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Laia Ribatallada, and Michael Minden
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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

12 CHRISTOPHER PSAILA,

13 Plaintiff,

14 v.

15 ERIKA GIRARDI aka ERIKA JAYNE,
AMERICAN EXPRESS COMPANY,
16 ROBERT SAVAGE, KENNETH
HENDERSON, STEVE SCARINCE,
17 PETER GRIMM, LAIA
RIBATALLADA, MICHAEL
18 MINDEN, and DOES 1 TO 10,
Inclusive,

19 Defendants.
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Case No. 2:23-cv-07120-MWF (SKx)

**DECLARATION OF ERIKA
GIRARDI IN SUPPORT OF
DEFENDANTS' SPECIAL MOTION
TO STRIKE PLAINTIFF'S
COMPLAINT PURSUANT TO
CODE OF CIVIL PROCEDURE
SECTION 425.16**

Filed Concurrently with Defendants'
Special Motion to Strike, Declarations
of Laia Ribatallada, Michael Minden,
and Evan C. Borges and Request for
Judicial Notice, and [Proposed] Order

Hearing:

Date: December 18, 2023

Time: 10:00 a.m.

Crtrm.: 5A

Action Filed: August 29, 2023

Trial Date: Not Assigned

DECLARATION OF ERIKA GIRARDI

I, Erika Girardi, declare as follows:

1. I am a party in the above-entitled action. The facts stated herein are within my personal knowledge and if called upon to testify, I can truthfully and competently do so as to all matters herein.

A. Personal Background

2. I am an author and entertainer—singer, actress, and dancer. I am also a business owner.

3. I was married to Thomas Girardi (“TG”) between 2000 and 2020. TG was more than 30 years my senior and a well-known attorney who showed exterior hallmarks of wealth and financial success.

4. Throughout our twenty years of marriage, TG exercised complete and exclusive control over our finances, and he did not give me access. I had no visibility into our finances. TG’s law firm Girardi Keese (“GK”) managed our finances.

5. On November 3, 2020, I filed for divorce from Thomas Girardi.

B. 2007-2016: Work as an Entertainer

6. Around 2007, I decided to reignite my singing career. I began to perform at nightclubs around the country, primarily for an LGBTIQA+ audience. As part of building my image as “Erika Jayne,” I would wear fun, playful, and sparkly outfits for my performances.

7. Thomas Girardi gave me an American Express (“Amex”) credit card during our credit card, including for the purposes of re-starting my singing and performing career.

8. As with all of our finances, TG did not authorize me to access the credit card account and did not provide me with passwords, credit card statements, or transaction records. I did not know how much I spent per month or per year. Girardi Keese paid my Amex credit card bill every month.

1 9. In 2009, I hired Michael Minden, also known as “Mikey,” as my
2 choreographer. Mikey is an accomplished choreographer and dancer. I worked
3 with Mikey from 2009 to 2013 and have worked with him again from 2014 to the
4 present. During this time, Mikey became my creative director, which is the role he
5 currently holds.

6 10. I first met Laia Ribatallada (“Laia”) through Mikey around 2013. At
7 the time, Laia was working directly for Mikey with his clients, including me.

8 11. In August 2015, I started filming for *The Real Housewives of Beverly*
9 *Hills*, and my work schedule also became busier. I hired Laia Ribatallada as my
10 assistant around this time to help manage the day-to-day activities.

11 **C. Victim of Beverly Hills Credit Card Scam in 2009**

12 12. In or around 2009, the United States Secret Service (“Secret Service”)
13 contacted me in connection with the investigation of Maria Gabriela Hashemipour
14 (also known as “Gabriela”), an aesthetician based in Beverly Hills suspected of
15 carrying out a credit card scam on her clients. The Secret Service knew that I had
16 been Gabriela’s client and asked to interview me.

17 13. Subsequently, I was interviewed by the Secret Service as part of this
18 investigation. I remember being told during the interview that the Secret Service
19 investigated credit card-related crimes. This is when I learned that the Secret
20 Service investigated credit card fraud.

21 **D. 2014-2016: Business Relationship with Marco Marco**

22 14. I first met Marco Morante, the designer of Marco Marco LLC (“Marco
23 Marco”), in 2012 through my stylist at the time. Mikey was also friends with Mr.
24 Morante.

25 15. In 2014, Mikey and I discussed having Mr. Morante and his company
26 design my performance costumes. Marco Marco made bold, playful, and sparkly
27 bodysuits for women, which suited my style.

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1 16. Mikey and I also thought that working with Marco Marco would make
2 good budgetary sense. Before meeting Marco, I had my costumes made by Sylvia's
3 Costumes, a well-known and decades-old costumer based in Hollywood, California.
4 Sylvia's Costumes was expensive. Marco Marco was an up-and-coming designer
5 with a much smaller clientele in 2014, and I believed that they would be a lower
6 cost alternative to Sylvia's Costumes.

7 17. Throughout this business relationship, I became good friends with Mr.
8 Morante. I did not know Plaintiff Christopher Psaila ("Mr. Psaila") very well
9 because I usually did not communicate with him directly, but I knew that he was
10 Mr. Morante's business partner, so I trusted him.

11 18. Mikey or Laia would communicate with Mr. Morante or Mr. Psaila to
12 place costume orders or discuss design and logistics.

13 19. For the duration of our business relationship from 2014 to 2016, I
14 primarily commissioned Marco Marco to create costumes that I would wear for my
15 performances.

16 20. I did not instruct Mikey or Laia to order costumes for my backup
17 dancers from Marco Marco, except for one or two special occasions, such as when
18 we shot a music video. Otherwise, we did not need highly stylized, bespoke
19 costumes for the dancers, and we did not want to spend designer prices on the
20 dancers' costumes.

21 21. Until late 2016, I did not suspect Marco Marco of any wrongful
22 conduct. I continued to trust Marco Marco and praised Marco Marco's designs on
23 my social media.

24 **D. Summer and September 2016: TG Complains About Increased**
25 **Expenses and I Gain Access to My Amex Account**

26 22. Sometime in 2016, TG began to complain to me on multiple occasions
27 that I was spending too much on my Amex card.

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1 23. My husband's complaints concerned me. Although I had no visibility
2 into our finances, TG had not otherwise complained about financial problems, nor
3 had he mentioned to me that he or his law firm had needed to take on debt or that
4 they were behind on any outstanding debt obligations.

5 24. When I asked TG what charges he was referring to, all TG did was
6 mention high dollar amounts with no specifics.

7 25. About a month later, TG again complained to me again about
8 supposedly high and excessive Amex charges. I asked for specifics but received
9 none.

10 26. Based on my husband's complaints, I decided to try and get access to
11 my Amex account. In September 2016, I called Amex but could not provide
12 security information because I did not know it. The Amex customer service agent
13 reassured me that she recognized my voice from watching *The Real Housewives of*
14 *Beverly Hills* and gave me access to the AMEX account.

15 27. Laia was with me when I made the call to AMEX.

16 28. Subsequently, on September 19, 2016, I received an email from AMEX
17 confirming my recent enrollment for online access to my account. A true and
18 correct copy of the email from AMEX is attached hereto as **Exhibit 1**.

19 **F. September 19, 2016: First Unusual Charge from Marco Marco**

20 29. On September 18, 2016, I performed in Dallas, Texas at the Dallas
21 Pride Festival. Mikey and Laia accompanied me on this trip, just as with my other
22 performances.

23 30. On September 19, 2016, I noticed a recent charge by Marco Marco
24 through the AMEX application on my cell phone. I was confused by the charge
25 because I was not aware of any upcoming performances in the next month or two
26 and was not aware of any pending costume orders.

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1 31. As Mikey, Laia, and I departed our hotel in Dallas, Texas and got into a
2 car to head to the airport, I told Mikey and Laia about the recent Marco Marco
3 charge. I asked Mikey to call Chris Psaila to ask about the charge.

4 32. Mikey called Chris Psaila in the car and talked to him. When the call
5 ended, Mikey reported back that Chris had said the charges were a mistake and
6 would be fixed.

7 33. I was surprised by the incident because I did not expect Marco Marco
8 to make this kind of mistake. Nonetheless, I accepted Chris at his word because I
9 trusted him and Marco.

10 34. We were not aware of any other overcharges by Marco Marco at that
11 time, and we believed that this incident was a one-off incident.

12 35. I did not receive any Amex alerts for charges by Marco Marco for the
13 next two months.

14 **G. November 30, 2016 and December 1, 2016: Additional Amex Alerts**
15 **and Mr. Psaila's Admission of Unauthorized Charges**

16 36. On November 30, 2016, I received a mobile notification from Amex for
17 a pending charge of \$4,500 to "MARCOMARCOUNDERWE."

18 37. The next day, on December 1, 2016, I received another alert from the
19 AMEX mobile application, notifying me of a pending charge of \$5,000 to
20 "MARCOMARCOUNDERWE."

21 38. I had received both alerts in the middle of the night.

22 39. I was alarmed by the charges because I did not have any upcoming
23 shows for the remainder of the year, and I was not aware of placing or authorizing
24 orders for new costumes.

25 40. On the morning on December 1, 2016, I called Mikey to let him know
26 about the new alerts and pending charges, and I asked Mikey to contact Marco
27 Marco immediately to find out what was going on.

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1 41. Soon after, Mikey informed me that he had texted Mr. Psaila and that
2 Mr. Psaila had responded by text, stating, “Ok that is very wrong. Wtf is going on!?”
3 I’m sorry. I’m calling them now.” (Declaration of Michael Minden In Support of
4 Defendants’ Special Motion to Strike Plaintiff’s Complaint Pursuant to Code of
5 Civil Procedure Section 425.16 (“Minden Declaration”), Ex. 1.)

6 42. Mikey told me that Mr. Psaila further texted, “They have both been
7 returned and I have instructed them to delete the card they had. Going forward I
8 will reach out to you when it’s time to process and I will process myself. I’ll have
9 Marco reach out later today with the actual price of the garment as both of those
10 seemed too high.” (*Id.*)

11 43. Mikey further relayed that Mr. Psaila had texted, “I had this same issue
12 with another client a week ago. My apologies. Time for a new bookkeeper.” (*Id.*)

13 44. Mikey told me that he had texted Mr. Psaila to let him know that “Erika
14 is going back through all other Marco charges to make sure there has been no other
15 mistakes previously.” (*Id.*)

16 45. By this point, Mr. Psaila had admitted to three unauthorized charges
17 totaling multiple thousands of dollars on my Amex credit card within a span of two
18 months.

19 **H. December 1, 2016: Review of Amex Statements and Mr. Psaila’s**
20 **First Set of Invoices**

21 46. At some point on December 1, 2016, I spoke with Mr. Psaila directly. I
22 do not recall the specific discussion we had, but it would have been about the
23 November 30, 2016 charge and the December 1, 2016 charge.

24 47. That same day, Laia and I were discussing the two new Marco Marco
25 charges, and we wanted to check whether Chris had actually reversed the charges. I
26 instructed Laia to log in to my online Amex account and to search my statements.

27 48. Laia showed me a long list of charges to Marco Marco on my Amex
28 account. She explained that she had searched my Amex transactions between 2015

1 and 2016 using the search term “marco marco” and had found some charges to
2 Marco Marco. She told me that she ran a second search using the term “marco,”
3 which resulted in more transactions between 2015 and 2016. Laia told me that the
4 total amount of charges was almost a million dollars.

5 49. I was shocked when I heard Laia’s explanation and saw the list. In my
6 view, there were too many transactions. I had performed in 21 shows in 2015 and
7 11 or 12 shows in 2016. Yet, there were over 100 transactions in that two-year
8 period.

9 50. I also believed that the expenses were too high. I did not know how
10 much Marco Marco had charged for each of our costume orders or alteration
11 requests. However, I remembered that Mr. Psaila had said the two Amex charges I
12 had received that day and the day before for \$4,500 and \$5,000, respectively,
13 “seemed too high.” Yet, I saw dozens of charges in 2015 and 2016 that were much
14 higher in amount and ranged from over \$5,000 to over \$10,000 per transaction.

15 51. In addition, the Marco Marco transactions on my Amex card amounted
16 to \$303,279 in 2015 and \$631,240 in 2016, or almost one million dollars total for
17 the two years. I did not understand how Marco Marco could have charged twice as
18 much in 2016 than in 2015.

19 52. Laia and I noticed that there was not a December 1, 2016 charge on my
20 AMEX statement, but there was still a November 30, 2016 charge, even though Mr.
21 Psaila had represented that “both” charges had “been returned.”

22 53. I was in disbelief and deeply hurt. I could not believe that a friend
23 whom I had trusted and relied on for the past two years had betrayed my trust and
24 taken advantage of my financial situation.

25 54. At 3:50 p.m. Pacific Standard Time (“PST”) on December 1, 2016,
26 Chris emailed me nineteen PDF documents under the subject line “2015 invoices.”
27 (Ribatallada Decl., Ex. 5.) Mr. Psaila emailed me again at 4:33 p.m. PST under the
28 subject line “recent 2016.” (*Id.*, Ex. 6.) This email had one attachment and a

1 message stating, “Attached are sales I have downloaded from our credit card
2 processor while I wait on invoices.” (*Id.*)

3 55. I did not review the attached documents in detail. However, I noted
4 that there were only about twenty documents and not enough invoices to account for
5 all of the transactions that Laia had shown me from my Amex account.

6 56. I forwarded Mr. Psaila’s two emails to Laia on December 2, 2016. (*Id.*,
7 Ex. 5 & 6.) Laia shared my view that there were not enough invoices to account for
8 all of the Marco Marco charges on my Amex account.

9 **I. Early December 2016: Initial Contact with Secret Service**

10 57. Based on the unauthorized charges on my Amex account and Mr.
11 Psaila’s texts to Mikey, I decided to report my concerns to the Secret Service.

12 58. I knew to contact the Secret Service, and not local law enforcement,
13 because I was told during my interview for the 2009 investigation of my former
14 aesthetician that the Secret Service investigated credit card fraud.

15 59. I got in touch with Robert Savage, who was the U.S. Secret Service
16 Special Agent in Charge at the time. I had met Mr. Savage once or twice socially
17 and knew he was with the Secret Service.

18 60. I did not know that TG had agreed to or was representing Mr. Savage at
19 this time. I only learned of any actual, potential, or other attorney-client relationship
20 in February 2023, when the *Los Angeles Times* told me that it planned to run a story
21 on February 9, 2023 regarding the connection between my ex-husband and Mr.
22 Savage in a case against Volkswagen. I did not know of any other actual or
23 potential agreements or transactions between TG and Mr. Savage.

24 61. I did not discuss my intent to report my credit card issue to the Secret
25 Service with TG before I reached out to the Secret Service. I never asked my
26 husband to contact Mr. Savage on my behalf.

27 62. Neither Mikey nor Laia was part of my initial conversation with Mr.
28 Savage.

63. Based on my conversation with Mr. Savage, I was able to schedule a meeting with the Secret Service for December 7, 2013.

J. December 7, 2016: Meeting with the Secret Service

64. On December 7, 2016, I, Laia, and Mikey went to meet with the Secret Service at the agency's downtown Los Angeles office.

65. We met with Mr. Savage, who introduced us to the Secret Service agents who would handle the investigation: Kenneth Henderson and Steve Scarince.

66. We reported the circumstances surrounding the multiple unauthorized charges on my Amex credit card, including Mr. Psaila's admissions that the charges were wrong, his statements that other clients had experienced a similar issue, and his blaming of the bookkeeper.

67. The meeting was an informational meeting. We did not discuss taking further action. There was no discussion then of setting up a meeting with Mr. Psaila or my wearing a wire.

K. December 8, 2016: Mr. Psaila Admits to More Unauthorized Charges

68. On December 8, 2016 at 8:37 a.m., Mr. Psaila emailed me, admitting that Marco Marco had made multiple mistaken charges to my Amex credit card. A true and correct copy of his email to me is attached hereto as **Exhibit 2**.

69. This email was sent one week after Mikey had informed Mr. Psaila that I planned to review all of my AMEX charges and after Mr. Psaila had sent me some invoices on December 1, 2016.

70. In the December 8, 2016 email, Mr. Psaila wrote, "Hi Erika, **I have been going through orders and credit card statements over and over and am clearly seeing mistakes**. I know your schedule is very busy but if you have time coming up I would like to go through and **come up with a plan to get this sorted**." (Ex. 2 (emphasis added).)

1 71. This email was the third time that Chris had admitted to unauthorized
2 credit card charges. At no point did Chris represent to me, Mikey, or Laia that we
3 were mistaken, and he did not give any other reason for the charges.

4 **L. December 9, 2016: Review of 2013 and 2014 Amex Statements**

5 72. On the morning of December 9, 2016, Mr. Scarince from the Secret
6 Service sent me my Amex credit card statements from 2013 and 2014.

7 73. Laia and I reviewed the two statements and did not find any
8 discrepancies in those charges.

9 74. I informed Mr. Scarince, Secret Service Agent Blair Brown, and Mr.
10 Henderson that same day that “[w]e’ve reviewed both years and have found nothing
11 that doesn’t make sense. All the crazy charges begin April 2015 till now.” A true
12 and correct copy of my email communication from December 9, 2016 is attached
13 hereto as **Exhibit 3**.

14 75. Later that day, I responded to Mr. Psaila’s email from December 8,
15 2019. I did not respond until after I had reviewed my 2013 and 2014 AMEX
16 statements. I emailed Chris that “I’m available on Wednesday. I can swing by at
17 noon.” (Ex. 2 at 1.) I then forwarded the email thread with Mr. Psaila to Mr.
18 Scarince, Mr. Brown, and Mr. Henderson. (*Id.*)

19 **M. December 14, 2016: In-Person Meeting with Mr. Psaila**

20 76. Sometime before my meeting with Mr. Psaila on December 14, 2016,
21 the Secret Service approached me about assisting their investigation by wearing a
22 wire and recording my conversation with Mr. Psaila. I agreed to their request.

23 77. On December 14, 2016, sometime before noon, I, Laia, and Mikey met
24 with the Secret Service. The agents equipped me with a device that would record
25 our conversation with Mr. Psaila.

26 78. I, Laia, and Mikey then met with Mr. Psaila at Marco Marco’s office. I
27 recall that Mr. Psaila again admitted that there had been mistakes and that Marco
28 Marco had overcharged me by \$100k. Mr. Psaila blamed his bookkeeper and said

1 that this had happened to other clients. Mr. Psaila asked if we could agree to a
2 payment plan through which he would pay back the overcharges.

3 79. Mr. Psaila's acknowledgment that there had been overcharges and his
4 representations that the bookkeeper was at fault were consistent with what he had
5 previously conveyed to Mikey and me. I had no reason to believe that he would
6 admit to a wrong that had not occurred.

7 80. Based on Mr. Psaila's statements, I suspected Mr. Psaila of
8 unauthorized credit card charges.

9 81. Mr. Psaila also handed over a stack of hard copy invoices during this
10 meeting. He said that those were not all of the invoices and that he had to get the
11 other invoices.

12 **N. December 14, 2016: Investigation of All Invoices**

13 82. After our meeting with Mr. Psaila, Laia and I spent many hours that
14 same day reviewing the invoices from Mr. Psaila and trying to match them to
15 costumes that we had received from Marco Marco. Mikey was not with us, but we
16 called him throughout the day to ask him questions.

17 83. We checked our emails, text messages, and performance schedule. We
18 took out any costumes from Marco Marco that was in my closet and counted them.

19 84. We also reviewed by Instagram account. The Instagram account under
20 the username @theprettypmess is my Instagram account. I own, maintain, and
21 control this account. The public URL for my Instagram account is
22 www.instagram.com/theprettypmess.

23 85. I regularly post on my Instagram account, including when I have
24 performances. Laia and I reviewed my account to see what I had worn during my
25 shows in 2015 and 2016.

26 86. Laia attempted to identify legitimate charges, which would be those
27 charges that corresponded to a costume that we knew we had requested for a
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1 particular show or performance. Nonlegitimate charges were those for which we
2 could not identify a particular costume or invoice.

3 87. Based on this review, Laia and I could not account for all of the
4 transactions by Marco Marco on my credit card. When Laia added together the
5 invoice amounts from the invoices that Mr. Psaila gave us, the total amount was
6 around \$461,000 in charges for the two years. This number was much less than the
7 almost one million dollars that Marco Marco had charged on my Amex credit card
8 in 2015 and 2016.

9 88. We were also still missing many invoices. We only had about 73
10 invoices, but there were 132 transactions by Marco Marco on my Amex card
11 between 2015 and 2016.

12 89. Some of the invoices from Marco Marco described the costume or
13 service provided. However, Laia and I found that the invoices identified far more
14 costumes than we had in our possession.

15 90. We shared the results of our review of the invoices with the Secret
16 Service. We also sent screenshots of the December 1, 2016 text messages that Mr.
17 Psaila had sent to Mikey to the Secret Service.

18 **O. Contact with Amex About Credit Card Charges**

19 91. Around this time, I was advised by Mr. Henderson that I should contact
20 American Express's Fraud Department about the Marco Marco credit card charges
21 on my account. Mr. Henderson advised me to tell American Express that I was
22 working with him and Peter Grimm, an American Express Investigator.

23 92. Mr. Henderson later told me that I should contact Peter Grimm directly.

24 93. I was unable to get in touch with Peter Grimm until January 2017.

25 94. I do not recall what documents I shared with Peter Grimm.

26 95. I do not know when or how American Express provided a refund. I
27 never received any checks directly. I do not know whether I received a credit from
28 American Express in my credit card account.

1 **P. 2017: Events Leading Up to the Grand Jury Indictment of**
2 **Mr. Psaila on April 28, 2017**

3 96. On the morning of January 11, 2017, Mr. Henderson informed me that
4 the Secret Service had obtained a search warrant for Marco Marco and would
5 execute it that morning.

6 97. Prior to this communication, the Secret Service had not contacted me
7 about a search warrant, and I was not aware that the Secret Service was in the
8 process of obtaining a search warrant.

9 98. I relayed the information from Agent Henderson to Laia and Mikey just
10 so that they were aware of this development.

11 99. In late April 2017, Mr. Henderson informed me that Assistant United
12 States Attorney (“AUSA”) George Pence from the United States Attorney’s Office
13 (“USAO”) was preparing to criminally charge Mr. Psaila in front of a grand jury and
14 wanted to talk to me. I agreed to speak with Mr. Pence.

15 100. On April 26, 2017, I spoke with Mr. Pence and Mr. Henderson over the
16 phone. I had not had any prior contact with Mr. Pence or the USAO about the
17 Marco Marco transactions on my Amex credit card.

18 101. Mr. Pence explained to me that he had identified seven transactions as
19 fraudulent and planned to present these transactions to the grand jury. He generally
20 explained the charges that he planned to bring and how the case would proceed.

21 102. I do not know how Mr. Pence identified these seven transactions.

22 103. After the call, Mr. Pence emailed me the seven transactions we had
23 discussed. A true and correct copy of the email communication from Mr. Pence is
24 attached hereto as **Exhibit 4**. In his email, Mr. Pence asked me to review the
25 transactions and to “please call Special Agent Henderson and let him know your
26 thoughts.” (Ex. 4.)
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1 104. Following Mr. Pence's instructions, Laia and I reviewed the seven
2 transactions and the documents that we had. Based on our review, we could not
3 determine that the seven charges had been authorized.

4 105. I emailed Mr. Pence back that evening, letting him know that "[w]e
5 reviewed these charges and we have no invoices, no emails, and no texts that can
6 support these transactions." (*Id.*) I noted, however, "**I would like to speak to you**
7 **again to make SURE we're not missing anything.**" (*Id.* (emphasis added).)

8 106. I wanted to talk to Mr. Pence again out of an abundance of caution. I
9 understood that a federal criminal prosecution was a serious matter, and I did not
10 want to falsely accuse Mr. Psaila of a crime.

11 107. On April 27, 2017, Laia and I spoke on the phone with Mr. Pence and
12 Agent Henderson. (Compl., Ex. 3.) Laia and I reiterated that we could not find
13 invoices or documentation supporting the seven transactions that Mr. Pence had
14 identified. (*Id.*)

15 108. Following the call, I did not hear back from Mr. Pence. I did not
16 receive any direct communications from anyone at the USAO about the case.

17 109. Neither Mr. Pence nor anyone from the Secret Service contacted me to
18 let me know that Mr. Psaila had been indicted on April 28, 2017.

19 110. I only learned about Mr. Psaila's indictment later on after I reached out
20 to Mr. Henderson for updates on the case.

21 **Q. Events Following Grand Jury Indictment and Dismissal**

22 111. Between 2017 and 2021, I received intermittent updates from Mr.
23 Henderson about how Mr. Psaila's criminal case was proceeding. I understood that
24 the case had been delayed.

25 112. Neither Mr. Henderson nor anyone from the Secret Service or from the
26 USAO contacted me to let me know that Mr. Psaila's indictment would be
27 dismissed or had been dismissed on September 29, 2021.

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1 113. I learned from Twitter that the criminal case against Chris Psaila had
2 been dismissed after the fact.

3 114. When I found out about the dismissal, I called Mr. Henderson to ask
4 why Mr. Psaila's criminal case had been dismissed after four years. Mr. Henderson
5 seemed to blame himself. He told me that he had been a new, young agent when he
6 had conducted the investigation of Mr. Psaila and had overlooked certain things.

7 115. To this day, I do not know why the USAO moved to dismiss Mr.
8 Psaila's indictment.

9 116. Throughout my interactions with the Secret Service, USAO, and Amex,
10 I did not hold any malice toward Mr. Psaila. I reported the unauthorized credit card
11 charges on my Amex card to the Secret Service and assisted with the federal
12 investigation and prosecution because I genuinely believed that I did not authorize
13 those charges. Similarly, I reported the charges to Amex because I believed, based
14 on the information I had at the time, that I had been overcharged.

15 117. At no point did I conspire with the Secret Service, USAO, or Amex to
16 fraudulently and maliciously prosecute Mr. Psaila.

17 118. This experience was difficult and distressing at the time. A friend
18 whom I had trusted had taken advantage of me. I had to confront that friend about
19 his wrongful conduct. As a result, I not only lost a friend but ended an important
20 business relationship.

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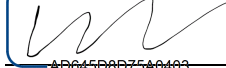
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1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

3 Executed on October 20, 2023.

4 DocuSigned by:

5 

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