

1 A. I'm gonna do my best; okay?
2 Uh, Edmund, show me again,
3 please?
4 MR. HEIMLICH: Your Honor, may
5 approach the witness?
6 THE COURT: Yes.
7 A. Which one? "Broker shall deduct"?
8 Q. Uh-huh.
9 A. Until here (indicating)?
10 Q. Uh, uh-huh.
11 THE COURT REPORTER: Sir, don't
12 mark on it.
13 A. Okay. "Broker shall deduct from said commission
14 an amount equal to any debtness [sic] owed
15 broker by salesperson. Neither party shall be
16 label [sic] to other for any commission ^{NOT} ~~not~~
17 collected."
18 Q. (By Mr. Heimlich) Thank you.
19 And -- uh -- Mr. Pettorino, do you
20 understand what that means?
21 A. Um, yes.
22 Q. Okay. So whatever minor language difficulty you
23 might have in reading it, it does not prevent
24 you from fully understanding it?
25 A. Yes.

1 Q. Okay. So it states that the broker shall deduct
2 from your commissions an amount equal to any
3 indebtedness --

4 A. Yes.

5 Q. -- that's owed?

6 Uh, now, was there any deduction
7 made from the -- uh -- the commission check of
8 the -- uh -- August 25th?

9 A. No.

10 Q. Okay. And, isn't it -- was that at your
11 insistence that no deduction be made?

12 A. I don't recall.

13 Q. Okay. Now, referring to State's Exhibit --
14 uh -- Number -- the receipt, which was Number
15 3 --

16 Do you still have that in front of
17 you --

18 A. Yes.

19 Q. -- State's Exhibit Number 3?

20 Okay. And you said that was dated
21 September 27th of '93?

22 A. Okay.

23 Q. Okay. And how many days are there in the month
24 of July?

25 A. Uh, 31st -- I mean -- yes, 31 days.

1 Q. Okay. And what is the amount of the check?

2 A. \$2,045.

3 Q. Okay. And -- uh -- do you recall what the
4 amount of your commission was for which you were
5 being paid there?

6 A. No.

7 Q. Do you recall that the commission check that you
8 received was -- uh -- for \$300 more than that
9 amount?

10 A. Uh, I don't remember.

11 Q. Uh, would you look down at the -- uh -- notation
12 in the memo --

13 A. Yes.

14 Q. -- and tell us what that -- uh -- says there?

15 A. It says -- uh -- "72693."

16 Q. Go on.

17 A. "C.O.M., L.E.S.S., M.F."

18 Q. Okay. And -- uh -- do you know what that means?

19 A. Uh, commission -- uh -- less monthly fee.

20 Q. Right. So the management fee was deducted from
21 the commission that was payable to you; is that
22 correct?

23 A. Uhm, yes.

24 THE COURT: We're gonna stop
25 here. The reason, gentlemen, I'm going to