23 Q. BY MS. MARSHALL: And your name is?

24 A. Chris Cox.

25 Q. Okay. Were you employed by NDT or NorthWest

1   Direct approximately 2001 to approximately

2   December 9th of 2003?

3 A. Yes.

4 Q. Okay. And you worked with Mr. Zweizig; is that

5   correct?

6 A. Yes.

7 Q. Okay. I'm going to kind of jump around because

8   we're all eager to get out of here.

9 A. All right.

10 Q. I want to ask you about timesheets. Did you

11   ever have a problem with timesheets?

12 A. I always had a problem with timesheets. I

13   didn't do them well.

14 Q. And what was Mr. Zweizig's position with respect

15   to timesheets and you?

16 A. He told me to do my timesheets.

17 Q. Okay.

18 A. And I just kept on failing to do them. I would

19   do them for a while but then, you know, business

20   would creep up and aid forget to.

21 Q. We're lawyers. We know how that is. Okay. At

22   some point you became aware that Mr. Zweizig had

23   been terminated; is that correct?

24 A. Yes.

25 Q. Okay. Now, it's been a while. So I'll just

1		tell you that his last day with the company was
2		November 14, 2003.
3	A.	Okay.
4	Q.	Did you become aware that he was going to be
5		terminated before that date?
6	A.	I think yes, I was called to a meeting and I was
7		told that he was going to be fired or let go.
8	Q.	Okay. And do you remember exactly when that
9		meeting was or can you just --
10	A.	I couldn't tell you exactly when that meeting
11		was.
12	Q.	Can you say a couple of weeks or whatever?
13	A.	My guess would probably be a couple of weeks
14		prior to him being let go, but yeah.
15	Q.	Okay. In this meeting, where was the meeting,
16		by the way?
17	A.	At Tim Rote's house.
18	Q.	Okay. And was there anybody there other than
19		Mr. Rote?
20	A.	No.
21	Q.	Did he tell you that you would be replacing
22		Mr. Zweizig?
23	A.	Yes.
24	Q.	And how did you feel about that?
25	A.	I mean, it felt good that I would be, I mean, I

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1   would be going up in the position. But at the
2   same time it was a logical choice, I think, for
3   me to take over the position. So I wasn't
4   surprised.
5 Q. Sure. Okay. At that point who all was in the
6   IT department?
7 A. Our IT department was pretty small. It was just
8   Max and I.
9 Q. Okay.
10 A. And, no wait a minute. There was another
11   fellow, I think he came on recently. I don't
12   remember his name. So there was three of us at
13   a time. But 95 percent of the time I worked
14   there it was just Max and I.
15 Q. All right.
16 A. I would say.
17 Q. At some point between the time that you learned
18   that you would be taking over Mr. Zweizig's
19   tasks and when he left, you actually gave notice
20   that you would be leaving the company?
21 A. Yeah.
22 Q. Is that correct?
23 A. That is true.
24 Q. Was that a voluntary resignation?
25 A. Yes, it was. I was just looking to go into

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1   something different. Dot net programming was
2   just coming out and that was a new thing and I
3   felt that would be a great career path me and I

 4   had an opportunity to take it, so I did.

 5   Q.   Okay. Did Mr. Zweizig have anything to do with

 6   your decision to leave?

 7   A.   No.

 8   Q.   Do you know a fellow by the name of Joe Cioffi?

 9   A.   He e-mailed me a couple times after I left

10   NorthWest Direct.

11   Q.   Was he employed there while you were there?

12   A.   I don't believe so, no. No.

13   Q.   So if Mr. Zweizig, if his last day was

14   November 14th and your last day was

15   December 9th, you were the guy for approximately

16   three weeks; is that correct?

17   A.   Yeah.

18   Q.   Remember that?

19   A.   I, that would be safe to assume, yes. Yeah. I

20   mean, you would think -- Yeah, I was. I was the

21   man between, for that three weeks.

22   Q.   So you should be able to tell us whether the

23   company ever shut down after Max left while you

24   were there because of anything that he did or

25   didn't do.

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 1   A.   No. The company never shut down.

 2   Q.   Do you remember anyone ever coming to you and

 3   asking you to find any programs that Mr. Zweizig

 4   had written or used?

 5   A.   No, I don't remember.

 6   Q.   Okay.

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7    A.   Being, specifically being asked to do that.  But

8         then again, I mean, looking for programs on a

9         server every day and stuff like that would have

10        been something that I did.

11   Q.   Okay.  Well, during the period where you were

12        the only IT guy?

13   A.   Yes.

14   Q.   Or you and perhaps one other person, do you

15        remember there being any angst or sense of

16        urgency to search for Mr. Zweizig's programs?

17   A.   No, I don't.

18   Q.   Okay.  If you had been asked to look for

19        Mr. Zweizig's programs, the ones that he wrote,

20        where would you look?

21   A.   The programs would exist on the EIS server.

22   Q.   Okay.

23   A.   And there would be a Windows 98 computer that

24        had a directory with all of Max's programs in

25        it.
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1    Q.   Okay.  Did you personally ever have occasion to

2         access those programs?

3    A.   Did I?

4    Q.   Yeah.

5    A.   Yeah.

6    Q.   Can you tell us a little bit about the programs.

7         Were these Fox Pro programs?

8    A.   They were Fox Pro programs, simple programs that

9         just did, the EIS programs usually did reports.
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10   He had a couple programs that would extract data

11   for processing and you'd probably have a few

12   Windows appears that would pull data from the IS

13   server over, either create a report right there

14   for them or produce processing data for our

15   clients.

16 Q. Okay. Now, how would you, how would you

17   characterize these reports? Were these kind of

18   stock reports that would apply over a broad

19   variety of situations or how would you

20   characterize them?

21 A. Usually each program was designed for each

22   campaign. And the campaign would evolve based

23   on Bret's needs or the client's needs. So they

24   would always be changing based on a different

25   campaign. And you would adjust them accordingly

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1   to what they wanted. Same thing with

2   processing, probably less, to a lesser extent

3   than the reports.

4   Q. Okay. Now, your, you were primarily responsible

5   for scripting, for programming and scripting; is

6   that correct?

7   A. Scripting was mainly mine, yeah.

8   Q. Okay. Did, prior to you leaving did you have

9   occasion to train anybody in preparing scripts?

10 A. I think I started training Rory, but he wouldn't

11   have been qualified to do much by the time I

12   left.

13   Q.   Okay. And so you were handling both yours and
14   Max's job and you were training Rory. Were you
15   training anybody else?
16   A.   No. Well, there was another, there was that
17   other IT guy, I forget what his name was, and he
18   was doing work as well. And I believe he was
19   learning scripting as well, too. But, I mean,
20   daily business, I didn't do a lot of training,
21   no.
22   Q.   Yeah. What can you tell us about the IT
23   department once you were gone?
24   A.   Once I was gone, the IT staff was pretty slim.
25   They wouldn't need to be replaced right away. I

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 1   mean, there was only three of us at the time.
 2   Q.   Okay.
 3   A.   Came down to one.
 4   Q.   I'd like to have you look at Exhibit 128, pages
 5   one and two. Can you tell me where that is. It
 6   might be over here. Just make sure it is.
 7   MR. MARSHALL: You keep taking them away
 8   from me.
 9   MS. MARSHALL: Sorry. It's my fault.
10   Q.   BY MS. MARSHALL: Well, I'll let him look for
11   that and I'll ask you another question.
12   Mr. Crow, do you have Exhibit 128?
13   ARBITRATOR CROW: Yeah, I do.
14   MS. MARSHALL: Would you mind sharing it
15   with the witness because I only have about three

16   questions left.

17   MR. MARSHALL: Here it is.

18 Q. BY MS. MARSHALL: All right. Exhibit 128,

19   there's been some testimony about this and

20   basically some questions about what page 1 and

21   two are. Can you just explain it for us what

22   page 1 and two is.

23 A. All right. So the password to Max... We pass

24   passwords around via e-mail quite often because

25   they weren't written down and, in a specific

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1   location. It's probably best that they weren't.

2   So if you forgot a password or a new machine

3   came on line or we changed a password or you

4   haven't been on a certain machine in a long

5   time, I would e-mail Max and ask him for

6   passwords. He would probably e-mail me and ask

7   me for passwords.

8   Q. Okay.

9   A. And that's all that is basically.

10 Q. Were you the keeper of the passwords?

11 A. We didn't have a keeper of the passwords. But,

12   so no. I mean, there's two schools of thoughts

13   on keeping passwords. One is if you keep your

14   password in a file then somebody steals it and

15   you get all your passwords. The other thing is

16   if you don't keep any passwords, they're secure

17   that way. And that's the way we went because

18   it's the way most companies do go, I think.

19   Q.   Did either of you have access to the

20   administrative server as a practical matter?

21   A.   Yeah. We had access to all servers.

22   Q.   Okay. Why don't you tell us what the second

23   page is.

24   A.   This would be just a spoof that was sent to Max.

25   The subject says, Chris in, I think he wanted me

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1   to send him an e-mail every morning when I was

2   getting in and of course being smart about it I

3   wrote a program that sent him an e-mail at 8:00

4   in the morning.

5   Q.   So it was sort of a joke?

6   A.   Yeah. It was kind of a joke, you know. And,

7   that's all that is.

8   Q.   Okay. Well, the reason it's come up is that

9   there's some question about whether Mr. Zweizig

10   improperly accessed data in the administrative

11   server before he left. Did you have any

12   awareness of that?

13   A.   No.

14   Q.   Okay. And speaking of passwords, did you do

15   anything to prevent Mr. Zweizig from accessing

16   information after he left?

17   A.   Yes. We had a lock-out procedure that Max and I

18   discussed. If any of us was terminated, that we

19   would make sure that was done right away.

20   Q.   Okay. And what's that mean, a lock-out

21   procedure?

22   A.   It means you'd go in, you'd go into every single

23   computer, every PC Anywhere, any access like

24   that and you would change the password to

25   something they didn't know so they couldn't log

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1   in, basically lock them out.

2   Q.   Okay. Going back to you going to the

3   administrative server to get Mr. Zweizig's Fox

4   Pro programs.

5   A.   Okay.

6   Q.   If the administrative server happened to be down

7   or crashed or something like that, was there any

8   back up?

9   A.   The EIS server is backed up every night on the

10   tape. And the Windows 98 box that held the

11   programs had a batch file that would run on a

12   scheduled job within the machine. It would

13   actually take a folder, it would copy it to the

14   other drive. So the chances of both drives

15   going bad at the same time would be very slim.

16   So you could get the programs back out off the

17   other drive. So yeah, they were backed up.

18   Q.   So if you knew what you were looking for, that

19   would be where you'd go to look for them?

20   A.   Uh-huh.

21   Q.   Is that right? Okay. Well, let's say you still

22   couldn't find them. You couldn't find

23   Mr. Zweizig's Fox Pro programming on the server

24   and you couldn't find them in the backup tapes.

25   What would you do then?

1   A.   If you couldn't find the program at all, you

2   would have to write it from scratch.

3   Q.   Would that be a problem?

4   A.   No I don't -- No. None of the programs were so

5   extensive that they would take a long time to

6   recreate. Some of the processing programs were

7   more involved, but no, I don't believe so.

8   MS. MARSHALL: Okay. I have no other

9   questions.

10   ARBITRATOR CROW: Mr. Rote.

11   Q.   BY MR. ROTE: Back when you tendered your

12   resignation, you noted that you did so for

13   health reasons, that you were stressed and for

14   health reasons. Do you remember that being a

15   stressful time?

16   A.   Oh, yeah.

17   Q.   Very stressful?

18   A.   It was very stressful.

19   Q.   Do you remember a gentleman by the name of Jamie

20   Getty from *Teleformix flying out from Chicago

21   and working with us for a period of time?

22   A.   Jamie Getty.

23   Q.   From Chicago, a company called *Teleformix?

24   A.   Jamie Getty. *Teleformix. No, I don't.

25   Q.   You don't.

1   A.   No, I don't.

2   Q.   Okay. Do you remember the other party employee,

3   *Gunowen *Darmatti?

4   A.   Is that the one I'm thinking about? Yeah. That

5   one.

6   Q.   I think so. I think that's the one you are

7   thinking of?

8   A.   That's the other employee that I am missing,

9   *Gunowen.

10   Q.   Now you had experience with Visual Basic and

11   database programs like Fox Pro or SQL?

12   A.   Server.

13   Q.   SQL. And was it your understanding that

14   *Gunowen also had experience with those same

15   kind of things?

16   A.   Yeah.

17   Q.   And so essentially there were three people in

18   the department at that time, you, *Gunowen and

19   Max?

20   A.   Correct.

21   Q.   And if the company had substantially expanded,

22   let's say increased by 50 percent, would you say

23   that we'd have to add substantially more staff?

24   A.   We would. In the IT department? Yeah.

25   Q.   In the IT department.

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1   A.   I would, I would think you'd have to add on,

2   yeah, I think you would.

3   Q. So the fact that we have three people today and

4   we're substantially bigger, would you say that

5   that means that we are much better at database

6   processing, scripting? What would you think

7   that would mean?

8   A. You know, it's tough to say, if you were going

9   to hire -- At the time I guess I was a junior

10   level programmer. I mean, if you were to hire

11   me today I could probably do the work of two or

12   three more people. I think my experience has

13   just grown that much. But back then it felt

14   like, yeah, you would have had to hire more

15   people.

16   Q. The, kind of go back to kind of the stressful

17   time when you decided to resign. Can you kind

18   of describe for us what was causing the stress?

19   A. There was just a lot of stress between Max, you,

20   Brent *Cowiak, it seems like there was always a

21   conspiracy going on. And it was just normal

22   business. And it was hard to deal with that

23   because everybody was working so hard and all it

24   was was just normal business and there was

25   nobody trying to do anything extraordinary or, I

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1   mean, out of the ordinary, I would say.

2   Q. Would you say that friction was going on for a

3   while?

4   A. Oh, yeah.

5   Q.   It had gone on for quite a while?

6   A.   Uh-huh.

7   Q.   So at the time that you resigned, however, that

8   was after Max's last day.

9   A.   Yeah.

10   Q.   It was quite a bit -- And that stress continued

11   to go on if not get greater after his last day.

12   A.   (No audible response.)

13   Q.   Now, remembering that then state of mind at that

14   time, does it jog your recollection about Jamie

15   Getty from Chicago coming in to help us with a

16   number of matters?

17   A.   I'm sorry. I don't remember Jamie Getty.

18   Q.   All right. That's fine. You were asked about a

19   meeting that you attended with me when we

20   discussed Max's departure or termination. And,

21   but you don't recall the exact date when that

22   happened, do you?

23   A.   Oh, no.

24   Q.   No. But it wasn't, would you say it was not the

25   first time that we talked about issues and you

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1   assuming command of the department?

2   A.   No. It probably wouldn't have been the first

3   time, no.

4   Q.   We had had other conversations about you

5   assuming the rains of the department. Do you

6   remember the concerns being that we just wanted

7   someone here, on the ground here taking control

8   of the department, manage being the department?

9   A. Yeah.

10 Q. As opposed to in New Jersey?

11 A. I remember you saying that. Yeah.

12   MR. ROTE: No more questions.

13   ARBITRATOR CROW: Redirect.

14   MS. MARSHALL: No. No questions.

15   ARBITRATOR CROW: Thank you, Mr. Cox. You

16   are free to leave.

17   THE WITNESS: All right. Thank you.

18   MR. ROTE: Thank you, Chris.

19   THE WITNESS: Nice meeting you.

20   MS. MARSHALL: Thank you.

21   ARBITRATOR CROW: And I gather that we have

22   come to the end; is that correct.

23   MS. MARSHALL: As I said, all good things

24   have to come to an end.

25   ARBITRATOR CROW: It's a shame, but I guess

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