24 Sybrid material was sent to anybody. Any of the  
25 communications that Mr. Kazi swore happened, we'll be

1 proving those never happened. And the reason for all of  
2 this charade, Your Honor, is to collaterally attack my  
3 client, and it's the brainchild of Mr. Sharma.

4           If we have to at trial, Your Honor, we'll  
5 parade a series of Mr. Sharma's former clients because  
6 he was like an intelligence coach, a business coach to  
7 teach people how to do things and how to manipulate.  
8 We'll parade them in front of the Judge -- in front of  
9 the jury if we have to to support our allegation that  
10 that is what he was teaching people and the type of  
11 services he was offering.

12           I go back to their positions. I think I  
13 called it fairly straightforward. This is their three  
14 defenses. The first thing there's technicalities.  
15 You're going to hear an argument that our pleading is  
16 technically deficient. I encourage Your Honor to go  
17 back to the TRO and see what we said. We attached both  
18 Mr. Khalid's and Mr. Sajid's testimony, sworn testimony,  
19 and then I affirmed that that -- that what we had  
20 attached said what we said it said. That's all I have  
21 to do, Your Honor.

22           If the only people who can bring a  
23 Temporary Injunction or even a TRO are the people who  
24 are in the room, well, Your Honor, that literally means  
25 no one could ever bring an injunction to prevent witness



1 harassment unless they were actually -- unless the  
2 actual litigant was in the room. That's an absurd  
3 result, Your Honor, and that's clearly not what the  
4 rules were meant to do, and not what the rules are  
5 designed to do. The technical deficiency is at best an  
6 after-thought, plus, I argued, Your Honor, they waived  
7 it because they should have brought it up before the TRO  
8 which is the first chance they had to argue.

9           And then they just did the thing I said  
10 they're going to do and just exactly what they did is  
11 they just contradicted Mr. Fiaz. Did you say this? No,  
12 I didn't. Then they show you a bunch of documents  
13 saying, well, you didn't put it in writing, so clearly  
14 it must not have happened. That's not credible, Your  
15 Honor. What is credible is the series of writings. The  
16 series of writings as you see after there's an admitted  
17 conversation where Mr. Fiaz has sent him to the  
18 hospital. The very next day more pressure is put on  
19 him: Give us answers. And, of course, counsel is cc'd  
20 so that it looks all on the up and up.

21           Then Mr. Bilal calls, and you heard the  
22 testimony from both Mr. Bilal and Mr. Sajid that he did  
23 speak to Mr. Bilal after. And what did Mr. Bilal say?  
24 You just need to do what they want you to do, how are  
25 you going to protect yourself, you need to just say what

1 he wants you to say and the thing will go away. And  
2 after that Mr. Sajid said he stopped talking to  
3 Mr. Bilal, and Mr. Bilal just confirmed that on direct.  
4 After that call right about the 13th, they never spoke  
5 again. And Mr. Sajid ignored his e-mails. Why?  
6 Because Mr. Bilal's his best friend? Because Mr. Bilal  
7 is really looking after his health and he turned away  
8 from him because Mr. Sajid had a genuine fear of a  
9 criminal investigation in the eight days before he  
10 resigned? No. All of that's trumped up post-hoc after  
11 the fact in order to cover up the threats that they  
12 made.

13                   The last thing they tried to do, Your  
14 Honor, and this is the long diatribe you heard from Mr.  
15 Sharma is they tried to justify their actions. We  
16 needed answers because this is a huge HIPAA violation so  
17 we have to put pressure on people to answer. No, they  
18 don't, Your Honor. That's not what happened here. What  
19 happened here is that they asked questions that they  
20 knew they needed to attack my client and to compromise  
21 these proceedings. That's all that happened because  
22 outside of asking him, you've seen not one shred of  
23 evidence that any of these violations actually occurred.  
24 They said that they did, but they presented no evidence  
25 that they did.

1           You can't intimidate witnesses into  
2     testifying how you want them to testify to. I would  
3     even go so far as to say, Your Honor, even if what they  
4     wanted him to say was true, you can't intimidate people  
5     into saying what you want them to say, especially  
6     whereas here they just agree that what you're saying is  
7     true. That's the point. People have to have their own  
8     truth. Witnesses have to say what their truth is, and  
9     if you disagree, you cross-examine them. You impeach  
10    them with other evidence. That's how it's supposed to  
11    be done.

12                   Finally, Your Honor, there's no prejudice  
13    from what we're asking you for. We've prepared a  
14    proposed Temporary Injunction that we'll send along here  
15    in a minute. We wanted to wait until after the close of  
16    evidence to make sure the evidence that we expected to  
17    get in, got in, and we can e-mail that to Your Honor in  
18    Word if you'd like, and we'll CC opposing counsel.

19                   But, Your Honor, my final point is  
20    there's no prejudice to the Defendants. The entire  
21    opening argument was predicated on the relief we asked  
22    for in the TRO. It had nothing to do with what we're  
23    asking for today. We're allowed to ask for less,  
24    especially since we took into account their arguments.  
25    They made some points that we thought, you know what,

1 those are probably decent points, and it might make  
2 Judge Williams' job that much harder so maybe we can  
3 come up with a narrower scope that way we would advocate  
4 for would at least do something if it doesn't do  
5 anything.

6           We're not asking for a mandatory  
7 injunction. Your Honor's TRO didn't even include a  
8 mandatory injunction. Even if I just asked for your  
9 TRO, there wasn't a mandatory injunction. They're still  
10 going off the original application. This entire  
11 argument has evolved since then. The converse of not  
12 doing this injunction, Your Honor, is the immense risk  
13 to the judicial process.

14           Mr. Fiaz, he's the most credible person  
15 you heard today. He's the only person without a dog in  
16 this fight. It doesn't help him to be here. It doesn't  
17 hurt him to be here. He's just a witness. He has no  
18 incentive to not tell the truth, and, Your Honor, I'd  
19 ask for the injunction.

20           THE COURT: Mr. Sbaiti, can you go back to  
21 slide number two, please?

22           MR. SBAITI: Yes, Your Honor. This one?

23           THE COURT: Yes. When you talk about their  
24 principles, agents, servants, employees,  
25 representatives, wouldn't that include counsel?

1           MR. SBAITI: Yes, Your Honor. I don't think  
2 counsel should be threatening anybody with consequences  
3 if they don't testify. I wouldn't do it. So, for this  
4 part, I think we do include counsel. That includes  
5 anybody. I don't think anyone should be allowed to  
6 intimidate witnesses, Your Honor. This one that we  
7 don't --

8           THE COURT: Yeah, I get that part. All right.  
9 Can you send the Court also a copy of your PowerPoint?

10          MR. SBAITI: Absolutely.

11          THE COURT: All right. Ms. Newsome?

12          MR. SBAITI: Can I make one final argument? I  
13 apologize. Going back to the start of this, I just want  
14 to make one point that we made that I think is really  
15 important. Mr. Sharma sends this file on Tuesday,  
16 April 13th, to Mr. Fiaz asking about this file right  
17 here, StevenMartinez-MSohail.pst, which is an e-mail  
18 file. Mr. Fiaz testified this was created in 2017.  
19 Now, even if this were somehow the lead that they had  
20 about access to Sybrid data, I show you the date of  
21 August 9th, 2020. They've had this since August of  
22 2020. They've been investigating this, according to  
23 their own affirmative defenses, they've been saying my  
24 client took sensitive data, and this goes all the way  
25 back to September.

1                   For them to say that this all started  
2 recently, it isn't completely trumped up bogus  
3 allegations, especially now that they're trying to put  
4 pressure on Mr. Sajid, Your Honor, is wholly incredible  
5 we would argue. I'll conclude my remarks with that.

6                   THE COURT: Okay. On behalf of the defense?

7                   MS. NEWSOME: Yes, Your Honor. The injunction  
8 that Mr. Sohail is seeking from this Court would simply  
9 restate and reemphasize Defendants' existing obligations  
10 and requirement not to harass or not to intimidate.  
11 And, Your Honor, since those obligations are already in  
12 place, there are also remedies already in place where  
13 the Court does not have to issue an injunction,  
14 especially an injunction that is so sweeping as what  
15 Mr. Sbaiti is trying to offer and get the Court to  
16 enter.

17                   So there's adequate remedies to prevent  
18 and cure witness intimidation that already exists, Your  
19 Honor. The record before Your Honor, it wouldn't even  
20 support any additional extraordinary relief that  
21 Mr. Sbaiti is trying to get the Court to enter.

22                   What Your Honor heard today is what we  
23 recall he said they said. He said from the standpoint  
24 of not a disinterested witness; a very interested  
25 witness. You heard testimony from Mr. Sharma that Mr.

1 Fiaz has been implicated in what we believe to be money  
2 laundering as well as very extreme data breach of HIPAA  
3 information. He has been implicated in that. There is  
4 evidence, as provided by Mr. Sharma, there's evidence he  
5 enabled Mr. Sohail to have access to information he was  
6 not supposed to have access to. So I disagree with  
7 Mr. Sbaiti's comment. No, Mr. Fiaz does have a dog in  
8 this fight. He is very much interested. That's one  
9 witness, Your Honor, they brought today. But we brought  
10 two witnesses, Your Honor. One they're accusing -- both  
11 of them they're actually accusing of alleged threats,  
12 Mr. Sharma and Mr. Aslam.

13           So what Your Honor has before her, no  
14 documented evidence, no written documentation showing  
15 any threats, no screenshots, no recordings despite what  
16 we heard Mr. Fiaz say. Nothing except the testimony of  
17 Mr. Fiaz who we think is an interested witness here, and  
18 the testimony of two other individuals who were also on  
19 that same phonecall, Your Honor, on April 12th.

20           So it's really the battle of he said,  
21 they said, Your Honor. There is nothing in this record  
22 that would support a very sweeping injunction that  
23 Mr. Sbaiti wants this Court to enter that prevents our  
24 clients from possessing their own business, that  
25 prevents our clients from talking to anybody regarding

1 an investigation or business related materials that also  
2 acts as a prior restraint of speech. That is a direct  
3 violation of the Constitution. Your Honor, there is  
4 nothing in the record to support that.

5 I do object to Mr. Sbaiti bringing up  
6 Mr. Khalid who he said he was going to bring here and  
7 didn't bring today, Your Honor, but he brought up his  
8 testimony anyway and said that our clients didn't --  
9 this is not the first time. The first time was with  
10 Mr. Khalid. Your Honor, that is completely  
11 inappropriate because there's been no testimony as to  
12 any threats or any happenings with Mr. Khalid.

13 Also, Mr. Sbaiti vastly mischaracterizes  
14 the testimony of Mr. Sharma. Mr. Sharma did not say it  
15 was based on what was in the subpoenas. He said after  
16 the subpoenas were given to the doctors or were served  
17 upon the doctors, as Your Honor recalls, we talked about  
18 this in the Sybrid case, there was a subsequent  
19 deposition where Mr. -- I don't know if it was  
20 Mr. Bridges or Mr. Sbaiti went into very much detail  
21 about shared savings program. So, Your Honor, what  
22 Mr. Sharma testified to was it was that deposition that  
23 enabled him to believe that Mr. Sohail had access to  
24 protected health information he's not supposed to have.  
25 So Mr. Sbaiti bringing up this intent to serve a



1 subpoena that has absolutely nothing in it is completely  
2 irrelevant.

3           Finally, Your Honor -- well, I won't say  
4 finally, but I am going to be brief, more brief than  
5 Mr. Sbaiti. Your Honor, all they have is an  
6 uncorroborated oral testimony of an interested witness,  
7 someone who has been implicated in a severe IT data  
8 breach as well as suspected money laundering, Your  
9 Honor, to obtain that information, the entire team was  
10 able to obtain information suspecting Mr. Fiaz of  
11 enabling Mr. Sohail to breach his fiduciary duty not to  
12 the company, not only Wiseman, but also Sybrid Health.

13           Your Honor, again, there are several  
14 remedies in place, and, Your Honor, we want to provide  
15 the case law to the Court that Your Honor could look at  
16 regarding the requirement that Plaintiff must show, not  
17 only that a suit for damages would fail not to give  
18 complete relief, but you also got to show that other  
19 legal remedies are also not available to you. Your  
20 Honor, we have a case where it says Garland Grain  
21 Company versus D-C Home Owners Improvement Association.  
22 That's found at 393 S.W.2d 635, and pen cite 643, Your  
23 Honor, where that Court said that the damages were  
24 easily ascertainable and so legal remedy should be  
25 pursued instead of injunction, but also that no other

1 remedy such as statutory and administrative remedy. So,  
2 Your Honor, what we're saying here is that there are  
3 other statutory, administrative, criminal prosecution  
4 remedies available to Mr. Fiaz if he, in fact, feels he  
5 was threatened and if those allegations are true.  
6 There's other procedures for that.

7 We also want to point Your Honor to El  
8 Paso Electric Company versus Public Utility Company.  
9 That's at 727 S.W.2d 283, pen cite 286 through 287.

10 Finally, Your Honor, there's another case  
11 that is on point. Brazoria County Appraisal versus  
12 Nottlef, Incorporated. That's found at 721 S.W.2d 391,  
13 pen cite 393.

14 Your Honor, what's very interesting here  
15 is that Mr. Sbaiti has not supplied the Court with any,  
16 any case law from the Texas Courts supporting such an  
17 extreme and sweeping injunction, and the reason for that  
18 is because they don't exist. This is something that  
19 Courts, you know, know that is outside of the  
20 jurisdiction of just a regular civil court, Your Honor,  
21 and that it may also have implications internationally.  
22 What Mr. Sbaiti is asking this Court to enter is an  
23 injunction that will require us as even counsel to have  
24 to come before the Court before we proceed to do  
25 anything. Why? Because we don't know what that witness

1 is going to end up saying we did or what our clients  
2 did. That is completely inappropriate, and it would  
3 severely hamper our efforts in this case, as well as the  
4 efforts of counsel internationally in Pakistan, Your  
5 Honor.

6 Your Honor, one second. Finally, Your  
7 Honor, Your Honor has the evidence before you. The  
8 record is clear. We have just the testimony of one  
9 individual who's been implicated in a data breach and  
10 two other individuals who were simply trying to do their  
11 job and investigate that data breach. What Your Honor  
12 doesn't have is any written documentation showing any  
13 threats, any recordings showing any threats.

14 And we object to Mr. Sbaiti and Mr.  
15 Bridges trying to inflame the Court with allegations  
16 that Mr. Sharma is some sort of spy or mind controller.  
17 Your Honor, that is just completely inappropriate and  
18 it's not before the Court. So we want Your Honor to  
19 look at the evidence and weigh the evidence that's  
20 before you which is simply this: He said versus they  
21 said, Your Honor. And with that there's nothing that  
22 would support a sweeping injunction to the magnitude  
23 that Mr. Sbaiti wants this Court to enter.

24 I believe that's it. So, Your Honor, we  
25 would ask that you deny in its entirety the Temporary

1 Injunction. And, Your Honor, we're not waiving our  
2 objection to the TRO as being improper because of  
3 invalid verification. We didn't know that Mr. Sbaiti  
4 didn't have knowledge until he sent us an e-mail and  
5 told us that he didn't have knowledge, so that's the  
6 reason why we were late -- well, not even late, but  
7 that's the reason why we brought this up today in this  
8 hearing, Your Honor.

9                   With that said, we ask that you deny the  
10 Temporary Injunction.

11                   THE COURT: All right. Do you have a proposed  
12 order for the Court also?

13                   MS. NEWSOME: Yes, Your Honor. We are sending  
14 the proposed order right now.

15                   THE COURT: To the e-mail address because  
16 things start shutting down at 12 around this place.

17                   MS. NEWSOME: Understood, Your Honor.

18                   MR. SBAITI: May I have a few minutes for the  
19 last word, Your Honor?

20                   THE COURT: Yes. Yes.

21                   MR. SBAITI: Thank you. Your Honor, she's  
22 right about one thing. There isn't a Texas case  
23 addressing an international conspiracy to intimidate  
24 witnesses to affect a local civil case, and I think we  
25 all started this entire process off with the same idea

1 which is in our many, many years collectively of  
2 practicing, none of us have seen this. I've never seen  
3 a witness come forward like Mr. Sajid with the testimony  
4 and allegations and specificity that he came forward  
5 with the type of allegations and then the question of  
6 what to do.

7           Ms. Newsome is also correct in that there  
8 isn't really guidance from the Court of Appeals or the  
9 Supreme Court when this happens except, Your Honor,  
10 except they authorized sanctions, and so she's actually  
11 right. One of the other remedies that there is for this  
12 is sanctions. So if Your Honor decided to just sanction  
13 them, and I think striking their defenses, since it has  
14 everything to do with the evidence supporting their  
15 defenses, would be absolutely an appropriate sanction.  
16 There's plenty of case law supporting that, based on all  
17 the case law on spoliation, which this is tantamount to  
18 all the case law on depriving the Court of proper  
19 evidence which this is tantamount to. That's the  
20 alternative, Your Honor.

21           We're actually asking for a lesser  
22 included alternative before we actually seek that  
23 ultimate sanction because we think that was probably  
24 equitably more in line with how Your Honor would want to  
25 do things and how we think probably the right thing to

1 do because Mr. Sajid did come forward. But the idea  
2 that because the other people who have done it either  
3 get away with it or they simply go directly to Death  
4 Penalty Sanctions shouldn't be a reason why Your Honor  
5 would say well that means I can't give the order that  
6 we're asking.

7           She says that our order that we want  
8 would require them to come before the Court before they  
9 talk to anybody. Your Honor, I defy anyone to go  
10 through the language that we just did twice now today,  
11 and see where we say they have to come to you before  
12 they talk to a witness. All we say is that nobody can  
13 threaten a witness. That's just blanket. No one can  
14 promise a witness some good consequences the way they  
15 want, no one can threaten a witness with negative  
16 consequences if the witness doesn't testify the way they  
17 want.

18           The next thing we ask is that the three  
19 individual Defendants in the case can't talk to any of  
20 these witnesses in Pakistan, and we only say Pakistan  
21 which none of them run. Mr. Bilal runs Pakistan  
22 apparently. He's the CEO. There's no reason why this  
23 is burdensome. None of those three witnesses will talk  
24 to someone in Pakistan whether it's via email or phone  
25 without one of these fine attorneys who are appearing

1 right now on the phone with them or in the room them. I  
2 don't think that's overly burdensome. We've already  
3 seen evidence that they already kind of sort of practice  
4 that or if they don't, then you really have to go back  
5 to what we were saying before. Why are they only on  
6 certain e-mails? Where does Mr. Sharma only include  
7 them on the emails where he wants to have a defense of,  
8 see, it's a totally civil, totally professional e-mail.

9           What they want you to buy is this all  
10 happened because of a -- first Mr. Sharma said well, it  
11 happened because of the subpoenas that were sent at the  
12 end of March. Then Ms. Newsome tried to correct his  
13 testimony and said no, it was because of a deposition.  
14 I don't remember him testifying anything about a  
15 deposition, but even if he did, I'll represent to you,  
16 Your Honor, and they haven't shown it to you, there is  
17 no deposition in March. The last depositions were taken  
18 in January, January of 2021. Mr. Murray and Mr. Naseem  
19 were deposed in January, and the questions that were  
20 asked about them were asked about the general sharing  
21 business because that's a public thing. You don't need  
22 to know anything about a single Premier Sybrid patient  
23 to ask about the business model, which is a revenue  
24 sharing business model with doctors.

25           And, as I mentioned, one of the theories

1 we have is that there was a whistleblower issue  
2 involving a Mr. Aftad (pH) Shams, and that this is  
3 partly a retaliation for that whistleblower. There's  
4 absolutely no evidence in front of you, Your Honor, to  
5 support the idea that something new has happened since  
6 last August that gives them a new lease on life for  
7 conducting this investigation. They already told you  
8 they did a full wholesale investigation into the money  
9 laundering that they're now saying Mr. Sajid is apart  
10 of. That ended last fall when they filed their criminal  
11 charges.

12                   There's no evidence to support a single  
13 word Mr. Sharma said. And Ms. Newsome can object all  
14 she wants to us saying he's an intelligence officer.  
15 She still hasn't explained to you why the chief product  
16 officer at the company is conducting the internal  
17 investigation instead of the lawyers. But even setting  
18 that aside, Your Honor, I don't need you to believe that  
19 he's some kind of criminal mastermind or former spy. I  
20 just need you to believe, as I think is pretty obvious,  
21 the man's a liar. He's just not telling the truth.

22                   Finally, Your Honor, on the deposition,  
23 the fact that they say there's uncorroborated testimony,  
24 I completely disagree, Your Honor. Their own e-mails  
25 corroborate a lot of what our clients say. The fact



1 that they were wise enough not to put their threats in  
2 writing doesn't mean they get to get away with it, Your  
3 Honor. We've met our burden of production, and they  
4 haven't shown you an ounce of prejudice, Your Honor. I  
5 think that's a reason we should have it, and I'll be  
6 happy to send you our proposed order shortly once I can  
7 get back over. Thank you, Your Honor.

8 MS. NEWSOME: Your Honor, three seconds.

9 THE COURT: You'll get one and a half second.

10 MS. NEWSOME: That's fine, Your Honor. If  
11 Your Honor enters that order, I promise we will be back  
12 here again because that is the pattern that Mr. Sbaiti  
13 is putting forward is because who's to say that this  
14 next witness who comes up isn't going to cry out and say  
15 oh, they threatened me too, they threatened me too.  
16 That's the type of order that if Your Honor puts that  
17 in, we'll be before the Court under another Temporary  
18 Injunction hearing or under a Motion for Sanctions  
19 hearing simply because they get to say whatever they  
20 want to say to bind our hands and to tie us back from  
21 proceeding with the case, so I just want Your Honor to  
22 consider that.

23 MR. SBAITI: Your Honor, they just told you --  
24 well, they had their witnesses tell you there was a  
25 broad, widespread investigation. And we have two or

1 three of these guys who they wanted to put forth false  
2 testimony come forward, and what they're saying is, Your  
3 Honor, what if all the other ones come forward? What  
4 are you going to do then? That'll be really bad for us.  
5 Your Honor, this is not a defense. The burden of  
6 production that we have is a credibility determination.  
7 A di minimus credibility determination, and they don't  
8 have a single reason why anything he said was false.

9 MR. HURST: Your Honor, I resent that  
10 Mr. Sbaiti called our client a liar. I think that  
11 exceeds all bounds of professionalism. We didn't do  
12 that. We said that he wasn't -- there was impeachable  
13 we didn't think he was telling the truth, he had an  
14 ability to do that. But to call somebody a liar, at the  
15 end of the day, Your Honor, the tryer of fact gets to  
16 determine whether somebody is telling the truth or not,  
17 and we have good reason to believe and put forth  
18 evidence that Mr. Sajid Fiaz is the one not telling the  
19 truth. We did not call him a liar. I think that's  
20 beyond the bounds of professionalism.

21 THE COURT: Okay. I will make that  
22 determination. Y'all send your proposed orders to  
23 101Court@dallascounty.org. I don't know if you have to  
24 worry about follow-up from hearing because no one in  
25 Dallas County is filing anything at this point or

1 sending anything to the Court, but if you can get it to  
2 me, the clerk's office is going to be closing in 16  
3 minutes so it's not going to get on the system until  
4 sometime on Tuesday.

5 MR. SBAITI: We'll send it. Thank you, Your  
6 Honor.

7 MS. NEWSOME: Thank you, Your Honor.

8 MR. SBAITI: Thank you so much for your time.

9 THE COURT: Anything else?

10 MS. NEWSOME: Thank you for your time, Your  
11 Honor.

12 THE COURT: You're welcome. Thank you so  
13 much. Y'all have a great weekend, a great holiday  
14 weekend. Stay safe and healthy. Thank you.

15 (Proceedings adjourned.)

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## Reporter's Certificate

1 STATE OF TEXAS )

2 COUNTY OF DALLAS )

3

4 I, Terri Etekoachay, Official Reporter

5 in and for the 101st District Court of Dallas County,

6 State of Texas, do hereby certify that the above and

7 foregoing contains a true and correct transcription of

8 all portions of evidence and other proceedings requested

9 orally by counsel for the parties to be included in this

10 volume of the Reporter's Record in the above-styled and

11 numbered cause, all of which occurred in open court and

12 were reported by me.

13 I further certify that this Reporter's Record of

14 the proceedings truly and correctly reflects the

15 exhibits, if any, offered by the respective parties.

16 I further certify that the total cost for this

17 Reporter's Record will be reflected in the final volume.

18 WITNESS MY HAND this 21st day of June, 2021.

19

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*T. Etekoachay*

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Terri Etekoachay, Texas CSR, RPR, CRR

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