

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

NUHN INDUSTRIES LTD., Case No. 3:22-CV-00015-SMR-HCR
Plaintiff,
v.
BAZOOKA FARMSTAR, LLC,
Defendant.

VIDEO-RECORDED REMOTE ZOOM DEPOSITION OF
MAURICE BRYHAM, AS THE REPRESENTATIVE
OF SEALEGS INTERNATIONAL

Taken Tuesday, October 29, 2024
Scheduled for 2:00 P.M. CENTRAL TIME

REPORTED BY: Lori Morrow, RDR, RMR, CRR, CRC
JOB NO.: MW 6972640

1 VIDEO-RECORDED REMOTE ZOOM DEPOSITION OF
2 MAURICE BRYHAM AS THE REPRESENTATIVE OF SEALEGS taken
3 Tuesday, October 29, 2024, commencing at 2:30 p.m. (CDT)
4 before Lori Morrow, Certified Diplomate Reporter,
5 Certified Realtime Reporter, Certified Realtime
6 Captioner, and a Stenographic Shorthand Reporter and
7 Notary Public of and for the State of Minnesota.

8 *****

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APPEARANCES (CONTINUED):

ALSO PRESENT: Brian Ciccone, Videographer

NOTE: The original transcript will be delivered to
Thomas Leach, Esquire.

I N D E X

WITNESS:

MAURICE BRYHAM, IN HIS CAPACITY AS THE DESIGNATED
CORPORATE REPRESENTATIVE OF SEALEGS

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INSTRUCTIONS: (None)

REQUESTS FOR PRODUCTION: (None)

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(REPORTER'S NOTE: Quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily indicate an exact quote from the document.)

1 (The following proceedings commenced at
2 2:30 p.m. (CDT).)

3 THE VIDEOGRAPHER: Good afternoon. We are
4 going on the record at 2:30 p.m. Central
5 Daylight Time on October 29, 2024.

6 This is Media Unit Number One of the
7 video-recorded deposition of Maurice Bryham
8 taken by counsel for Defendant in the matter of
9 Nuhn Industries Limited versus Bazooka
10 Farmstar, LLC, filed in the United States
11 District Court for the Southern District of
12 Iowa, Davenport Division. Case Number
13 3:22-CV-00015-SMR-HCA.

14 This deposition is being held via remote
15 Zoom. My name is Brian Ciccone representing
16 Veritext Legal Solutions, and I am the
17 videographer. The court reporter is Lori
18 Morrow, also from Veritext Legal Solutions.

19 Will the attorneys please identify
20 themselves for voice recognition.

21 MR. LEACH: This is Tom Leach with
22 Merchant & Gould on behalf of the Defendant,
23 Bazooka Farmstar.

24 MR. YACKEY: This is Scott Yackey from the
25 law firm of Harness IP on behalf of Plaintiff,

1 Nuhn Industries Limited.

2 And I want to note for the record that
3 this deposition is being conducted remotely
4 pursuant to the Court's order dated October 28,
5 2024, Docket Number 242.

6 THE VIDEOGRAPHER: Thank you. Will the
7 court reporter please swear in the witness.

8 (The witness was sworn.)

9 THE VIDEOGRAPHER: You may proceed.

10 MAURICE BRYHAM,
11 duly sworn, was examined and testified as follows:

12 EXAMINATION

13 BY MR. LEACH:

14 Q Thank you, Mr. Bryham, for your time today.

15 I want to quickly start first just to get some
16 formalities out of the way. If you could please state
17 your full name for the record.

18 A Maurice John Bryham.

19 Q Can you spell that, please?

20 A M-a-u-r-i-c-e, J-o-h-n, B-r-y-h-a-m.

21 Q And how old are you, sir?

22 A I am 58, born on 4th of August, 1965.

23 Q And where do you live?

24 A 42 Ocean View Road, Milford, Auckland,
25 New Zealand.

1 Q Sir, have you ever been deposed before? Have
2 you ever had a deposition taken before?

3 A Not in the U.S.

4 Q Okay. And are you here today voluntarily to
5 provide facts about Sealegs' amphibious vehicle?

6 A Yes.

7 Q And you understand that the court reporter just
8 administered the oath and that you are under oath today,
9 and it has the same force and effect as if you were in a
10 courtroom in front of a judge and jury?

11 A Yes.

12 Q And I will attempt to make my questions as
13 clear as I can. But if you don't understand a question
14 or want me to clarify, please ask, and I'll try to do so.

15 But if you provide an answer, I'll assume you
16 understood the question. Is that fair?

17 A Yes.

18 Q And because the court reporter is going to be
19 taking down everything that's said today, it's important
20 to give verbal responses like yes, no, or just verbal
21 answers versus uh-huh or uh-uh or shaking your head.
22 That's hard for the court reporter to get that down. So
23 if you could, please provide verbal answers. Is that
24 fair?

25 A Yes.

1 Q And then also, because she's trying to take
2 down what is said, I'll make a point not to speak over
3 you, and if you could try to wait until I'm done and then
4 provide your answer so the court reporter can get
5 everything down that's said. Okay?

6 A Okay.

7 Q And then, is there any reason, for example, any
8 medication you're on that would prevent you from
9 understanding my questions and answering them truthfully?

10 A No.

11 Q And, Mr. Yackey, counsel for Nuhn, may make
12 objections throughout the course of the proceeding, and I
13 may when he's asking questions make some objections.
14 Wait until those objections are done, and then you can
15 provide your answer. Okay?

16 A Okay.

17 Q I want to go through just a little bit of your
18 background quick, and I'm going to try to be as efficient
19 as possible. Can you tell me generally, what is your
20 education?

21 A My education is just through to New Zealand
22 high school, which I think would be the same as year 13,
23 and then I went into business. I didn't go to
24 university.

25 Q Okay. And are you currently employed?

1 A Yes.

2 Q And who are you employed by?

3 A I have my own company, Sea4 Amphibious
4 Technology.

5 Q Okay.

6 A And then I just do some consulting for Sealegs
7 International now.

8 Q Okay. Are you affiliated at all with Sealegs
9 International?

10 A I'm the founder and inventor, but I retired
11 full-time at the end of last year, so now I just assist
12 on a sort of casual basis.

13 Q And so you're still a consultant for Sealegs
14 International?

15 A Yes. Yeah, as required.

16 Q How long before you started -- before you
17 retired and started consulting for Sealegs International,
18 how long had you owned or worked for Sealegs?

19 A Over 20 years, so from 2001 until 2023.

20 Q And I assume you're familiar with Sealegs'
21 products?

22 A Yes.

23 Q And can you just briefly explain how you became
24 familiar with Sealegs' products?

25 A I came up with the idea. I live on the beach

1 and wanted to make it easier to launch and retrieve a
2 boat, so I thought about it and then came up with an idea
3 of how to add motorized, retractible, steerable wheels
4 and built the first one in my garage. And that prototype
5 worked successfully. And from there, I formed a company
6 and made it into a production product.

7 Q And just briefly, from 2001 when you started
8 Sealegs to 2023, have you been intimately involved with
9 all aspects of Sealegs' business?

10 A Fairly much. I've been mainly focused on the
11 design and development of the product, so the technical
12 side in charge of the R&D team with up to eight
13 engineers, but also being fairly involved in sort of
14 marketing and promotional activities as well.

15 Q Okay. And so can you provide just a little bit
16 of background? What were the challenges, or what
17 problems were you looking to solve when you came up with
18 the Sealegs idea and built a prototype?

19 A Basically, to make an amphibious boat that
20 could self-propel, drive in and out of the water just to
21 make it much easier to launch and retrieve a boat without
22 a trailer and a tow vehicle and multiple people, so it
23 just became a one-person operation, very quick and easy
24 just to drive in, push a button, retract the wheels, and
25 then it basically became a normal -- a boat on the water.

1 Could go high speed, planing.

2 Q And so you were intimately involved in the
3 design and development? In fact, it was your creation of
4 the Sealegs boat, correct?

5 A Yes.

6 Q And as the owner of the company for years or
7 decades, you also were intimately involved in the
8 marketing, promotion, and sales of the Sealegs products,
9 correct?

10 A Yes. And I -- yeah. I basically was a patent
11 owner. There are other shareholders as well.

12 Q Sure. And can you tell me when you came up
13 with the idea for the Sealegs product, about what time
14 frame, what year?

15 A Yeah. It was in 2001. So I filed a
16 provisional patent December 2001, and I wrote that
17 myself.

18 Q Okay. Let's actually just pull that up. I'm
19 going to -- just give me a second here.

20 (Deposition Exhibit Number 41 was marked.)

21 BY MR. LEACH:

22 Q Mr. Bryham, if you go into the marked exhibits,
23 I have marked Defendant's Exhibit 41.

24 A Yes.

25 Q Can you see that?

1 A Just opening it now. Yes.

2 Q And you filed a few patents on the Sealegs
3 idea, correct?

4 A Yes.

5 Q And so Exhibit 41 is U.S. Patent Number
6 7,314,395, correct?

7 A Just a moment. 7,314,395, yes.

8 Q And this patent was filed on December 6, 2005,
9 correct?

10 A The application.

11 Q It says "Filed."

12 A Patent, yeah. Hang on. I have to move across.

13 Q Yeah. You want to be in the left-hand column,
14 sir.

15 A All right. January the 1st, 2008.

16 Q No. That's the date it issued. If you go to
17 the left column.

18 A Yes.

19 Q Line 22, or it says 22, "Filed: December 6,
20 2005."

21 A Oh, yes, December 6, 2005, yeah.

22 Q Yeah. And this was a continuation of an
23 application that you filed previously, I think
24 December 17, 2002, and maybe there was an earlier one.

25 A Yeah. The original --

1 Q But anyway --

2 A Correct. The original provisional that I filed
3 was in New Zealand in 2001. But these are all, yeah,
4 from that original provisional.

5 Q Okay. Perfect. And your patent was directed
6 to an amphibious vehicle?

7 A Yes.

8 Q And can you describe generally what the patent
9 is directed to? Is it directed to adding powered,
10 steerable wheels to a boat to make it easier to get in
11 and out of lakes and streams and the ocean?

12 A Correct, yeah. Powered, so motorized,
13 retractible, steerable wheels, yes.

14 Q And your idea was borne out of the difficulties
15 in getting in and out of lakes, the ocean, rivers, using
16 a trailer, especially where there was no boat launch
17 available, correct?

18 A Correct.

19 MR. YACKEY: Objection, form, leading.

20 THE WITNESS: Yeah. So the -- yeah. The
21 main objective was to make it easier to launch
22 and retrieve a boat in and out of the water,
23 yeah, water front, beach front, lakes, rivers,
24 to make it a single-person operation where you
25 didn't have to get in and out of the craft.

1 You could stay in the boat and just drive it
2 into the water, retract the wheels. And then
3 conversely, you could drive it out of the
4 water, deploy the wheels in the water and then
5 drive out, steer it, and drive out of the
6 water.

7 BY MR. LEACH:

8 Q Okay. I want to break that up just a little
9 bit. And so one of the points -- well, can you tell me,
10 in terms of entering a body of water or a lagoon, what
11 were some of the challenges that a user with a trailer
12 would face and that your idea solved?

13 A Yeah. So basically, it eliminated the need for
14 a trailer. If the amphibious boat was near the water,
15 you could just drive to the water and in and out without
16 needing a trailer. You therefore didn't need a tow
17 vehicle to tow the trailer. So basically, it eliminated
18 the need for a tow vehicle and a trailer and didn't need
19 to back the trailer into the water. Didn't need to find
20 a ramp where you could do that operation. Didn't involve
21 someone to hold the boat in the water while the tow
22 vehicle driver went and parked the tow vehicle and the
23 trailer. So it made it a lot easier. Also, instead of
24 reversing the boat into the water on the trailer, you
25 could drive in bow first. It was a lot safer. You

1 weren't stopping in the wave zone or a current or a tidal
2 area. So someone wasn't standing in the water on a
3 slippery ramp. So it became a lot simpler, a lot easier,
4 and just one-person operation, and obviously much, much
5 quicker as well. It turned what could be at least a half
6 hour operation into, yeah, a minute or two.

7 Q And in the patent you show some of your wheels
8 in kind of maybe stick figure-ish figures. But can you
9 describe what your prototype or what your product, what
10 type of wheels it had in terms of its danger or its
11 ability to climb out of maybe steeper banks or different
12 areas that don't have a boat ramp?

13 A Uh-huh. Yeah. So through the development
14 phase, I tried a number of different types of tires and
15 different sized tires and wheels. But basically,
16 finalized onto, effectively, a sort of an all-terrain,
17 large flotation sort of terrain grip tire that's used
18 often on -- similar to what's used on all-terrain
19 vehicles, some of the Polaris all wheel drive vehicles,
20 that type of, you know, all-terrain off-road tire.

21 Q So the products that were sold prior to, say,
22 2013, the Sealegs products, could those navigate steep
23 banks, muddy banks, rocky banks, and climb out of a body
24 of water with the tires that were being used?

25 A Yes, very much so. So it was very much a low

1 speed, typically around sort of six miles per hour on
2 land but all-terrain, so very high torque. It was a
3 thousand meters per wheel and, yeah, very capable of
4 driving across rocky, difficult, muddy terrain up hills.
5 It can effectively drive up steps, so plenty of torque.
6 But the hydraulic motors are very similar to a Bobcat
7 earth-moving equipment motor in the wheels. So it was
8 hub motors at the wheel driving the wheel in very much
9 your high torque, low speed, all-terrain operation.

10 Q And were those hub motors, at least prior to
11 2013, did you have an all wheel version, or was the
12 vehicle all wheel drive?

13 A Initially, it was just the rear two wheels were
14 driven, and the front wheel was non-driven but steerable.
15 And then later, we added all wheel drive, so it made the
16 front wheel also driven with a hub motor.

17 Q And about when did you make the front wheel
18 driven?

19 A I would have to -- from memory, I think it was
20 around the year two thousand and -- I think it was
21 around -- it was about, I think, around 2010, early 2010,
22 from memory. It was a few years after we saw the first
23 ones here.

24 (Court reporter clarification.)

25 THE WITNESS: So I think it would be after

1 2010.

2 MR. LEACH: I'm going to just mark another
3 exhibit quick.

4 (Deposition Exhibit Number 42 was marked.)

5 BY MR. LEACH:

6 Q Mr. Bryham, I'm marking Defendant's Exhibit 42.
7 And you may have to zoom in a little bit on this, but it
8 is a capture from the Wayback Machine of an article that
9 was on the web February 22, 2011. But more importantly,
10 if you look at the, basically, first -- second paragraph,
11 I should say, of the text, it's talking about the Sealegs
12 adding the agility of all wheel drive. And then it says,
13 "With the front and two rear wheels driving, Sealegs can
14 scale steep river banks and beachheads to power
15 seamlessly from sea to shore, without breaking a sweat.
16 This new option is available on Sealegs amphibious boats
17 built from May 2010 onwards and means that an additional
18 wheel motor is added to the front wheel." Do you see
19 that?

20 A Yes. Yeah.

21 Q Does that refresh your recollection that around
22 May of 2010, Sealegs put all wheel drive on the Sealegs
23 products?

24 A Yes. Yes. And the photo is over -- that's of
25 the all wheel drive Sealegs driving up a quite difficult

1 pebbly beach.

2 Q And so going back to your knowledge about the
3 Sealegs product, prior to 2013, as we established, you
4 were the original developer and designer of the product.
5 You are intimately familiar with the research, design --
6 or strike that.

7 Are you intimately familiar with the research,
8 design, development of the Sealegs product?

9 A Yes.

10 Q And then back prior to 2013, I think you also
11 mentioned you were involved in sales and marketing. So I
12 want to ask, prior to 2013, were you also personally
13 knowledgeable about the sales and marketing of the
14 Sealegs product?

15 A Yes.

16 Q So going back to the design and development,
17 through your personal experience, designing, developing
18 and testing and probably supporting the Sealegs
19 amphibious vehicle, is that how you became personally
20 familiar with the products?

21 MR. YACKEY: Objection, form.

22 BY MR. LEACH:

23 Q Let me ask a better question. That was a
24 little long.

25 Prior to 2013, you were involved with the

1 design and development of the product, correct?

2 A Yes.

3 MR. YACKEY: Objection, form.

4 THE WITNESS: Sure.

5 BY MR. LEACH:

6 Q Well, were you involved in testing of the
7 product?

8 A Yes.

9 MR. YACKEY: Objection to form.

10 BY MR. LEACH:

11 Q Were you involved in supporting the products
12 that were sold?

13 MR. YACKEY: Objection, form.

14 THE WITNESS: Yes.

15 BY MR. LEACH:

16 Q Would it be fair to say that you're one of the
17 persons most familiar with the design, structure, and
18 capabilities of the Sealegs product?

19 A Yes.

20 Q Can you briefly tell me how you became
21 personally familiar with the sales and marketing of the
22 Sealegs amphibious vehicle?

23 A Yeah. So previous companies that I've founded,
24 I was also very involved in sales and marketing. And at
25 Sealegs, yeah, basically, right from choosing the company

1 name to, you know, designing the logo, fonts, marketing
2 material, had very much overview and a hand in the look
3 and feel of Sealegs' marketing, was involved in signing
4 off on brochures and marketing material.

5 Q Did you attend trade shows?

6 A Yes.

7 Q And were you involved in all of those
8 activities prior to 2013?

9 A Yes.

10 Q So would it be fair to say prior to 2013 you
11 were familiar with all aspects of the Sealegs company?

12 A Yeah, from an executive level and on, yeah,
13 sales, marketing, and product development from a hands-on
14 level.

15 Q Can you briefly describe the Sealegs product
16 that was advertised, sold, and used prior to 2013?

17 A Yeah. So it was a range of amphibious boats
18 using the Sealegs system. Originally, they were rigid
19 inflatable boats, so with inflatable tubes, aluminum
20 hull, through to full aluminum hulls with what we call a
21 D tube, which was aluminum air filled sides for
22 additional flotation. And then the size grew from,
23 originally it was six meters and then later on became
24 seven meters in length.

25 (Court reporter clarification.)

1 THE WITNESS: Aluminum hull.

2 BY MR. LEACH:

3 Q And can you briefly describe the retractible
4 wheels? How did they operate?

5 A Yeah. So they had -- each of the retractible
6 wheels had a hydraulic cylinder that by pressing a button
7 activates the hydraulic fluid from a hydraulic pump to
8 raise or deploy the leg with a wheel on the end. A
9 little bit like an aeroplane undercarriage, you could
10 just press a button to raise or lower the wheels.

11 Q I think you mentioned that the hull was a
12 floatable or a buoyant hull; is that correct?

13 A Yes. Yeah.

14 Q So in some respects, or in some versions, it
15 had more like a raft type hull; is that correct?

16 A Yeah. In some versions, the rigid inflatable
17 had an aluminum hull with Hypalon inflatable rubber tubes
18 on the sides similar to what's used for Coast Guard or
19 whitewater rafting type boats.

20 Q And then later did it have a more traditional
21 hull?

22 A Yeah.

23 MR. YACKEY: Objection to form.

24 BY MR. LEACH:

25 Q So let me rephrase the question. Did you also

1 employ a different type of hull at some point?

2 A Yes. So subsequently we had full aluminum hull
3 with no inflatable tubes, so the entire boat hull was
4 made of aluminum.

5 Q And can you describe what that bulk hull was in
6 comparison to what people would think of as a traditional
7 bulk hull?

8 A Yeah. So there was a monohull, so a V-shaped
9 hull with aluminum sides. So I think most people, you
10 know, most laymen would just recognize it as a boat.

11 Q Okay. Did that V-shaped hull have any chambers
12 in it that you filled with foam for flotation in case it
13 got swamped?

14 A Not normally. Normally, they were not foam
15 filled. But occasionally, we did do foam in the cavities
16 for some commercial operators or Coast Guard
17 requirements.

18 Q And do you know whether the amphibious boats
19 that you made that included foam filled chambers, were
20 those built prior to 2013?

21 A I wouldn't know absolutely. But I suspect
22 there may have been some before 2013. But yeah, without
23 going back to records, I couldn't be absolutely sure.

24 Q Okay. And the Sealegs boat also had a number
25 of, say, tools or attachments on it; is that correct?

1 MR. YACKEY: Objection, form.

2 BY MR. LEACH:

3 Q Strike that. Let me -- there were different
4 versions of the boat -- strike that again.

5 Were there different versions of the boat, like
6 for fire and rescue or for military use or like that?

7 A Yes. So we had our standard recreational
8 craft, and then we had -- which we called the white
9 boats, the recreational crafts. Then we had the red
10 boats, which were for rescue departments, fire
11 departments, flood rescue, which would have attachments
12 like stretchers. Sometimes we would have power take-offs
13 from the hydraulics to do an auxiliary propeller or pump,
14 fire pump, water pump for fire department. And then we
15 would have what we call black boats, which were for
16 military or security forces, police departments.

17 MR. LEACH: Okay. I'm going to mark
18 another exhibit.

19 (Deposition Exhibit Number 43 was marked.)

20 BY MR. LEACH:

21 Q Mr. Bryham, I've marked Defendant's Exhibit 43.
22 If you could take a look at this document, please.

23 A Okay.

24 Q Can you tell me what this document is?

25 A Yeah. This is a brochure specifically for the

1 red boat market, for the rescue craft market for fire
2 departments, fire rescue. What you can see in some of
3 the photos is a fire boat. There's civil defense and
4 fire department craft in different countries, including
5 New Zealand, Italy, India. And at the end you can see
6 the aluminum craft listed first and then a six-meter and
7 a seven-meter rigid inflatable craft after that. And a
8 lot of the options and accessories are on the last page.

9 Q Okay. Let's go through this document a little
10 bit. Is this an advertisement or brochure for the
11 Sealegs rescue craft products?

12 A Yes.

13 Q And was this publicly distributed prior to
14 2013?

15 A I think there may be a date at the end. Yeah,
16 I can't see a date on the brochure itself, but I think I
17 emailed the date when this brochure was finalized and
18 circulated.

19 Q Do you recall as you sit here when this
20 brochure was publicly distributed? Was it prior to 2013?

21 A I believe so, yes.

22 Q Let me just pull up another document really
23 quick. I've pulled the properties. So let me -- just a
24 second.

25 (Deposition Exhibit Number 44 was marked.)

1 BY MR. LEACH:

2 Q Mr. Bryham, I have marked Defendant's
3 Exhibit 44. If you could pull that up and take a look at
4 it.

5 A Okay.

6 Q And what Defendant's Exhibit 44 is is the
7 Sealegs brochure, Defendant's Exhibit 43, and the
8 properties from that. And if you see, it says, "Created:
9 4/28/2010." Do you see that?

10 A Yes. Yeah.

11 Q And it says, "Brochure Concept Revised
12 SSB [sic] LR.PDF." Do you recognize that file name?

13 A File name. Oh, yes. Yeah, Sealegs
14 International, SLI, yeah.

15 Q Okay. And so does this refresh your
16 recollection or corroborate your belief that this
17 document was distributed prior to 2013?

18 A Yes, in 2011. Yes.

19 Q Okay. And so if we go back to Exhibit 43, does
20 Exhibit 43 accurately describe the products Sealegs was
21 selling prior to 2013?

22 A Yes. Yeah. I mean, there's photos of actual
23 Sealegs products, and that's what we were selling at that
24 time. Yes.

25 Q And how do you know that?

1 A From the date of the brochure and from all the
2 photos of the Sealegs craft, and, you know, those are
3 customer photos being -- Sealegs craft being used in
4 rescue applications around the world.

5 Q Let's go to the page -- on the bottom, there's
6 Bates numbers we put on them. It says, "SEA," a bunch of
7 zeros, and then 5. And it's where there's a bunch of
8 text --

9 A Okay.

10 Q -- in Exhibit 43.

11 A Yes.

12 Q I just want to go through some of that.

13 If you look at the first paragraph, it says,
14 "All Sealegs amphibious boats are purpose built as a
15 highly versatile and reliable rescue craft that offers
16 the ability to safely perform critical missions in areas
17 previously considered inaccessible." Do you see that?

18 A Sorry. I'm on the wrong page. Is this on the
19 white text on black background or --

20 Q No. It's the white text on red background
21 where it says at the top "Rescue Craft."

22 A Oh, yes, Sealegs, yeah.

23 Q So on the very first paragraph there, it says,
24 "All Sealegs amphibious boats are purpose built" and so
25 on. Do you see that, the second sentence at the very

1 beginning?

2 A You're on page --

3 Q It's page three of eight on the PDF that you're
4 looking at, I think.

5 A Okay. Page three, yeah.

6 Q Big red page with white text.

7 A Yeah, I've got Sealegs Rescue Craft, then
8 "Sealegs amphibious marine craft give rescue and patrol
9 organizations unique multi-role capabilities."

10 Q Yeah.

11 A Is that the paragraph?

12 Q Yeah. And the second sentence there, it says,
13 "All Sealegs amphibious boats are purpose built." Do you
14 see that?

15 A Yes.

16 Q Okay. What do you mean by -- what did you mean
17 by purpose built?

18 A So Sealegs builds -- not only does it build the
19 amphibious system, but it also in-house builds the hull,
20 the aluminum hull designs and builds the hull. So the
21 hull is especially designed for the amphibious system to
22 be fitted for the strength and the hydrodynamic balance,
23 so it's not just an off-the-shelf hull. It's a special
24 purpose built hull.

25 Q And so if someone from a particular industry

1 came to you and wanted some modifications made, is that
2 something Sealegs would do?

3 A Yes.

4 MR. YACKEY: Objection, form.

5 BY MR. LEACH:

6 Q Do you know, was remote control ever added to a
7 Sealegs boat?

8 A We had interest from military customers,
9 including the U.S. military, for autonomous operation.
10 We did do some prototype development. But from a sales
11 point of view, we fitted autopilot systems, which worked
12 on both land and water, so you could actually set
13 waypoints on land and water for the Sealegs craft to
14 autonomously go to those locations.

15 Q And was that done prior to 2013, do you know?

16 A I would have to check. We were definitely
17 working on systems before 2013. I would have to look at
18 the exact timeline for which systems and which
19 capabilities had been deployed at that time.

20 Q And again, when you say "purpose built" in this
21 brochure, or when Sealegs says "purpose built" in this
22 brochure -- and let me just back up quick.

23 Is this one of the brochures you would have
24 reviewed or approved and that was sent out?

25 A Yes, definitely, yes.

1 Q And so when it says "purpose built," if a
2 customer had specific pumping requirements, for example,
3 could you have included a fluid pump for those specific
4 pumping requirements?

5 MR. YACKEY: Objection, form.

6 THE WITNESS: Yes.

7 BY MR. LEACH:

8 Q And is that what happened when you added the
9 firefighting pump to the boat?

10 A Yes. So the firefighting pump --

11 MR. YACKEY: Objection, form.

12 Go ahead.

13 THE WITNESS: So the firefighting pump
14 option was developed for fire departments from
15 their requests to have that option. And then
16 we would fit a fire pump or water pumps
17 depending on what the customer required. Or
18 some customers would put a portable fire pump
19 onto the Sealegs craft, and we'd just check the
20 space requirements and mounting requirements
21 for that pump to be incorporated into the hull.

22 BY MR. LEACH:

23 Q Sure. So going back to Exhibit 43, if you go
24 down to some of the bullet points under the "Perform
25 Rescue Missions Previously Considered Impossible."

1 A Uh-huh.

2 Q I just want to go through some of those bullet
3 points. It says on the first point, "Seamlessly travel
4 over both land and water with variable propeller and
5 wheel propulsion to carry out effective and rapid
6 response in the most challenging environments." Do you
7 see that?

8 A Yes.

9 Q What do you mean by "the most challenging
10 environments"?

11 A So that's both challenging environments on land
12 and water. So up to Sea State 4, so that's quite a high,
13 you know, rough sea conditions, and also over challenging
14 land terrain, muddy, you know, sandy, rocky, steep
15 inclines, so all-terrain on land and very capable in
16 rough weather on water.

17 Q And do challenging environments also include
18 natural disasters, flood areas, lakes, rivers, oceans,
19 that type of thing?

20 A Yes. Yeah. So flood rescue are in some of
21 those photos.

22 Q And if you go down to, let's see, one, two --
23 the third bullet down, it says, "Access critical areas
24 where traditional vessels are impeded by shallow water,
25 variable depth, debris, and obstructions with

1 instantaneously adjustable wheel and propeller propulsion
2 configurations."

3 A Yes.

4 Q Was the Sealegs boat designed to travel in
5 shallow water where there was variable depth and debris
6 and obstructions?

7 MR. YACKEY: Objection, form.

8 BY MR. LEACH:

9 Q You can answer the question.

10 A Okay. Yes. So in the flood -- flood
11 applications, Sealegs craft is very much designed to go
12 through variable depth water where sometimes the wheels
13 would be on the ground under the water if the water was
14 sort of knee deep. And then once it got, you know,
15 deeper than that, then the boat would actually float.
16 The wheels could still be deployed down, and then they
17 would touch down when the depth then became knee deep
18 again. So you could go through, you know, very muddy
19 water where you couldn't see the bottom, and it wouldn't
20 matter how deep the water was. You could be driving
21 under water if it was shallow enough or floating with the
22 wheels down if it was deeper and transversing those
23 very -- those flooded areas and unknown depth areas. And
24 also the Sealegs system is very robust, so it can -- you
25 know, people would drive through, you know, waterways

1 that were full of debris and, you know, fence posts and
2 rubbish and flood situations or even in swampy
3 situations. There could be a lot of debris in the water,
4 and the Sealegs system was very robust. We sold the same
5 Sealegs system to the military that we sold to the
6 commercial operators and to the recreational users. So
7 we didn't have a different system for those different
8 markets. It was all built particularly to the military
9 grade, so very robust, and that was sold to commercial
10 and recreational users as well, the same system.

11 Q Thank you for that.

12 Looking down to the last bullet point in that
13 first section of bullet points, it says, "Lead deployment
14 into remote or natural disaster areas in full operational
15 capability without formal docking facilities or
16 supporting infrastructure."

17 Can you tell me kind of what that's describing?

18 A Yeah. That's basically saying that it can
19 basically drive in and out of the water almost anywhere.
20 So there doesn't need to be any existing ramps or
21 launching areas. It can just drive off the bank of a
22 river or into waterways. And as long as it had traction,
23 it could drive out. So it can -- a Sealegs craft can
24 drive over logs. It can drive -- as I said, it can drive
25 up steps. It can drive up very steep inclines. So it

1 really is -- it's a machine rather than a toy. It's very
2 much like an amphibious moving piece of equipment. It's
3 got -- it has got hydraulic Bobcat type motors, very high
4 torque, very powerful for driving over very difficult
5 terrain and launching in places where you wouldn't
6 consider launching a trailered boat. You can drive off
7 the end of a pier into the water. You can drive out onto
8 ice shelves by deploying the front wheel and then using
9 the upward thrust to push the hull up onto the ice shelf
10 or up out of a waterway onto land.

11 Q In the Sealegs product that was used and sold
12 prior to 2013, could you have the wheels turning when the
13 wheels are in the up or retracted position? Could they
14 spin in any position?

15 A Yes. Yeah. So you could -- yeah. The wheels
16 can be driven in any of the deployed or retracted
17 positions or any way in between. And sometimes, you
18 know, driving up onto land, you would sometimes only have
19 the wheels half down and be sort of pulling the hull up
20 onto the land. Or sometimes, if it was a very muddy sand
21 bank, you could actually have the belly of the hull
22 touching the mud bank and having the wheels half down and
23 sort of skimming along the terrain using the wheels and
24 taking some of the load onto the hull.

25 Q If you go down a little bit further on Exhibit

1 43, again, it talks about "Withstand challenging waters
2 and debris-strewn environments with a durable 5083
3 aluminum hull construction built to Lloyd's special craft
4 standards." What are Lloyd's special craft standards?

5 A Lloyd's is the English regulatory body that has
6 standards for -- those ones it's mentioning here are for
7 special service craft regulations, so those are -- I
8 think these are strength of the hull especially at high
9 speeds, for -- normally for military operators. So it's
10 built to a very high compliance standard for strength of
11 a hull, which allows some of those operations I was
12 talking about where the hull could actually be load
13 bearing on land as well.

14 Q And if you go down one more bullet, it says,
15 "Reliably operate in remote and highly corrosive
16 conditions with durable hydraulic and marinized
17 componentry from patented Sealegs amphibious technology."
18 Can you describe what that's talking about?

19 A Yeah. So basically, the Sealegs system is
20 designed to operate in salt water, so a very corrosive
21 environment. So the materials we selected was the
22 aluminum 316 stainless steel and special marine coatings
23 so that there was, yeah, long-term longevity of those
24 marinized products in a very corrosive salt water
25 environment without the need for high maintenance.

1 A lot of customers, you know, there were -- it
2 was recommended to wash down after use with fresh water,
3 but lots of customers didn't do that. And it didn't
4 really matter. The Sealegs system has got the materials
5 that can withstand that harsh environment.

6 Q Okay. And then going below that, it says,
7 "Increased sponson service life with enhanced resistance
8 to oil, chemicals, weather, and damaging UV rays from
9 commercial Hypalon grade fabric." Can you describe what
10 that's talking about?

11 A Yes. So the sponsons are the inflatable tube.
12 So the craft that had the inflatable tubes, we used a
13 high quality and a extra thick Hypalon rubber material to
14 make the tubes. And that was a European fabric, and it
15 has different grades. It has a recreational grade and
16 then it has a commercial and military grade. So we use
17 the commercial grade for recreation and then the military
18 grade for commercial and military customers, which
19 basically gives a very -- that high quality European
20 fabric with the additional thickness is very resistant to
21 the oil and other fluids. And the thickness means it's
22 very resistant to damage from debris and abrasion. You
23 have to -- even with a knife, you have to cut through
24 multiple levels of fabric to get through the inflatable
25 sponson tube.

1 Q All right. And prior to 2013, did the Sealegs
2 product include a rescue fire pump system?

3 MR. YACKEY: Objection, form.

4 THE WITNESS: Yes. This brochure is 2011,
5 and this is showing fire pumps on the craft, on
6 the Sealegs craft. And yes, we were selling
7 and having the option of fire pumps selling
8 from at least 2011.

9 BY MR. LEACH:

10 Q Going down to the specifications on page six of
11 eight, there's a list of specifications in gray. It
12 says, "Base Boat Specifications." And one of them says
13 "Free wheel tow valve." Can you describe what that is?

14 A Yes. So that -- basically, each of the wheel
15 hub motors, hydraulic motors that drive the wheels, when
16 the craft is stopped, they effectively abrate through a
17 hydraulic braking outfit. So if you need to tow the
18 vehicle, you're effectively trying to pull it against
19 that hydraulic brake. By activating the tow valve, it
20 allows the wheels to freewheel, so it makes it easy to
21 push or tow the vehicle on land if the hydraulic inboard
22 engine is not operational. So it's kind of a redundant
23 feature for moving the craft if you're unable to start
24 the engine.

25 Q Okay. And then if you go down to the bottom

1 right-hand corner, it says, "All wheel drive with front
2 drive motor." Do you see that?

3 A In the table?

4 Q No. It's not in the table. It's a picture of
5 the wheel. It's a big picture of the wheel where it says
6 "3X3 All Wheel Drive."

7 A Yes. Yes. Yeah, so AWD stands for all wheel
8 drive, which means all three wheels have got the
9 hydraulic motor. And you can see in the photo there,
10 that's the front wheel, and that little bulge out the
11 side is housing for the front hydraulic wheel motor.

12 Q Okay.

13 A And that sort of aluminum cover is an
14 additional cover we put over the motor. So, again,
15 that's for protection against debris, logs, driving
16 through -- or, you know, hitting rocks, driving through
17 very aggressive terrain or waterways. We don't know
18 what's in the water. It's got a protection over the
19 steel hydraulic motor, which is marinized. In addition
20 to the robustness of the hydraulic motor, we've got an
21 additional protective housing.

22 Q And the hydraulic motor on the Sealegs
23 products, are those variable speed hydraulic motors?

24 A Yes. Yeah. So we have a variable displacement
25 pump. And that means that each of the motors are

1 infinitely variable forward and reverse so that, you
2 know, you've got a joystick which gives you, you know,
3 full speed control of all the wheel motors from zero to a
4 hundred percent in forward and reverse.

5 Q Okay. And prior to 2013, did Sealegs put a
6 fire pump system on its Sealegs amphibious boats?

7 MR. YACKEY: Objection, form.

8 THE WITNESS: Yes. You can see in this
9 brochure, 2011, there's photos of fire pumps on
10 Sealegs' amphibious craft.

11 BY MR. LEACH:

12 Q Can you tell me what page those are on?

13 A Yeah. There's a photo on the front cover.
14 Well, the hero shot on the front cover is a Sealegs all
15 aluminum craft, 6-meter D tube with a fire pump being
16 operated by a fire department putting out a fire on
17 another boat. That same craft is on page two on the
18 left-hand column of photos. It's at the top of page
19 three. The 6.1-meter D tube is the fire pump Sealegs
20 fire boat. And then at the top of page four --

21 Q This is at the top of page three.

22 A Top of page three. Oh, sorry. That's on page
23 four, yeah.

24 Q Okay.

25 A Top of page four where it's got the three

1 craft. The first craft is the fire pump Sealegs, and
2 also the top of page five is a photo of the -- yeah. I
3 think those are the photos on that brochure.

4 Q Okay. I want to mark another exhibit quick.
5 Before I do that, though, let's go to Exhibit 43, and I
6 just want to confirm a few things. Is Exhibit 43 a true
7 and accurate copy of Sealegs' amphibious rescue craft
8 brochure as it existed prior to 2013?

9 A Yes.

10 Q And was this document prepared and kept in the
11 ordinary course of Sealegs' business?

12 A Yes. So that's a brochure that was used to
13 email or to hand out to people at trade shows or customer
14 leads looking for amphibious rescue craft.

15 Q And so is the brochure depicted in Exhibit 43 a
16 business record of Sealegs.

17 MR. YACKEY: Objection, form.

18 THE WITNESS: Yes. That's -- sorry.

19 BY MR. LEACH:

20 Q Oh, go ahead.

21 A Yeah, that's very much a representation of the
22 products that were being offered for sale and the
23 products that were being sold for the rescue, flood
24 rescue, fire department market with the products that we
25 were selling and the options that we offered to those

1 customers.

2 Q And would the exhibit -- the brochure shown in
3 Exhibit 43 be made around the time that those products
4 were offered for sale and advertised?

5 A Yes.

6 MR. YACKEY: Objection, form.

7 THE WITNESS: Yeah. Those are the
8 products that were being offered at that time,
9 yes, in 2011.

10 BY MR. LEACH:

11 Q And was this document obtained from where it
12 was normally kept at Sealegs?

13 MR. YACKEY: Objection, form.

14 THE WITNESS: This document was in my
15 emails from developing and preparing this
16 brochure through to sending it out to the
17 salespeople at Sealegs.

18 BY MR. LEACH:

19 Q And so was this brochure in your possession as
20 a consultant for Sealegs?

21 A This was prepared when I was working full time
22 at Sealegs, yeah, in that product development and, you
23 know, in my involvement in sales and marketing.

24 Q Okay. And so this came from Sealegs
25 International while you were working there and owned it,

1 correct?

2 A Yes. Yeah. It's from Sealegs --

3 MR. YACKEY: Objection to form.

4 THE WITNESS: -- Sealegs' files, yeah.

5 BY MR. LEACH:

6 Q Okay. And so we talked a little bit about
7 Exhibit 43 and how the Sealegs amphibious vehicle, and
8 including the amphibious pumping vehicle, was used in
9 remote debris-laden environments. Is that fair?

10 MR. YACKEY: Objection, form.

11 THE WITNESS: Yes.

12 MR. YACKEY: Misstates prior testimony.

13 THE WITNESS: Yes. Yeah. It shows it
14 being used on Sealegs craft for, yeah, flood
15 rescue. As I said, those debris, muddy waters
16 where you can't see the bottom.

17 BY MR. LEACH:

18 Q And so when you were designing the fire pump
19 version of the Sealegs product, was that pump capable of
20 pumping water from flooded areas or muddy rivers and
21 lakes and streams?

22 MR. YACKEY: Objection, form.

23 THE WITNESS: Yes. You can see on page
24 two of the brochure, there's a, kind of a
25 building stuck under a bridge. The craft in

1 front there is the Italian fire department.
2 That is the main river in Rome. I think it's
3 the -- I forget the name of the river. But
4 it's the main river in Rome under flood. So
5 that's the fire department. So yeah, the fire
6 departments were using the fire Sealegs craft
7 in both seaways, but more typically in rivers.
8 And flood rescue was quite often different
9 countries like Malaysia, Thailand, very much
10 using it in flood rescue, Italy flood rescue,
11 and those were operated by fire departments.

12 BY MR. LEACH:

13 Q And so when I'm talking about the pump, I'm
14 talking about the pump used for the firefighting
15 application of the Sealegs product.

16 A Yes.

17 Q Was the pump robust such that it could handle
18 debris-laden fluid such as during a flood and that sort
19 of thing?

20 MR. YACKEY: Objection, form.

21 THE WITNESS: The fire pumps all had
22 strainers so that you could be sucking water
23 out of, yeah, the water that you were floating
24 on, whether that was -- you had clean water or
25 flood water or river water. It would go

1 through a strainer. So you could just pick up
2 the water that you were -- that you were
3 operating in.

4 BY MR. LEACH:

5 Q And how big were these strainers? Could these
6 pumps handle water with sentiment in it, some dirty,
7 muddy water, suspended solids, that sort of thing?

8 A Yeah. The --

9 MR. YACKEY: Objection, form.

10 THE WITNESS: Yes. I mean, yeah.
11 Suspended solids as long as they went through
12 the filter would just go through the pump.
13 There was really big intake diameters of the
14 suction line on the pumps, so the filter was
15 more for, yeah, for, you know, larger debris
16 and just stopping branches and sticks and that
17 going into the pump. But certainly, yeah,
18 muddy, dirty water with suspended solids would
19 just go straight through the pump, through the
20 strainer.

21 BY MR. LEACH:

22 Q And so prior to 2013, the Sealegs product with
23 the firefighting system on it, specifically the pump,
24 could that pump water that had silt, dirt, sand, algae,
25 weeds, et cetera?

1 MR. YACKEY: Objection, form.

2 THE WITNESS: Yeah, you could pump that
3 type of water. If there were, you know, too
4 many debris in the water, then you might need
5 to unblock the strainer. Once you got to a
6 point where, you know, it would clog up too
7 much. But for suspended debris, muddy water,
8 it would be no problem, and then you just clean
9 the strainer of any suspended debris, and then
10 you would just carry on.

11 MR. LEACH: I'm going to mark another
12 exhibit.

13 (Deposition Exhibit Number 45 was marked.)

14 BY MR. LEACH:

15 Q I've marked Exhibit 45. If you could please
16 pull up Exhibit 45 and take a look at it and tell me what
17 Exhibit 45 is.

18 A Okay. This is a Sealegs tax invoice to a
19 customer in Thailand for 7.1-meter Sealegs all wheel
20 drive, three wheel drive, all wheel drive craft with some
21 options, including rescue stretcher, upgrade on the
22 fabric to the highest grade fabric on the tubes, and it's
23 got a fire pump system.

24 Q Okay. Let's go through this document real
25 quick.

1 What is the date of this document, of this
2 invoice?

3 A This is dated 1st of June, 2013.

4 Q And is this document showing that this product
5 was sold by Sealegs as of June 1, 2013?

6 A Yes. Sold by Sealegs International Limited in
7 New Zealand to the customer.

8 Q And it says under "Description," a "7.1-meter
9 Sealegs Amphibious RIB."

10 A Yeah.

11 Q Can you describe what that is?

12 A That's a 7.1-meter long Sealegs amphibious --
13 RIB is rigid inflatable boat. So that's the aluminum
14 hull with the Hypalon rubber sponson tubes on the sides.

15 Q If you go down a bit, it says "AWB - 3-wheel
16 drive with Diff Lock." Can you explain what that is?

17 A Yeah. That's, each of the amphibious wheels
18 has got a hub motor, so the three wheels of each got a
19 hub motor.

20 Diff Lock means there's a button you can push
21 which puts all those wheels into exactly the same speed
22 with no slip, no -- limited slip to affix. It's a true
23 Diff Lock. So that's for very, very muddy terrain where
24 you may lose traction on one wheel. It might have fallen
25 into a mud hole and would normally just spin freely with

1 no drive to the other wheels. So by pressing Diff Lock,
2 all the wheels would be locked into drive, and it would
3 pull itself out of that hole and carry on.

4 Q And would these hydraulic motors that are
5 driving the wheels be variable speed hydraulic motors?

6 A Yes.

7 Q And so does this invoice dated June 1, 2013,
8 which is shown in Defendant's Exhibit 45, basically show
9 the product that was sold and provide a description of
10 what that product had on it?

11 A Yes. It's got all the options listed, yeah,
12 that were supplied and fitted to the craft.

13 Q And so when it says a "7.1M Sealegs amphibious
14 RIB," I assume that had the retractible wheels on it?

15 A Yes.

16 Q We established it was all wheel drive with
17 variable speed hydraulic motors?

18 A Yes.

19 Q And if you go down to -- it says, "Rescue Fire
20 Pump System." Do you see that?

21 A Yes.

22 Q Can you explain what that was?

23 A That's the -- that's the Sealegs fitted fire
24 pump. So it's got the fire monitor. The fireman holds
25 on to the pump to direct the water through the nozzle,

1 and then it goes to the water pump and then to the
2 strainer that picks up the water from the water that the
3 craft is operating in to feed the fire pump.

4 Q So was the pump connected to the nozzle via a
5 conduit of some sort?

6 A Yeah. The --

7 MR. YACKEY: Objection to form.

8 THE WITNESS: The pump is connected
9 through, yeah, piping to the nozzle. The
10 nozzle was on a stand, so on a fixed stand, and
11 the nozzle is permanently attached to the fire
12 pump through piping.

13 BY MR. LEACH:

14 Q And were there valves that would allow you to
15 control the flow of fluid through the conduit or the
16 nozzle?

17 A Yeah. The nozzle is adjustable so you can
18 adjust the flow and the spray.

19 Q How was the fluid pump driven? How was it
20 powered?

21 A On this one, it was kind of via a hydraulic
22 motor. So the hydraulic motor, effectively the hydraulic
23 PTO from the inboard engine that drove the wheels when it
24 was on the water, it could drive the fire pump through a
25 hydraulic motor.

1 Q And again, we talked a little bit about the
2 fluid pumps that were used on the firefighting Sealegs
3 vehicles. And those pumps could pump liquid with
4 suspended solids; is that correct?

5 A Yes.

6 MR. YACKEY: Objection, form.

7 THE WITNESS: Yes.

8 BY MR. LEACH:

9 Q So let's talk specifically about the product
10 that was sold that's described in Defendant's Exhibit 45,
11 and specifically the pump on the rescue fire pump system.
12 Could that pump pump liquid with suspended solids?

13 MR. YACKEY: Objection, form.

14 THE WITNESS: Yes. Yes, it could.

15 BY MR. LEACH:

16 Q And can you kind of describe -- well, first, do
17 you recall what type of pump it was? Was it a positive
18 displacement pump or a centrifugal pump or some other
19 type of pump?

20 A Yeah, from the top of my head, from memory, I
21 couldn't say the model or specific type of pump.

22 Q But you're confident that the firefighting pump
23 that was used, for example, on the boats sold on
24 Exhibit 45 was a pump that could pump liquid with
25 suspended solids; is that correct?

1 MR. YACKEY: Objection to form.

2 THE WITNESS: Yes, that's correct.

3 BY MR. LEACH:

4 Q Okay. And tell me a little bit about the pump
5 that was used in these boats such as the boat described
6 in Exhibit 45 as to the environment that you wanted that
7 pump to be able to operate in. Can you explain
8 generally?

9 MR. YACKEY: Objection, form.

10 THE WITNESS: Yeah. So this particular
11 craft is for the operation in Bangkok and
12 Thailand where they are operating in riverways
13 with lots of wooden buildings typically on
14 stilts along the riverway, and they are very
15 prone to catching fire from, often from
16 cooking. And it's easy for those fires to
17 spread to neighboring wooden houses along the
18 waterway. So the quickest and fastest access
19 was by a Sealegs fire boat. And then they're
20 just picking up the water from those rivers,
21 which are normally pretty muddy, dirty water,
22 probably fairly polluted. And that's -- that's
23 how they would extinguish the fire.

24 BY MR. LEACH:

25 Q And so given that, was it important that that

1 pump be able to pump a wide variety of fluids with
2 suspended solids so it was capable of putting fires out?

3 MR. YACKEY: Objection, form.

4 THE WITNESS: Yeah. It was using that
5 muddy river water to extinguish the fires,
6 yeah.

7 BY MR. LEACH:

8 Q In the Sealegs boats, or the one that was sold
9 on June 1, 2013, in Exhibit DX 45, what powered the
10 hydraulic pump? So I'm talking about the pump that drove
11 the hydraulic system.

12 MR. YACKEY: Object.

13 THE WITNESS: It was powered by an inboard
14 engine. It was a Honda air-cooled engine
15 onboard the Sealegs craft that drove all the
16 hydraulic accessories. So it drove the
17 hydraulic transmission pump and the hydraulic
18 motor that was connected to the water pump.

19 BY MR. LEACH:

20 Q And so that engine powered the hydraulic fluid
21 system that powered the hydraulic pump for the
22 firefighting pump and also for the hydraulic motors that
23 drove the wheels?

24 A Correct. Yes.

25 Q And is Exhibit DX 45, which is Bates numbers

1 SEA0000001 through SEA0000002, is that a true and
2 accurate copy of a Sealegs invoice for the product
3 described therein?

4 A Yes.

5 MR. YACKEY: Objection, form.

6 THE WITNESS: Yeah, that's a
7 standard invoice just from the Sealegs
8 accounting records.

9 BY MR. LEACH:

10 Q And how do you recognize it as that document?
11 Have you seen these documents through the decades of
12 running Sealegs and working at Sealegs?

13 A Yes. Yeah. Every Sealegs that's sold has the
14 same type of formatted Sealegs invoice.

15 Q And was this document prepared and kept in the
16 ordinary course of Sealegs' business?

17 A Yes.

18 MR. YACKEY: Objection, form.

19 THE WITNESS: Yes. This is how -- that's
20 how it was found. It was just searched and
21 found from Sealegs' current records.

22 BY MR. LEACH:

23 Q And I guess you might have answered my
24 question, but I assume this is a Sealegs business record?

25 A Yes. This is from --

1 MR. YACKEY: Objection, form.

2 THE WITNESS: This is just from the
3 Sealegs ERP system with the accounting records.

4 BY MR. LEACH:

5 Q And would this invoice, what's shown in Exhibit
6 DX 45, have been made around the time of June 1, 2013?

7 A Yes. Yeah. That's the date that the invoice
8 was being created.

9 Q And was this invoice pulled from Sealegs'
10 system that houses such documents?

11 A Yes.

12 MR. YACKEY: Objection, form.

13 THE WITNESS: Yes.

14 BY MR. LEACH:

15 Q And did you pull this document?

16 A Yeah. I supervised it being pulled by one of
17 the admin staff.

18 MR. LEACH: I'm going to mark another
19 exhibit.

20 MR. YACKEY: Hey, Tom, before you get
21 going, do you mind if we take a short, like,
22 five-minute break?

23 MR. LEACH: Yes. And, Mr. Bryham, forgive
24 me. I forgot to say, if at any time you need a
25 break, let me know. We can go off the record

1 and take a break. So this isn't a marathon.

2 THE WITNESS: Okay.

3 MR. LEACH: But I am trying to be
4 efficient because I do understand that -- I
5 want to respect your time. But yes, I'm good
6 taking a break if everyone else is.

7 THE VIDEOGRAPHER: The time is
8 approximately 3:54 p.m. We are going off the
9 video record.

10 (A break was taken.)

11 THE VIDEOGRAPHER: The time is
12 approximately 4:11 p.m. We are back on the
13 video record.

14 Go ahead.

15 (Deposition Exhibit Number 46 was marked.)

16 BY MR. LEACH:

17 Q I think it's still good morning, Mr. Bryham,
18 your time. It's 4:00 here.

19 Before we took a short break, I was going to
20 introduce another exhibit. I've introduced that, or I've
21 marked Defendant's Exhibit 46. If you could pull that
22 up, please.

23 A Sorry. I think the same thing has happened to
24 my Ignyte. I'll just have to log back into Ignyte.

25 Q Exhibit Share? Okay.

1 A Okay. Yes. Yeah. I've got Exhibit Share.

2 Q Okay. So, Mr. Bryham, I've marked Defendant's
3 Exhibit 46.

4 A Yes.

5 Q Could you please open Defendant's Exhibit 46
6 and take a look at it?

7 A Yes.

8 Q Can you tell me what this document is?

9 A Yes. This is a multiple page, I think 56-page
10 brochure explaining the Sealegs products, the Sealegs
11 range of products, a bit of our story and background, and
12 some of the customer applications.

13 Q And so is Defendant's Exhibit 46 an
14 advertisement or brochure for the Sealegs amphibious
15 marine craft?

16 A Yes.

17 Q And can you tell me how you're familiar with
18 this document?

19 A Again, I would have reviewed it prior to
20 publication and made comments and changes.

21 Q And was Defendant's Exhibit 46 publicly
22 distributed before 2013?

23 MR. YACKEY: Objection to form.

24 THE WITNESS: Yes. This is -- looks like
25 it's a 2011 edition, which I'm reading from the

1 copyright statement at the end.

2 BY MR. LEACH:

3 Q And is that on Bates number on the bottom
4 right-hand side of that page SEA0000065?

5 A Yes.

6 Q Okay. And were the products described in
7 Defendant's Exhibit 46 offered for sale and on sale as of
8 2011?

9 A Yes.

10 Q And just to confirm, if we go back to
11 Exhibit -- Defendant's Exhibit 44, and if you go down to
12 the second page, it shows the document properties for
13 Defendant's Exhibit 46.

14 A On 44, it's got the document properties for 44,
15 and then --

16 Q If you go down a page, if you --

17 A Sorry.

18 Q -- go down.

19 A Yeah, okay. Sorry.

20 Q Can you confirm for me that it says, "Created:
21 4/27/2011"?

22 A Yes.

23 Q Okay. And that refreshes your recollection
24 that Defendant's Exhibit 46 was publicly distributed
25 prior to 2013?

1 MR. YACKEY: Objection, form.

2 BY MR. LEACH:

3 Q Let me ask it this way. Does that refresh your
4 recollection that -- when this Sealegs brochure was
5 publicly distributed?

6 MR. YACKEY: Objection, form.

7 THE WITNESS: Yeah. I believe that's
8 still to do with Exhibit 44. That's the -- let
9 me go look at that, because it says 8pp, which
10 I think means eight-page brochure.

11 BY MR. LEACH:

12 Q Oh, there's -- you've got -- Defendant's
13 Exhibit 44 is both the red brochure and the black one
14 that we're looking at. If you go down to the second
15 page, page two at --

16 A Oh, I see.

17 Q -- the bottom --

18 A Sorry.

19 Q -- both documents show the properties for both.
20 So it says, "Number of pages: 56." Do --

21 A Brand brochure.

22 Q -- you see that?

23 A Yeah, yeah. I got it. Yeah. So brand
24 brochure is, yeah, 4/27/2011, yes.

25 Q So let's go back to Defendant's Exhibit 46.

1 Was this brochure, Defendant's Exhibit 46, publicly
2 distributed prior to 2013?

3 A Yes.

4 Q And were the products described and shown in
5 Defendant's Exhibit 46 on sale, advertised, publicly
6 used, and sold prior to 2013?

7 A Yes.

8 Q So let's just take a few -- look through it.
9 If you turn to -- let's go to page 6 of 56 in the PDF,
10 and that's SEA0000016 is the Bates number. Does that
11 show -- does that page show the all-terrain nature of the
12 tires used on the Sealegs vehicles?

13 A It's on 16?

14 Q Yes.

15 A Yes. Yeah. It's got the all-terrain tire on
16 the bottom left, yeah.

17 Q And there's a number of pictures of the tires.
18 For example, if you go to page 8 of 56, there's a
19 close-up of the tire; is that correct?

20 A Yes.

21 Q Okay. So let's go through this document really
22 quick. If you go down to, it would be page 35 of 56, or
23 SEA0000045.

24 A Yes.

25 Q It says, "Sealegs Quality" on that page.

1 A Yes.

2 Q It says, "Sealegs uses premium 5083 marine
3 grade aluminum for construction of the hull and
4 integrated chassis, 6000 series solid aluminum billet for
5 machining cylinders, front leg components and true 316
6 marine grade stainless steel for other key parts." Do
7 you see that?

8 A Yes.

9 Q Is that part of what we were talking about
10 before as to why the Sealegs product can withstand harsh,
11 corrosive environments?

12 A Yes.

13 Q And there's a number of pictures in this
14 brochure. Is this -- I guess, are a lot of the -- are
15 the pictures throughout this brochure showing the Sealegs
16 product being publicly used?

17 MR. YACKEY: Objection, form.

18 THE WITNESS: Yes. Some of the photos of
19 customer applications are the craft being used
20 in its typical environment.

21 BY MR. LEACH:

22 Q And if you go to page 37 of 56 where it says,
23 "The Sealegs Story." And that's on Bates number
24 SEA0000047.

25 A Yes.

1 Q Who are the two people in that photograph?

2 A On the right is co-founder David McKee Wright,
3 and on the left is myself.

4 Q Okay. And if we go to the next page,
5 SEA0000048, it says, "Commercial Applications"?

6 A Yes.

7 Q And if you scroll down a few more pages to
8 SEA 50, it says, "Rescue." And is this a picture of the
9 Sealegs fire rescue or Sealegs boat that has the
10 firefighting system on it?

11 A Yes.

12 Q And so does this boat have a pump for pumping
13 fluid?

14 A Yes.

15 Q And as we talked about the pump, is it able to
16 pump liquid with suspended solids in it?

17 A Yes.

18 Q And again, would it be capable of pumping water
19 from muddy rivers or rivers that have a lot of sediment
20 in it and debris?

21 A Yes.

22 Q And if you look at the caption there on page
23 SEA 50 of Exhibit 46, it says, "All Sealegs amphibious
24 marine craft are built tough for demanding all-terrain
25 and Category C marine conditions. Every Sealegs

1 amphibious marine craft is US Coast Guard and European CE
2 compliant and is designed to Lloyd's's Special Service
3 Craft regulations." Do you see that?

4 A Yes.

5 Q Can you tell us generally what does that mean?

6 A That means that, yeah, the Sealegs craft are
7 built tough. As I said, they are all built to,
8 effectively to -- built to the same standard that we
9 supply to the military is the same craft that's supplied
10 to fire departments, flood rescue, commercial operators,
11 and recreational customers. So those customers are
12 getting an overbuilt product effectively. But I just
13 kept it simple from seeing this point of view means we
14 only have to build one level of the system, which is, you
15 know, the super tough military grade system, and then we
16 can just use those parts for all customers. And then
17 it's got a listing. Category C is the European marine
18 standard that it's built to. Also, we had a -- all the
19 craft were built to be sold anywhere in the world, so it
20 was any craft that was built as both the European C,
21 Category C compliancy, as well as the U.S. Coast Guard
22 compliant and the Lloyd's Special Service Craft
23 compliant. So it allowed the one model that's built in
24 New Zealand to be supplied anywhere in the world and be
25 compliant in those markets, whether it's North America,

1 Europe, or anywhere else in the world.

2 Q Okay. I want to just go back a few pages.

3 Do you recall whether Sealegs ever put four
4 wheels on, say, a boat that was more of a
5 rectangular-shaped boat prior to 2013?

6 MR. YACKEY: Objection, form.

7 THE WITNESS: We have put four wheels on
8 craft, on boats. I don't know whether that's
9 before or after 2013. We have put five wheels
10 on boats before 2013, but I'm not sure whether
11 the four-wheel ones were before or after 2013.

12 BY MR. LEACH:

13 Q Can you describe the five-wheel version that
14 was built prior to 2013?

15 A Yeah. The five-wheel one was a development
16 craft where we were -- when we were testing different
17 size tires and different size trade patents. One system
18 had extra large rear wheels and had three wheels on the
19 front, three smaller wheels on the front.

20 Q And was that product ever sold?

21 A No.

22 Q Was it ever publicly used, for example, on a
23 public beach or in a public lake?

24 A Yeah. It was taken to some off-road show in
25 New Zealand. And there will be photos of it on the

1 Internet.

2 Q And that was prior to 2013?

3 A Yes.

4 Q And when you say it was brought to an off-road
5 show, can you tell me what was meant by that? Was it at
6 a trade show?

7 A It was a public show, one of the shows where
8 they have the, call those mud runs where they have to
9 drive through, you know, muddy water, kind of where often
10 the four-wheel drive vehicles will either get through or
11 they will get stuck, and it's kind of a competition. And
12 then the Sealegs system with the big wheels drove through
13 that mud track with spectators watching and cheering.

14 Q Okay. How did the Sealegs vehicle do?

15 A Yeah. It was good. It made it through the
16 obstacle course.

17 Q Were you at the event?

18 A Yeah. I was driving it. I was driving the
19 Sealegs.

20 Q So describe the vehicle that you were driving a
21 little bit more.

22 A So it was a Sealegs 6.1-meter rigid inflatable
23 with very large all-terrain tires on the rear, two big
24 tires. From memory, they were 35-inch diameter tires,
25 extra wide. And then it had three wheels on the front

1 that were smaller, but still all-terrain wheels. So this
2 is when we were just testing the kind of extreme
3 capabilities of the Sealegs products and trying different
4 size wheels and different arrangements of wheels.

5 Q And were all five wheels driven by variable
6 speed motors?

7 A No. At this stage, it was just the rear two
8 were driven. It was fairly early in the development
9 process.

10 Q Do you know about what time frame this was?

11 A I would estimate this is around two thousand --
12 maybe 2006. Mid 2000s, yeah.

13 Q Okay. Can you jump back to Exhibit 46 on page,
14 the bottom where it says SEA 37, which is page 27 of 56
15 in the PDF.

16 A Yeah.

17 Q It says, "Our Customers."

18 A Yes.

19 Q And there's a quote on the right-hand side. It
20 says, "The Sealegs performs flawlessly on sea and land,
21 over some pretty hairy terrain, including harbour mud and
22 steep bush tracks." Do you see that?

23 A Yes.

24 Q What are steep bush tracks?

25 A That's unformed roads. So it would be a ditch

1 or unpaved, you know, forestry or bush, you know,
2 typically, a four-wheel drive type track. So a normal
3 car wouldn't typically be able to drive up that path.

4 Q Okay. And in your experience driving the
5 Sealegs products prior to '13, are they able to handle
6 some pretty hairy terrain, including, like, harbour mud
7 and steep bush tracks?

8 A Yes, definitely. Yeah. That's why we have the
9 all-terrain tires, and that's why we have the high torque
10 motors is, yeah, typically, when you come out of the
11 water, some of our customers can be in quite difficult
12 terrain, and applications are required to get through,
13 you know, sand dunes, coral rocks, mud, and steep
14 inclines.

15 Q Okay. If you go down to a few pages to SEA 39,
16 the Bates number.

17 A Yes.

18 Q Which I think is page 20 of 56. It says, in
19 the bottom left-hand column, it says, "For pleasure
20 boaters, Sealegs simply makes entering and leaving the
21 water as easy as it gets." And that was from Popular
22 Science Magazine Grand Award Winner - Best of What's New
23 2010 Recreation.

24 Do you recall Sealegs receiving that award or
25 recognition?

1 A Yes.

2 Q And that was in 2010?

3 A Yes. And that's the U.S. Popular Science
4 Magazine award.

5 Q If you do go down a little further to SEA 51,
6 where it says "Professional." You mentioned earlier that
7 the military was looking at some autonomous Sealegs
8 boats. Did Sealegs ever build an autonomous Sealegs boat
9 prior to 2013?

10 A As I said before, the only one I can recall was
11 built for production was the autopilot one, or there were
12 more than one, but the autopilot versions. I'm not a
13 hundred percent on the date.

14 Q What's your best recollection of when it was
15 built?

16 A It would be -- yeah, it would be probably
17 sometime between 2010, and -- it was pre-COVID. Yeah,
18 it's just -- I'm just not a hundred percent sure from
19 memory.

20 Q Okay. I think we talked about whether any
21 Sealegs amphibious boat was equipped with remote control.
22 Do you recall any Sealegs prototype or other unit fitted
23 with remote control?

24 A Well, any Sealegs that's fitted with the
25 autopilot function for the marine navigation also worked

1 on land, for setting waypoints on land, so I would
2 suspect that, yeah, a number of Sealegs are fitted with
3 autopilot option, I would think. Yeah. Certainly from
4 2010 onwards, there would be some craft with the
5 autopilot fitted, and they allow for effectively
6 autonomous operation between, you know, setting
7 waypoints.

8 Q So describe that a little bit more. If, prior
9 to 2013, if a Sealegs had the autonomous or autopilot on
10 it --

11 A Uh-huh.

12 Q -- could someone control that remotely from,
13 say, their phone or a remote controller unit?

14 A Yeah, not from their phone. But they could
15 control it from the autopilot -- they could set waypoints
16 on land or water where the craft would autonomously drive
17 between those GPS points on the map.

18 Q And was that feature provided on a Sealegs boat
19 or amphibious vehicle prior to 2013?

20 A I would expect so, but I would have to research
21 and find which craft dates had autopilot fitted. But it
22 was pretty common to fit autopilot.

23 Q And what was autopilot? Was it just a GPS
24 navigation type system?

25 A Correct. It's just allows you to set a heading

1 or a waypoint on the navigation system for the craft to
2 keep that heading or make its way to that waypoint.

3 Q And was that on both land and water?

4 A Correct, because it, effectively, it controlled
5 the steering system, which did both the front wheel and
6 the outboard motor.

7 Q And what would you check to determine if it had
8 that feature?

9 A We would check our invoicing system for the
10 autopilot option to be on the invoice. The autopilot
11 option needed additional equipment, so it would be an
12 additional cost and equipment listed on the invoice.

13 Q So I'm just looking really quick. If you go to
14 page SEA 61, the Bates number, it says, "Lowrance HDS7.
15 SolarMAX PLUS display for clear viewing in bright
16 sunlight. High sensitivity built in GPS. The unit is
17 flush mounted in the dash. The dual function/display
18 allows navigation and sonar information to be viewed at
19 the same time." Is that the GPS unit or --

20 A Yeah. That's the type of GPS head unit. But
21 in addition to that, you have to buy additional autopilot
22 equipment to get the autopilot functionality. So that
23 HDS7 by itself won't do autopilot control. It will need
24 some additional equipment.

25 Q Okay. And in these options listed in

1 Exhibit 46 at SEA 61, do you see any of that additional
2 equipment or options listed?

3 A No. It's not listed on there, because it was
4 kind of a -- it was an option that only -- yeah, a
5 minority of customers would get that option and
6 requirement. So it wasn't listed on our standard
7 options.

8 Q Okay. Again, for Exhibit 46, is this a true
9 and accurate copy of the Sealegs amphibious marine craft
10 brochure as it existed prior to 2013?

11 A Yes.

12 Q And was this document, Exhibit 46, kept in the
13 ordinary course of Sealegs' business?

14 A Yes.

15 MR. YACKEY: Objection, form.

16 THE WITNESS: Yes. It was kept
17 electronically. We printed these types of
18 brochures probably every couple of years, so we
19 didn't tend to retain the printed copies
20 because that would be circulated and then
21 replaced with a newer version a couple of years
22 later. And so this one is from the, again,
23 this is an electronic copy from the Sealegs
24 marketing files.

25 BY MR. LEACH:

1 Q And it has a copyright on it on SEA 65 of
2 Copyright 2002 to 2011; is that correct?

3 A Correct.

4 Q And so what does that tell you about the date
5 of this document?

6 A It tells me that this is 2011 because we would
7 always update it to the date of publication for the last
8 copyright date.

9 Q And so is Exhibit DX 46 a business record of
10 Sealegs?

11 MR. YACKEY: Objection to form.

12 THE WITNESS: Yes.

13 BY MR. LEACH:

14 Q And would Defendant's Exhibit 46 be made around
15 the time such as 2011 when it was publicly distributed?

16 MR. YACKEY: Objection, form.

17 THE WITNESS: Yes. Yeah, this would have
18 been published and circulated in 2011.

19 BY MR. LEACH:

20 Q And was this document obtained from Sealegs'
21 files?

22 A Yes.

23 MR. YACKEY: Objection, form.

24 BY MR. LEACH:

25 Q And did you obtain this document from Sealegs'

1 files?

2 A Yes.

3 MR. LEACH: I'm going to mark two more

4 exhibits. I've marked Defendant's Exhibit 47.

5 I'm going to mark another exhibit quickly, too.

6 (Deposition Exhibit Numbers 47 and 48 were marked.)

7 BY MR. LEACH:

8 Q Okay. I've marked Defendant's Exhibits 47 and
9 48. Mr. Bryham, would you please take a look at these
10 documents and tell me what they are?

11 A Yeah. These are photos of the Sealegs fire
12 pump craft showing the output nozzle of the water coming
13 from the fire pump.

14 Q For the firefighting Sealegs products that
15 included a fluid pump for pumping liquid with suspended
16 solids or water from lakes and streams, where was the
17 inlet on these boats for the pumps?

18 A Yeah. The inlet is mounted at the transom at
19 the rear of the craft.

20 Q Is that where the pump is mounted as well?

21 A No. The pump is mounted in the white box at
22 the base of the nozzle.

23 Q Okay. Are Exhibits 47 and 48 true and accurate
24 copies of photos of the Sealegs amphibious boat with a
25 pump conduit nozzle for firefighting as it existed prior

1 to 2013?

2 MR. YACKEY: Objection, form.

3 THE WITNESS: The Exhibit 47 and 48 are
4 the same craft. 47 is a photo of the Sealegs
5 fire craft in the factory, and 48 is a photo of
6 the Sealegs fire craft loaded into the shipping
7 container. These are both photos of the same
8 craft that was shipped to the Thailand
9 customer, which, I think, was invoice, I think
10 was 1st of June, 2013.

11 BY MR. LEACH:

12 Q Yes. So those are pictures of the product that
13 was shipped per invoice shown in Defendant's Exhibit 45?

14 A I'll just pull up 45. Yes, correct. So each
15 of the Sealegs craft that are produced, we take photos of
16 the craft, and they get recorded on the Sealegs business
17 files so each produced craft has got a series of
18 photographs taken. And these are the photos that relate
19 to this invoice, Exhibit 45.

20 Q Okay. And so these photos were taken and kept
21 in the ordinary course of Sealegs' business?

22 A Correct.

23 Q And so these photos are Sealegs' business
24 records?

25 A Yes.

1 Q And were they taken around the time that this
2 product, this boat, was sold back around June of 2013?

3 A Yes.

4 MR. YACKEY: Objection to form.

5 THE WITNESS: Yeah. They would have been
6 taken prior to it shipping to the customer.

7 BY MR. LEACH:

8 Q Okay. And were these photos obtained from
9 where they are normally kept at Sealegs?

10 A Yes. They were obtained from the craft
11 number --

12 Q And did you --

13 A -- service records.

14 Q Okay. Did you obtain these documents from
15 where they're kept at Sealegs or their service records?

16 A Yeah. I supervised the -- a service
17 administrator to retrieve the files.

18 Q Okay. And they came from Sealegs' business
19 records?

20 A Yes.

21 Q Okay. Looking at Defendant's Exhibit 47, can
22 you just briefly kind of explain how that works, the pump
23 and the stand, I guess, and nozzle?

24 MR. YACKEY: Objection, form.

25 THE WITNESS: Yeah. So the water intake

1 at the rear of the hull is then piped up to the
2 pump that's in the white box under the red pipe
3 shown in the photograph. So in the white box
4 is the pipe coming from the intake. The water
5 pump and then the outlet of the water pump
6 comes up the red pipe, up the red stand to the
7 nozzle, to the red nozzle. At the end of the
8 nozzle, you can see a black circle. That's the
9 outlet of the nozzle, and it's adjustable by
10 turning the nozzle. And then the black handle
11 on the left of the photo allows the nozzle to
12 swivel, to rotate and to swivel up and down.

13 BY MR. LEACH:

14 Q Do you know how much force this nozzle and pump
15 could produce?

16 A I don't know off the top of my head how many
17 gallons per minute this pump is, but you can see in the
18 photos that there's a fairly high displacement of water
19 as it's shooting the water out towards the fire and the
20 fellows on the brochure.

21 Q Have you operated one of these Sealegs
22 firefighting boats?

23 A I've operated the boats. I've been on board
24 when a pump's been operated.

25 Q Okay. So you've personally saw someone operate

1 the Sealegs boat with the firefighting unit on it?

2 A Yes.

3 Q Do you think the firefighting unit is powerful
4 enough where it could propel the boat? If you just shoot
5 it against the water, would it push the boat in a
6 direction one way or the other or steer the boat around?

7 A Definitely.

8 MR. YACKEY: Objection to form; calls for
9 speculation.

10 THE WITNESS: Yes, it would push the craft
11 slowly on the water. It is powerful enough. I
12 mean, effectively, it is a water jet. It
13 wouldn't be very fast, and you wouldn't be
14 able -- want to go against a head wind, but it
15 would actually -- in still conditions, it would
16 move the craft in the opposite direction to the
17 water jet or the water pump.

18 BY MR. LEACH:

19 Q About how far could the firefighting pump and
20 nozzle on this Sealegs product shoot the water?

21 MR. YACKEY: Objection, form.

22 THE WITNESS: I would estimate maximum
23 range would be probably 30 to 40 meters.

24 BY MR. LEACH:

25 Q 90 to 120 feet?

1 A Yeah. Again, it would depend on the conditions
2 and the winds and the, yeah, and the angle of the nozzle.
3 It probably is typically used more in a -- I think it's
4 typically used in a 20 to 30-meter range.

5 Q Okay. I'll pull up another exhibit.
6 Mr. Bryham, are you familiar with Sealegs' Facebook page?

7 A I don't have Facebook, but occasionally I've
8 seen links to some of the images or the postings.

9 Q I'm going to mark another exhibit. This one is
10 going to be a little bit tougher. We'll have to blow it
11 up because it's hard to capture a long string of Facebook
12 posts.

13 (Deposition Exhibit Number 49 was marked.)

14 BY MR. LEACH:

15 Q I've marked Defendant's Exhibit 49. And if
16 you'd take a look at this exhibit. You're going to have
17 to use -- in the upper left-hand corner kind of, there's
18 a -- if you could blow it up, and then you can kind of
19 see. If you go to the top of Defendant's Exhibit 49, can
20 you just confirm for me that it says "Sealegs
21 International"?

22 A Yes.

23 Q And do you believe this to be Sealegs'
24 corporate Facebook page?

25 A Yes.

1 Q And if you scroll all the way down to the
2 bottom, can you tell me what the date is on that and
3 confirm that this is still Sealegs International and
4 describe what is shown there?

5 MR. YACKEY: Objection, form.

6 THE WITNESS: Yeah. So this is testing of
7 one of the Sealegs fire pumps on a 7-meter
8 Sealegs, 7.1-meter Sealegs, and the date is
9 August 16, 2012.

10 BY MR. LEACH:

11 Q And do you know where this is being tested?
12 Does the shoreline look familiar to you at all?

13 A Yeah. That looks like it's being tested in
14 Auckland. It looks like it's Browns Bay in Auckland
15 where we do a lot of our sea trials before shipping.

16 Q Okay. And if you look there, it says, "Sealegs
17 gives rescue and patrol organizations all over the world
18 unique capabilities which cannot be performed by any
19 other type of craft. This one is on its way to Russia."

20 What is that telling you?

21 A Yeah, so this is a brand new craft that's just
22 left the factory doing its final sea trial before
23 shipping to the customer in Russia.

24 Q And in this bay here, are those houses,
25 businesses? What are the structures on the shore there?

1 A Those are houses.

2 MR. YACKEY: Objection to form.

3 BY MR. LEACH:

4 Q Okay. And so is this Sealegs amphibious boat
5 with the firefighting pump on it being used publicly?

6 A Yes. Yeah. Yeah. This is -- anyone on the
7 beach or on a boat or in those houses can see this being
8 operated.

9 Q Okay. And then I'm going to go to -- one more
10 quick thing about Exhibit 49. I just want to confirm
11 that you're aware that -- well, confirm Sealegs
12 International has a corporate Facebook page, correct?

13 A Yes.

14 MR. YACKEY: Objection to form.

15 BY MR. LEACH:

16 Q And do you believe this is a true and accurate
17 copy of portions of Sealegs International's corporate
18 Facebook page?

19 A Yes.

20 MR. YACKEY: Objection, form.

21 THE WITNESS: Yes.

22 BY MR. LEACH:

23 Q And how do you know that?

24 A Because it's got the Sealegs logo on the
25 header. It's got all the postings of, you know, Sealegs'

1 craft in different countries with different customers,
2 including the All Blacks, and it's showing, yeah, all
3 these photos and is effectively Sealegs' marketing on the
4 Facebook page.

5 Q Is this considered a business record of
6 Sealegs?

7 A Yes.

8 MR. YACKEY: Objection, form.

9 BY MR. LEACH:

10 Q And does Sealegs update its Facebook posts with
11 advertisements and that periodically?

12 MR. YACKEY: Objection, form.

13 THE WITNESS: Yes.

14 BY MR. LEACH:

15 Q And so as Facebook normally is, is it kind of a
16 running timeline of events that happen at Sealegs
17 International?

18 MR. YACKEY: Objection, form.

19 THE WITNESS: Yes. It's got the
20 timestamps on the posts.

21 BY MR. LEACH:

22 Q Okay. Well, maybe let's step back based on
23 Mr. Yackey's objection. But can you just generally tell
24 me why Sealegs International has a Facebook page and
25 what's shown in the Facebook page?

1 A Yes. Basically just to communicate and update
2 customers and potential customers with what's going on at
3 Sealegs, you know, new models, you know, new customers'
4 applications and just newsworthy stories from around the
5 world on the Sealegs products.

6 MR. YACKEY: Tom, real quick. I think,
7 Ms. Morrow, did you have a question at one
8 point, before we get too far along? I don't
9 want you to -- it seems like you may have had a
10 question at some point.

11 (Court reporter clarification.)

12 THE WITNESS: Yeah. All Blacks is the New
13 Zealand rugby team. Yeah, they're in some of
14 the photos on the Facebook page.

15 THE COURT REPORTER: Thank you,
16 Mr. Yackey.

17 MR. YACKEY: You're welcome.

18 BY MR. LEACH:

19 Q I'm going to mark another exhibit.

20 Well, first, let me just -- I just want to
21 clean that up a little bit to make sure I've got it.

22 So, Mr. Bryham, after looking at Defendant's
23 Exhibit 49, do you believe that to be portions of
24 Sealegs' corporate Facebook page?

25 A Yes.

1 Q So let's go pull up another exhibit quick here.
2 (Deposition Exhibit Number 50 was marked.)

3 BY MR. LEACH:

4 Q I'm marking Defendant's Exhibit 50.
5 Mr. Bryham, if you could please take a look at that for
6 me. It's a four-page document which contains excerpts
7 from Sealegs' Facebook page.

8 And can you just look through that document,
9 Defendant's Exhibit 50, and tell me what's shown in these
10 excerpts of Sealegs Facebook page?

11 A Yes. So this is a Sealegs 7.1-meter RIB with a
12 fire pump and fire nozzle.

13 Q And can you tell me what the date of these
14 events were, you know, with the -- of the photos? You
15 might have to zoom in to the right-hand side.

16 A Okay. The right-hand side.

17 Q Where it says "Sealegs International."

18 A Yeah, yeah, okay. September the 3rd, 2012.

19 Q And when it says "at Stanmore Bay Beach" --

20 A Yes.

21 Q -- do you know what that is or where that's
22 located?

23 A Yes. That's just north of Auckland in
24 New Zealand.

25 Q Okay. And is this somewhere that Sealegs

1 tested or ran its products at times?

2 A Yes.

3 Q Okay. Again, if you go down to the last page
4 of Defendant's Exhibit 50, it shows the Sealegs
5 firefighting version being operated, correct?

6 A Yes.

7 Q And this was -- what was the date again here?

8 A On this photo, it is the 3rd of September,
9 2012.

10 Q And where was this located?

11 A This is at Stanmore Bay Beach north of
12 Auckland, New Zealand.

13 Q And if you look in the background, are those
14 houses or businesses, or what's on the shore there in the
15 last page of Defendant's Exhibit 50?

16 A Those are residential houses.

17 Q Okay. And so would this be an example of the
18 Sealegs firefighting boat being publicly used prior to
19 2013?

20 A Yes.

21 Q In looking at Exhibit 49, the Facebook page,
22 and then Exhibit 50, the excerpts of portions of Sealegs
23 International's Facebook page, do you have any reason to
24 believe that it's not Sealegs' corporate Facebook page?

25 A No.

1 Q Have you seen Sealegs' Facebook page before?

2 A Yeah. Yes, I've seen the page, and I've seen
3 posts. But I don't have Facebook on my phone, but my
4 wife does, and then sometimes I see them at Sealegs.

5 Q Okay. As part of your work?

6 A Yes.

7 Q Have you directed things to be posted on
8 Sealegs' Facebook page?

9 A Yes.

10 Q And looking at Defendant's Exhibit 50, the
11 excerpts of the Sealegs Facebook page, do these appear to
12 be true and accurate copies of portions of defendant --
13 or I'm sorry, strike that. Let me just start over.

14 Looking at Defendant's Exhibit 50, do these
15 excerpts from Sealegs' corporate Facebook page appear to
16 be true and accurate copies of those excerpts?

17 A Yes.

18 Q Do you know if you are in any of the photos
19 shown in Defendant's Exhibit 50?

20 A No, I don't believe I am.

21 Q Do you recognize any of the individuals in
22 those photos?

23 A Yes.

24 Q Which one?

25 A On the last photo -- sorry. In the second to

1 last photo, the elderly gentleman with the sunglasses
2 looks like Ted, who was a sales manager at that time.
3 And the younger gentleman is Peter, who was also in
4 sales. So this looks like a testing prior to shipping.
5 So I was just saying that this looks like a sea trial and
6 publicity photos prior to shipping this craft.

7 Q Another exhibit.

8 (Deposition Exhibit Number 51 was marked.)

9 BY MR. LEACH:

10 Q Mr. Bryham, I've marked Defendant's Exhibit 51.
11 Can you please take a look at this and tell me if you
12 recognize this document? Maybe I'll give you a little
13 background or ask some questions about Sealegs. Does
14 Sealegs have a web page?

15 A Yes.

16 Q And on that web page, does it have some case
17 studies or --

18 A Yes.

19 Q And so is Sealegs' website www.Sealegs.com?

20 A Yes.

21 Q Okay. And so in looking at Defendant's
22 Exhibit 51, do you recognize this as a portion of
23 Sealegs' web page?

24 A Yes.

25 Q And how do you recognize it as Sealegs' web

1 page?

2 A Just the fonts and the layout with the menu
3 options, showing the range, technology, case studies
4 about us, and just the, obviously, the product, the
5 website, URL link.

6 Q And is what's described on or in Exhibit 51, is
7 it describing Sealegs' fire pump system that was on sale
8 and publicly used as of January 2010?

9 A Yes. Yeah. The first photo shows the fire
10 pump, and the third photo is those same Stanley [sic]
11 Beach photos with the yellow -- the people in the yellow
12 jackets.

13 Q If you look at the first picture there, and to
14 the right of it, it says, "Bespoke Firepump System.
15 Sealegs firepump systems are built to purpose, working
16 around effective space, required specifications and
17 additional rescue options. Sealegs can build an
18 amphibious fire-fighting boat to suit your specification,
19 so talk to us about your specific needs."

20 Can you describe, you know, Sealegs'
21 capabilities as of 2010 to build these firefighting
22 amphibious vehicles?

23 MR. YACKEY: Objection, form.

24 THE WITNESS: Yeah, so, basically, Sealegs
25 was fitting, yeah, fire pumps and fire nozzles

1 to meet the requirements of customers from
2 around the world. You can see at the beginning
3 of that page, it's got some American,
4 Malaysian, Italian, Thailand, yeah, fire
5 departments listed who are Sealegs customers.

6 BY MR. LEACH:

7 Q And were all of those Sealegs customers as of
8 2010?

9 A Some of them, but possibly not all of them.
10 Certainly the Malaysian, Thailand, Italian, Russian,
11 Bangkok ones were --

12 Q Okay.

13 A -- before -- yeah, 2012 for Bangkok.

14 Q Okay. And so if we go down to -- a little bit
15 further where there's a picture with water, I guess,
16 ocean water spraying out of the nozzle, it says, "Fight
17 More Fires." And again, it talks about the firefighting
18 technology, and it says, "Negotiate flooded areas,
19 coastlines and shallow rivers with Sealegs amphibious
20 fire-fighting boat."

21 Again, given that Sealegs boats were going to
22 have to negotiate flooded areas, coastlines, and shallow
23 rivers, can you tell me what prior to 2013 the
24 requirements were of the Sealegs firefighting pumps?

25 MR. YACKEY: Objection, form.

1 THE WITNESS: Yeah. Well, the
2 requirements of the firefighting pumps was to
3 pick up the water that the Sealegs amphibious
4 boats were operating in, and, you know, in some
5 applications those were flood waters or, you
6 know, muddy rivers. And that would be the
7 intake water for the fire pump.

8 BY MR. LEACH:

9 Q And so Sealegs had to select a fluid pump that
10 was capable of pumping liquids with suspended solids?

11 A Yes.

12 MR. YACKEY: Objection to form.

13 BY MR. LEACH:

14 Q Let me ask that a different way. What type of
15 pump or pumps did Sealegs select in terms of their
16 capabilities?

17 A You know, pumps that could operate in, you
18 know, muddy, dirty water that would have, you know,
19 suspended sediment in it were the pumps that we use.

20 Q Okay. But -- and those were on amphibious
21 pumping vehicles that were sold -- or Sealegs amphibious
22 pumping vehicles that was sold prior to 2013?

23 A Yes.

24 (Deposition Exhibit Number 52 was marked.)

25 BY MR. LEACH:

1 Q Okay. I've marked another exhibit, Defendant's
2 Exhibit 52, which is a video. And it's Bates numbered
3 BAZ15_0193260. It should be in your Exhibit Share.

4 A Yes.

5 Q Can you please take a look at this video?
6 Just let me know when you're done watching it.

7 A Yeah, I'm finished.

8 Q So I want to share my screen if I can here, and
9 I want to go through it. But before we get there, what
10 platform is this video -- was this video posted on? Do
11 you know?

12 A I believe it's on the Sealegs website.

13 Q And is it also on -- or is it a YouTube video?

14 A Yeah. I think it would be on YouTube as well,
15 yes.

16 Q Okay. And when was this published on YouTube?
17 Can you see the date on there on the bottom? It's a
18 little bit hard to see.

19 A Okay. This is --

20 Q Yeah, the capture, if you look towards the
21 very, very bottom, sometimes it's actually hidden behind
22 or behind the playing feature or the bar that shows where
23 you're at in the video. But it shows the number of views
24 and the date.

25 A Yeah, I've got "Subscribers." I'm not sure

1 it's on my full screen.

2 Q Down below "Subscribers" a little bit, it has
3 the number of views and --

4 A Yeah, I can't get down that low. Let me look.
5 I can't get down that low.

6 Q Maybe try doing the full screen option if you
7 can.

8 A Yeah.

9 Q Why don't I share my screen.

10 A Yeah, that will be easier I think.

11 Q Yeah. Let me do that.

12 A Okay.

13 Q So I'm going to share my screen.

14 A Okay. Yeah, I can see that.

15 Q Can you see my screen now?

16 A Yes.

17 Q Okay. So if you look down where my cursor is,
18 do you see the views and the date?

19 A Can you scroll up a bit?

20 Q I can't. That's the --

21 A Okay.

22 Q Maybe if I do that.

23 A Yeah. So can you zoom in on that?

24 Q Unfortunately, I can't zoom in.

25 A Okay. I'll try to zoom up. Zoom.

1 Q If I do that.

2 A Oh, yeah. That's -- and then go down to the
3 date.

4 Q If I pull this back, can you see it there?

5 A I've still just got "Subscribers, 6.67K
6 Subscribers," but I can't see any --

7 Q A little bit below that behind the gray bar,
8 can you see --

9 A Oh, I see.

10 Q Yeah, there you go.

11 A I can see October 28. October 28, 2012.

12 Q Okay. And does that make sense, given what you
13 know about -- after seeing this video, was this a video
14 that was published on Sealegs' website and on YouTube
15 around October of 2012?

16 MR. YACKEY: Objection, form.

17 THE WITNESS: Yes, because that
18 corresponds to the yellow jacketed operators on
19 that craft that were in the photos and then
20 also in the video.

21 BY MR. LEACH:

22 Q Okay. So let me just ask the question again.
23 Can you tell me when you believe this video, Exhibit 52,
24 was published on Facebook?

25 A 2012.

1 Q Okay. And can you tell me when you believe
2 Exhibit 52 was published on Sealegs' website?

3 A I think it would also be 2012.

4 Q Okay. Let's watch the video here. Well, let
5 me ask you this: Is Exhibit 52 a true and accurate copy
6 of Sealegs' promotional video?

7 A Yes.

8 MR. YACKEY: Objection, form.

9 THE WITNESS: Yes. So the rescue --
10 Sealegs' rescue fire craft.

11 BY MR. LEACH:

12 Q Okay. And do you know why Sealegs produced
13 this video?

14 A For, yeah, showing the, yeah, the Sealegs fire
15 craft and hopefully for sales of those Sealegs fire
16 craft. It's a promotional sales video.

17 Q Okay. I want to play it a little bit. And I'm
18 stopping it for a second. Can you hear the sound?

19 A No. It's paused.

20 Q Now can you?

21 A No.

22 Q Okay. Well, it's just music, but --

23 A Yeah. Yeah.

24 Q So I'm going to stop it there at timestamp 34
25 seconds into the 1 minute 31 second video. Sir, can you

1 tell me what the video is showing here?

2 A It's Sealegs' 7.1-meter fire rescue craft with
3 a fire pump.

4 Q Okay. And I've stopped it at timestamp 36
5 seconds. And what is it telling us here about this
6 amphibious pumping vehicle?

7 A It depicts those motorized retractible
8 steerable wheels integrated into the hull design. So,
9 yeah, the amphibious retractible wheel system.

10 Q Okay.

11 (The video is played.)

12 BY MR. LEACH:

13 Q And can you tell me what's being shown here?

14 A Yeah. This is a fire pump nozzle. Depicts an
15 integrated positive displacement fire pump, and they are
16 adjusting the spray using the adjustment.

17 Q Okay. I'll keep going.

18 (The video is played.)

19 BY MR. LEACH:

20 Q And again, real quick, this positive
21 displacement fire pump, was that capable of pumping water
22 from lakes and streams and muddy rivers?

23 A Yes.

24 MR. YACKEY: Objection, form.

25 BY MR. LEACH:

1 Q And was this pump capable of pumping water from
2 flood waters?

3 MR. YACKEY: Objection, form.

4 THE WITNESS: Yes.

5 BY MR. LEACH:

6 Q Was the pump capable of pumping flood water
7 with suspended solids and debris in it?

8 MR. YACKEY: Objection, form.

9 THE WITNESS: Yes.

10 BY MR. LEACH:

11 Q And was the pump designed for that purpose?

12 MR. YACKEY: Objection, form.

13 THE WITNESS: Yes. With a strainer, it
14 was designed to pump muddy water, suspended
15 particle water.

16 BY MR. LEACH:

17 Q And did Sealegs test it for that purpose?

18 A I think our testing was primarily in salt
19 water. But certainly, the customers were using it in
20 muddy waters, river waters, flood waters.

21 Q Okay. And was the -- did you get feedback from
22 customers about how well it worked after you sold one?

23 A Yeah. All our customers were very happy with
24 the performance.

25 Q Okay. And I think we established this, but was

1 the pump connected to the nozzle by a fluid conduit or
2 pipe?

3 A Yes, by a pipe.

4 Q Okay. Watching.

5 (The video is played.)

6 BY MR. LEACH:

7 Q I'll back up really quick here.

8 (The video is played.)

9 BY MR. LEACH:

10 Q And what is shown on this page in the text?

11 A Yeah. This is showing that the displacement
12 pump works at both high and low speeds on water. So we
13 had to do quite a bit of work to get a fire pump intake
14 pickup that could work both at low speed and high speed
15 on water. So that was the transom design pickup and just
16 the arrangement. Because at high speeds, you want to
17 make sure you weren't going so fast that the water wasn't
18 able to be picked up, so there was a little bit of a
19 Venturi fit design on the intake that could operate when
20 both the -- when the boat was going either stationary,
21 low speed, or high speed on water.

22 Q Do you know whether the Sealegs amphibious
23 pumping vehicles used both -- or either a rotary, like a
24 centrifugal pump, or a positive displacement pump? Do
25 you know what types of pumps?

1 A I think both torques were used depending on
2 what the customer wanted. So on the video, it's talking
3 about both rotary displacement and positive pressure
4 displacement pumps.

5 Q Okay. And could both of those types of pumps
6 that were used on these boats pump liquid with suspended
7 solids?

8 MR. YACKEY: Objection, form.

9 THE WITNESS: Yes.

10 BY MR. LEACH:

11 Q And could both of them pump water from lakes
12 and streams or muddy rivers?

13 A Yes.

14 MR. LEACH: Okay. We'll keep watching.

15 (The video is played.)

16 BY MR. LEACH:

17 Q I'll stop sharing now.

18 And was Defendant's Exhibit 52 a true and
19 accurate copy of Sealegs' promotional video for its
20 firefighting amphibious boat?

21 A 52, the video?

22 Q Yes.

23 A Sorry, what was the question?

24 Q Sure. Well, did Sealegs produce the video
25 shown in Exhibit 52?

1 A Yes.

2 Q And why did they produce that video?

3 A For sales and marketing purposes of fire rescue
4 and fire pump boats to fire departments around the world.

5 Q And is it a true and accurate copy of the
6 promotional video that -- I'm sorry. Is Exhibit 52 a
7 true and accurate copy of that promotional video for
8 Sealegs firefighting amphibious boat?

9 A Yes.

10 Q And is the video shown in Exhibit 52 a business
11 record of Sealegs?

12 A Yes.

13 MR. YACKEY: Objection, form.

14 BY MR. LEACH:

15 Q And was the video shown in Exhibit 52 created
16 and kept in the ordinary course of Sealegs' business?

17 A Yes.

18 Q And was it prepared around the time of the
19 Sealegs firefighting products being sold?

20 MR. YACKEY: Objection, form.

21 THE WITNESS: Yes.

22 BY MR. LEACH:

23 Q And was that prior to 2013?

24 A Yes.

25 Q Does Exhibit 52 accurately describe the Sealegs

1 firefighting amphibious pumping vehicles that were
2 offered for sale, sold, and publicly used prior to 2013?

3 A Yes.

4 Q I just want to generally talk about the
5 structure of the Sealegs products and kind of summarize a
6 little bit. The Sealegs products that were advertised,
7 offered for sale, and sold prior to 2013, they had wheels
8 that retracted -- or retractible wheels, correct?

9 A Yes.

10 Q Were they amphibious vehicles?

11 A Yes.

12 Q Did they have all wheel drive?

13 MR. YACKEY: Objection, form.

14 THE WITNESS: Yes.

15 BY MR. LEACH:

16 Q What types of pumps were used for the
17 firefighting system on the Sealegs products that were
18 sold, offered for sale, and used prior to 2013?

19 A So, yeah, a range of fire pumps from, you know,
20 pump manufacturers, you know, rotary and positive
21 displacement, both with either hydraulic PTO or secondary
22 inboard engine driven pumps.

23 Q And I think we've established this now, but
24 could both of those types of pumps pump water with silt,
25 dirt, sand, debris in it?

1 MR. YACKEY: Objection to form.

2 THE WITNESS: Yes. Some of the testing
3 that we did in New Zealand was, although it was
4 seawater, it was still, some of them were at
5 estuaries, or some of those populated Auckland
6 beaches after rainfall can still be, you know,
7 muddy, murky, with some suspended particles.
8 It's not, you know, crystal clear water where
9 some of our testing was done.

10 BY MR. LEACH:

11 Q Okay. And that was a product -- and that was
12 prior to 2013?

13 A Yes.

14 Q And did the Sealegs amphibious pumping vehicles
15 that were offered for sale, sold and publicly used prior
16 to 2013, were they all wheel drive using variable speed
17 hydraulic motors on the wheels?

18 A Yes.

19 MR. LEACH: I will pass the witness.

20 THE VIDEOGRAPHER: Paul, we're approaching
21 an hour and a half.

22 MR. LEACH: Let's take a break, and,
23 Scott, you can go.

24 MR. YACKEY: Sounds good.

25 THE VIDEOGRAPHER: The time is

1 approximately 5:37 p.m. We are going off the
2 video record.

3 (A break was taken.)

4 THE VIDEOGRAPHER: The time is
5 approximately 5:45 p.m. We are back on the
6 video record.

7 Go ahead.

8 EXAMINATION

9 BY MR. YACKEY:

10 Q I guess, good afternoon for you, Mr. Bryham.
11 Is it now afternoon for you?

12 A Will be in two minutes, yeah.

13 Q Almost. All right.

14 I understand, or you understand that you're
15 still under oath, correct?

16 A Yes.

17 Q All right. And that Mr. Leach went over some
18 ground rules with you at the beginning of this
19 deposition. You understand those ground rules still
20 apply, correct?

21 A Yes.

22 Q All right. Sounds good.

23 So I would like to go back to Defendant's
24 Exhibit 43, which was previously introduced. Let me know
25 when you've got that pulled up.

1 A Yes. Yeah, I've got that.

2 Q All right. Can you find a date anywhere on the
3 face of this document? And you can scroll through it --

4 A Yeah, sure.

5 Q -- and take a look at it.

6 A (Perusing document.) No.

7 Q Okay.

8 A Not in the footer.

9 Q Anywhere on this document do you see a date?

10 A No.

11 Q Okay. And I believe you testified earlier that
12 there's a fire pump on some of these boats that are
13 pictured in this brochure?

14 A Yes.

15 Q Can you point out the actual pump in any
16 photograph in this brochure?

17 A The fire -- no. I can only see the fire nozzle
18 that's pumping the water. There's no photos -- there's
19 no plain view photo that show the pump, only the fire
20 nozzle pump that's pumping -- that's got the pumped water
21 coming out.

22 Q So can you tell what pump -- fire pump is on
23 any of these boats shown in these photos based on what
24 you see here?

25 MR. LEACH: Object to form.

1 THE WITNESS: No. There's no --

2 BY MR. YACKEY:

3 Q Sorry. Go ahead.

4 A No. These photos on this brochure don't show
5 the pump. They are only showing the pumped water through
6 the fire nozzles, just from the angle of the photos.

7 Q So if we turn to page -- it's the Bates label
8 with SEA and then ends in 8.

9 A Yes.

10 Q Do you see that page?

11 A Yes.

12 Q And I believe at the top of the page it says,
13 "Base Boat Specifications."

14 A Yes.

15 Q And then in the middle of the page, do you see
16 where it says "Land powered by 4-stroke twin cylinder
17 air-cooled 24-horsepower Honda inboard engine?" Do you
18 see that?

19 A Yes.

20 Q What did this engine do?

21 A This engine powered the hydraulics, so it
22 powered the hydraulic pump that was then used to drive
23 the wheels and sometimes used to drive a fire pump, water
24 pump.

25 Q Did it also propel the boat while the boat was

1 underway in the water?

2 A Not on water, no. This inboard engine is only
3 used for on land for the hydraulics or on the water to
4 drive a hydraulic water pump. The on water propulsion is
5 by the outboard motor.

6 Q Okay.

7 A Probably -- there is occasion in -- if the
8 outboard motor broke down, there is the ability to raise
9 the wheels and get some propulsion from the wheels like
10 in a water wheel mode where you raise the wheels up so
11 that just the bottom of the wheel is in the water, and
12 you can actually rotate the wheels on water and get some
13 forward propulsion using the inboard engine and
14 hydraulics. But that's kind of like a, more of a backup
15 mode if the outboard motor isn't working or doesn't
16 start.

17 Q Did you prepare this document?

18 A No. It was prepared by a graphic designer.
19 But I supplied, yeah, some of the photos and text and
20 basically had final sign-off.

21 Q So if we turn to the last page, it's Bates
22 labeled SEA 10.

23 A Yes.

24 Q Do you see there's a, on the top left photo, it
25 sort of looks like a CAD model rendering?

1 A Yes.

2 Q Do you see that there's sort of an object right
3 in the middle of that photo or that rendering that's got
4 a red and blue on it? Do you see that?

5 A Yes. Yes.

6 Q What is that?

7 A That's the air-cooled inboard engine to drive
8 hydraulics.

9 Q That's the air-cooled engine?

10 A Yes.

11 Q And then at the very bottom of this page, do
12 you see where it says "Sealegs (US) Corporation"?

13 A Yes.

14 Q Who is that, or what company is that?

15 A Sealegs (US) Corporation is a 100 percent owned
16 subsidiary of Sealegs International, the New Zealand
17 company. So Sealegs (US) is a subsidiary company.

18 Q Do you know if this document was held by
19 Sealegs (US) Corporation or Sealegs International?

20 A It was -- all the marketing material for
21 Sealegs globally is created in New Zealand. So
22 New Zealand controls the global marketing. So this
23 brochure was created in New Zealand for the U.S.

24 Q Is there an entity called Sealegs North
25 America?

1 A You mean as a legal entity, a company, a
2 corporation?

3 Q Correct.

4 A I'm not sure. I understood that Sealegs -- I'm
5 not sure if it's Sealegs (US) or Sealegs North America.
6 I thought it was Sealegs (US) was the legal entity.

7 Q What about a Sealegs (USA)? Is that an entity
8 you've heard of?

9 A Yeah. I understand, yeah, my understanding is
10 Sealegs (US) or Sealegs (USA) is the subsidiary company,
11 but I'm not --

12 Q So Sealegs --

13 A There is a Sea-Legs Pontoon Boat company in
14 America as well, which is not related to Sealegs.

15 Q So do you understand Sealegs (USA) to be the
16 same as Sealegs (US) Corporation?

17 A Yes.

18 Q Okay. I think earlier you testified that you
19 emailed a date about this document to someone.

20 A Yes.

21 Q Who did you email that to?

22 A That was to Tom.

23 Q Mr. Leach?

24 A Yes, Tom Leach, yeah.

25 Q When did you email that to him?

1 A I believe that was earlier this year looking
2 for marketing brochures and material on the Sealegs fire
3 craft.

4 Q Are you being represented by Merchant & Gould?

5 A No.

6 Q Do you know who first reached out to you about
7 this case?

8 A I think originally it was Greg Ewen, our
9 Sealegs (US) president, who had been contacted by
10 Mr. Leach.

11 Q Do you recall when that was?

12 A I believe it was earlier this year.

13 Q Do you know if the Sealegs boat was ever used
14 in liquid manure?

15 A Not that -- no, I don't know. Not that I know
16 of.

17 Q Did you ever market -- sorry, strike that.

18 Did Sealegs ever market its Sealegs boat for
19 use in liquid manure?

20 A No. We had customers who used it in farms for
21 clearing drainage, like drainage trenches especially in
22 the Netherlands and northern Europe. But yeah, that was
23 commercial operators who had, I think they had clearing
24 booms on the amphibious Sealegs craft.

25 Q Did you ever test the fire pump to see if it

1 could -- sorry. Strike that.

2 Did you ever test the fire pump on the Sealegs
3 boat to see if it could pump liquid manure?

4 A No.

5 Q Okay. I apologize. It's close to dinnertime,
6 and I haven't eaten yet, so I may flub over some of my
7 words.

8 A Okay.

9 Q So let's go to, if you could pull back up
10 Defendant's Exhibit 47. Let me know when you are ready.

11 A Okay. Yes.

12 Q Do you see on the bottom right-hand side it's
13 got the Bates label SEA 67?

14 A Yes.

15 Q Can you actually see the pump in this
16 photograph?

17 A No. The pump is in the white box.

18 Q Okay. So now if we go to DX, Defendant's
19 Exhibit 48, will you go and pull that up?

20 A Yes.

21 Q Do you have it open now?

22 A Yes.

23 Q And do you see its Bates-labeled SEA 68?

24 A Yes.

25 Q Can you actually see the fire pump in this

1 photo?

2 A No. Again, it's under the white box cover.

3 Q Okay. And do I understand you correctly, I
4 believe you testified earlier that these two photos in
5 DX 47 and 48 corresponded to a boat that was shipped out
6 pursuant to an invoice; is that correct?

7 A Yes.

8 Q And then if we go to Defendant's Exhibit 45.

9 A Yes.

10 Q I believe that's the invoice you were referring
11 to earlier?

12 A Yes.

13 Q And that's Bates-labeled SEA and ends in 1?

14 A Yeah, on the first page, yeah.

15 Q Correct. So typically, how long -- I guess,
16 strike that.

17 Do you know whether this invoice was prepared
18 before the boat was shipped to a customer?

19 A The invoices were produced on the month of
20 shipment, so they couldn't be produced before the goods
21 were shipped. So this was produced for, as we're loading
22 the container, for final payment. So shipping would have
23 been in June.

24 Q Like the end of June?

25 A Before the end of June, yeah. It can't be

1 invoiced in a month that it's not shipped within.

2 Q Okay. Do you see on the top right-hand side of
3 this document on -- do you see where it says, "Tax
4 Invoice" and it gives 13459?

5 A Yes.

6 Q And then there's a reference number?

7 A Yes.

8 Q And to the right of that is "eels to be
9 removed."

10 A Yes.

11 Q Do you know what that means?

12 A I think that means "wheels to be removed," but
13 it's been truncated because of the field length.

14 Q Okay.

15 A And that's, I think, with Thailand, because of
16 imports classification, the wheels were attached for our
17 testing and land and sea trials, and then the wheels were
18 unbolted so that it was classified as a boat rather than
19 a land vehicle. And then they bolted on the wheels in
20 Thailand, because they didn't have an amphibious boat
21 classification.

22 Q Were the wheels shipped with the boat --

23 A Yes.

24 Q -- in the shipping container?

25 A I believe so, yes.

1 Q You may have to zoom in a little bit. But on
2 still the first page of Defendant's Exhibit 45, do you
3 see on the bottom there where it says like -- it appears
4 to say "emailinvoice.CLF"?

5 A This is on the first page?

6 Q Yes.

7 A Oh, still above the invoiced prices?

8 Q So this would be at the very bottom. Do you
9 see where it says, "Sales Discount"?

10 A Yes.

11 Q And then sort of directly below "Sales
12 Discount," do you see where it says, "emailinvoice.CLF,"
13 sort of in a gray color?

14 A Oh, yes, yeah.

15 Q Do you know what that means?

16 A No, I don't. But I think it's probably the
17 Clarity form that the -- I figure, yeah, the ERP system
18 puts the invoices and reports through Clarity to get them
19 formatted, so I think that's just the boilerplate form
20 that the document is being put through to present it in
21 this form with a logo and layout.

22 Q So to the right of that, there's some numbers
23 there. Do you see that 27.08.2024?

24 A Yes.

25 Q And then a time, 10:22:51 a.m.?

1 A Yes.

2 Q Is that when this particular document was
3 created?

4 A Not when --

5 MR. LEACH: Object to the form.

6 THE WITNESS: Not when it was created. It
7 was when this copy invoice was printed, a copy
8 of this invoice was printed.

9 BY MR. YACKEY:

10 Q So this invoice in DX 45 was printed on
11 August 27, 2024?

12 A Correct, but the original was 1st of June,
13 2013.

14 Q We don't have a copy --

15 A We don't keep paper records of old -- invoices
16 that are that old.

17 Q So you don't have a paper copy of the original
18 invoice?

19 A I wouldn't think so. I think sometimes -- I
20 think we have to keep documents up to five years, but
21 after that, they are destroyed for accounting documents
22 per New Zealand regulations.

23 Q So did you design the fire pump that was used
24 on the Sealegs?

25 A No. That's manufactured by fire pump

1 companies.

2 Q So Sealegs did not design the fire pump?

3 A No.

4 MR. LEACH: Object to the form on that
5 question.

6 BY MR. YACKEY:

7 Q Did Sealegs design the fire pump that was used
8 on the Sealegs boats?

9 A We didn't design --

10 MR. LEACH: Object to form.

11 THE WITNESS: -- the pump. We purchased
12 the pumps and then installed them with our
13 design of the intake pick-ups and the routing
14 and the integration to the hydraulic system or
15 mounting of the secondary inboard engine.

16 BY MR. YACKEY:

17 Q Did Sealegs make the pumps?

18 MR. LEACH: Object to form.

19 THE WITNESS: No.

20 BY MR. YACKEY:

21 Q Did Sealegs construct the pumps?

22 MR. LEACH: Object to form.

23 THE WITNESS: Sealegs, yeah, purchased the
24 pumps and then configured and installed them to
25 our design.

1 BY MR. YACKEY:

2 Q Do you know what a rotary pump is?

3 A Yes.

4 Q How does a rotary pump work?

5 A Basically, it has rotating vanes that pump the
6 water from the intake to the outlet in a rotary fashion.

7 Q Did it have one vane or two vanes?

8 A Could be multiple, multiple vanes.

9 Q Is it always multiple vanes?

10 A I guess you could have one, but I would have
11 thought typically for balance there would be two or more.

12 Q Did the pumps that Sealegs used ever have one?

13 A I don't know.

14 Q Do you know what a positive displacement pump
15 is?

16 A Yes. That's a pump that, using a plunger,
17 pressurizes the intake to the pump.

18 Q Did Sealegs use a positive displacement pump
19 with that type of design on its boats?

20 A Yes. Sealegs used both rotary and positive
21 displacement pumps, fire pumps.

22 Q Did you ever receive reports from customers of
23 the fire pumps clogging?

24 A No.

25 MR. LEACH: Object to form.

1 BY MR. YACKEY:

2 Q What was your answer on that?

3 A The answer was no. We had --

4 Q Okay.

5 A -- intake grills. We never had any -- never
6 had or aware of any problems with pumps clogging
7 internally.

8 Q Do you know the size of the filter screen that
9 was used?

10 A Not accurate dimensions. But from memory, they
11 were -- you know, from memory, they were probably
12 5 millimeters or less. Yeah, reasonably sized grill
13 intake. It wasn't a fine mesh.

14 Q So when you say fine --

15 A Yeah, it wasn't a fine mesh. It was like a --
16 yeah, probably a approximately 5-millimeter slotted grill
17 type filter, a metal filter, an aluminum filter, or
18 aluminum filter.

19 Q So I'm thinking of like -- like the grill of a
20 Jeep looks with the slots --

21 A Yeah.

22 Q -- similar, looks --

23 A Yeah.

24 Q -- like that on a smaller scale?

25 A That type of look, yeah, obviously smaller,

1 yes.

2 Q Okay.

3 A It wasn't a mesh grill.

4 Q So I believe earlier you --

5 A It allowed for small particles and some things
6 to go through the pump. It was only really for debris,
7 larger items.

8 Q I think earlier you talked about an autopilot
9 system.

10 A Yes.

11 Q Could a user that was outside of the boat set
12 the coordinates in that autopilot?

13 A No. You set the waypoints or the heading
14 through the -- through the navigation system. So you
15 need to be on board to do that. In theory, you could
16 step off once you would set the course or waypoints.
17 But, yeah.

18 Q But without -- so if you stepped off the
19 boat --

20 A Yes.

21 Q -- and without getting back in the boat, was
22 there any way for a user to change the waypoints in the
23 autopilot?

24 A No.

25 Q So I'm sure you've used, like, little

1 remote-controlled cars before, correct?

2 A Yes.

3 Q Where you've got the little handheld remote and
4 you can move the car around using the handheld remote?

5 A Yes.

6 Q So the Sealegs boat didn't have sort of a
7 handheld remote that could move the boat?

8 A No. No. It was more like autonomous driving,
9 I guess, like a Tesla or what Tesla is trying to do where
10 you would typically still be at the helm but hands-free
11 autonomous driving.

12 Q But in order to change, you know, speed or
13 direction of the boat, there required an input from a
14 user on the boat; is that correct?

15 A If you wanted to change the set course, yes.
16 It would be hands free for the course you've set. And
17 then if you wanted to change the course, you would then
18 need to change it on the GPS. Some of those GPS
19 navigation systems do have mirroring to an iPad or an
20 iPhone, which means you could do it outside of the craft,
21 but I'm not sure if that functionality was available
22 before 2013 or not. Possibly. Yeah. I would have to
23 check. If that was the case, you can do it from an iPad
24 or an iPhone through mirroring the GPS.

25 Q But sitting here today, you've got nothing to

1 indicate that that was capable [sic] before 2013?

2 A I'm not sure if it was available before that
3 date or not, but we didn't have a separate remote control
4 like a car, remote control car.

5 Q In any of the photos that you've seen today,
6 have you seen the fire pump itself?

7 A Not -- no. It's always been under the cover.

8 Q Do you recall watching a video? I believe it
9 was Defendant's Exhibit 52.

10 A Yes.

11 Q Do you recall seeing the pump, the fire pump in
12 that video?

13 A No, only the operation of the pump with the
14 water coming out the nozzle. It's a little bit like
15 saying I didn't see the engine on the outboard motor
16 because it's covered by a cover. You don't see the
17 actual, you know, driving part. It's got a protective
18 cover. I'm very confident it was -- the pump was there.

19 Q But we just can't see it, right?

20 A Correct, yes.

21 Q So in any Sealegs boat, was there a single
22 engine that powered the hydraulic motors for the wheels,
23 the fire pump, and propelled the boat when it was in the
24 water?

25 A Yes. There were craft, including the one with

1 the invoice. That one had the hydraulic pump -- sorry.
2 The hydraulic pump driving the hydraulic motor, which
3 then drove the fire pump as well as driving the wheels.
4 And as I stated earlier, there was an option where you
5 can use the wheels in a water wheel mode to propel the
6 craft slowly on water.

7 Q Outside of that water wheel mode, was it
8 propelled by the same engine?

9 A We did do some systems where we had auxiliary
10 hydraulic motor with a propeller, which was more
11 efficient at driving it on water. But I'm not sure we
12 did any of those with -- also with a fire pump. We
13 definitely did some where we had the inboard engine
14 driving a hydraulic motor with a propeller on it, which
15 gave us effectively like a 24-horsepower outboard motor,
16 hydraulically driven, as a redundant secondary water
17 propulsion. But I don't think we ever did that with a
18 fire pump as well.

19 Q Do you recall when you did that?

20 A That was fairly early, so that would have been
21 before 2013. That was probably, yeah, that was before
22 2010, I would think. So it was customers who were
23 worried about the outboard motor breaking down and not
24 having to carry a small secondary outboard motor. They
25 could just use the inboard engine with a hydraulic motor

1 driving a propeller, and they deployed that on the
2 transom.

3 Q And I believe you testified earlier today that
4 you did not go to college; is that correct?

5 A Correct.

6 Q And so you do not have an engineering degree;
7 is that correct?

8 A Correct.

9 Q Do you have any experience designing fluid
10 pumps?

11 A No.

12 Q Do you have any experience with livestock
13 manure?

14 A Not intentional, no.

15 Q I don't want to know about the unintentional
16 experience.

17 Have you ever been a livestock farmer?

18 A No.

19 Q Are you familiar with manure agitation
20 equipment?

21 A Yeah, vaguely.

22 Q Were you familiar with manure agitation
23 equipment before your involvement in this case?

24 A Yes, vaguely, yeah.

25 Q How so?

1 A Just from, probably from the Internet, just the
2 type of machinery that, you know, Sealegs makes. We come
3 across a lot of, you know, not necessarily similar, but
4 relative manufacturers of specialized equipment for, as
5 you said, some of them are clearing farm drainage and,
6 you know, that sort of amphibious vehicles. There's all
7 types of amphibious vehicles that are used in sort of
8 farming and forestry. So, yeah, I've seen a lot of
9 different applications of amphibious vehicles over the
10 last 20 years.

11 Q I believe earlier you testified that you're now
12 retired from Sealegs International, correct?

13 A Correct, yes.

14 Q And that you have -- you do consulting work for
15 Sealegs?

16 A Yes.

17 Q Are you currently retained by Sealegs as a
18 consultant?

19 A I don't have a monthly retainer. Just as
20 required.

21 Q Did they ask you to serve as a consultant in
22 relation to this case?

23 A No. No. This is unpaid.

24 Q Has anyone asked you to serve as a consultant
25 in this case?

1 A No.

2 Q Were you reimbursed for your time in gathering
3 documents that were produced?

4 A No. And that limited some of the documents
5 produced because it became, you know, time consuming.

6 Q Okay. And I believe you said earlier that
7 Merchant & Gould is not your attorneys, correct?

8 A Correct.

9 Q Did they offer to represent you?

10 A No.

11 Q And are you testifying here today on behalf of
12 Sealegs International Limited?

13 A Yes.

14 Q I assume since you said you've never had
15 intentional experience with livestock manure that you are
16 also not a commercial manure applicator, correct?

17 A Correct. Yeah, correct.

18 Q And don't have any experience in that field,
19 correct?

20 A Correct.

21 Q And you still have a Sealegs email address; is
22 that correct?

23 A Yes.

24 MR. YACKEY: All right. I'll pass the
25 witness.

1 MR. LEACH: Just a few brief follow-up
2 questions.

3 EXAMINATION

4 BY MR. LEACH:

5 Q Mr. Bryham, you mentioned earlier about some
6 Sealegs products being used, I think you said the
7 Netherlands, with a boom on them to clear drainage
8 ditches or that kind of thing. Can you describe what
9 those products were or what was used on the Sealegs
10 product?

11 A Yeah. So that was a Sealegs craft that had
12 been purchased for that application of clearing, you
13 know, drainage channels. The equipment that was
14 installed on it was done by the customer in Europe. So
15 we didn't fit that auxiliary equipment, so I don't know
16 too much about the, yeah, the detail of what was
17 installed.

18 Q Do you know, did they install dredge pumps on
19 it?

20 A Yeah, I don't know.

21 Q Do you know the name of the company?

22 A No. I would have to probably try and find it
23 in the Sealegs files.

24 Q Prior to 2013 if you wanted to -- well, strike
25 that.

1 Prior to 2013, were you aware of kind of
2 plug-and-play remote control systems for vehicles and,
3 say, farm equipment or different types of equipment?

4 A Yes.

5 Q How hard would it have been to add remote
6 control to the Sealegs product if you wanted to prior to
7 2013?

8 MR. YACKEY: Objection, form.

9 THE WITNESS: It wouldn't be overly
10 difficult to make it remote controlled. And we
11 had considered that. Because, as I said, we
12 had, you know, customers, especially military
13 customers, looking at those types of
14 capabilities. We didn't have any orders for
15 anything that required that capability, so we
16 hadn't actually installed one. But there's
17 plenty of industrial hydraulic controls that
18 would be relatively easy to fit onto the --
19 onto Sealegs to make it remote control.

20 BY MR. LEACH:

21 Q I guess if --

22 A [Inaudible] and Danfoss had those types of
23 control systems that you can purchase.

24 (Court reporter clarification.)

25 THE WITNESS: Eaton and Danfoss.

1 BY MR. LEACH:

2 Q And so if prior to 2013 a customer came to you
3 and said, Sealegs, can you make this product remote
4 control because it's going to be used in a dangerous
5 environment, is that something Sealegs could have easily
6 done?

7 A Yes.

8 MR. YACKEY: Objection, form.

9 THE WITNESS: If a customer wanted to pay
10 for that option, we could install and fit it.

11 BY MR. LEACH:

12 Q What trade shows did Sealegs go to prior to
13 2013? Do you recall?

14 A It was primarily boat shows in New Zealand,
15 Australia, America, Europe, England.

16 Q Did you ever go to AGRITECHNICA?

17 A No.

18 Q A trade show in Germany?

19 A No.

20 Q Did you ever go to any agricultural trade
21 shows?

22 A No.

23 Q Have you had any contact with Nuhn Industries?

24 A No. Actually, sorry. There's one correction
25 on the trade shows. We did go to Fieldays, which is a

1 New Zealand agricultural show in New Zealand near
2 Hamilton.

3 Q And what type of products are shown there?

4 A That's all farm, farming equipment, farm
5 products.

6 Q And do you know when you attended that trade
7 show?

8 A That was fairly early, so that was before 2010.

9 Q And why did you go to that trade show?

10 A Yeah, it was just a -- it's quite a large trade
11 show, a lot of innovative products. So it was the
12 beginning of our kind of sales release, so we thought
13 that would be a good opportunity.

14 MR. LEACH: I have no further questions.

15 MR. YACKEY: I just have a few more.

16 EXAMINATION

17 BY MR. YACKEY:

18 Q With respect to the customer that may have used
19 some components on the Sealegs in northern Europe, do you
20 recall when that was?

21 A Not exactly, but it was fairly early, so, yeah,
22 pre-COVID, probably before 2013, but I don't know the
23 exact date.

24 Q Could it have been after 2013?

25 A Could have been, yes.

1 Q Now, I think Mr. Leach asked you that you could
2 have installed a remote control system had a customer
3 asked you. You never did install a remote control
4 system --

5 A I think I said --

6 Q -- in --

7 A -- and paid to, yeah. So that was the key. No
8 one actually fronted up to pay for that option.

9 Q I guess one last question: What did you do to
10 prepare for your deposition today?

11 A Probably not a lot. You know, found a little
12 bit of that historical data from the Sealegs' files and,
13 you know, just installed the software. Yeah. I hadn't
14 seen the -- obviously hadn't seen the Veritext exhibits
15 in this format, you know, prior to them being displayed
16 here. But obviously, some of them are ones that we had
17 found from the Sealegs files.

18 Q Did you speak with any attorneys from Merchant
19 & Gould yesterday or any of the immediately preceding
20 days?

21 A In the last few days it was just some emails
22 regarding the Veritext software installation and the Zoom
23 meeting.

24 Q Was there any discussion about -- go ahead.

25 A No, you go.

1 Q Was there any discussion about what you were
2 going to be testifying to today?

3 A No.

4 MR. YACKEY: Pass the witness.

5 EXAMINATION

6 BY MR. LEACH:

7 Q Mr. Bryham, you don't have any -- let's see.
8 You don't have any -- how do I say this? You don't have
9 any stake in the outcome of this dispute between Nuhn
10 Industries and Bazooka, do you?

11 A No.

12 Q Do you even know who Nuhn Industries or Bazooka
13 are?

14 A I've had a quick look on the Internet. But
15 prior to this, I hadn't heard of either of those
16 companies.

17 Q So you're not --

18 A I'm not interested.

19 Q And you're not --

20 A Sorry.

21 Q You don't --

22 A I've not had any conversation from either of
23 the companies. I don't have any interest in other
24 companies. I'm just really only able to say what Sealegs
25 has done and, yeah, what some of the promotional products

1 and materials that we have. So I don't have any interest
2 in the outcome.

3 MR. LEACH: Okay. I have no further
4 questions.

5 Mr. Yackey?

6 MR. YACKEY: No further questions.

7 MR. LEACH: Mr. Bryham, I would really
8 like to thank you for your time here today
9 providing facts. I appreciate it.

10 THE WITNESS: Okay. Thank you.

11 MR. YACKEY: Thank you for your time.

12 THE VIDEOGRAPHER: The time is
13 approximately 6:37 p.m. We are going off the
14 video record.

15 MR. LEACH: Mr. Bryham, I can get the
16 transcript and provide it to you, and you can
17 read and sign it.

18 (Deposition concluded at 6:38 p.m.)

19 *****
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25

REPORTER'S CERTIFICATE

STATE OF MINNESOTA)

) ss.

COUNTY OF HENNEPIN)

I hereby certify that I reported the Video-recorded Remote Zoom Deposition of MAURICE BRYHAM, AS THE CORPORATE REPRESENTATIVE OF SEALEGS INTERNATIONAL on the 29th day of October, 2024, and that the witness was by me first duly sworn to tell the whole truth;

That the testimony was transcribed by me and is a true record of the testimony of the witness;

That the cost of the original has been charged to the party who noticed the deposition, and that all parties who ordered copies have been charged at the same rate for such copies;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel;

That I am not financially interested in the action and have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect my impartiality;

That the right to read and sign the deposition by the witness was reserved.

WITNESS MY HAND AND SEAL, this 6th day of November, 2024.



Lori Morrow, RDR, CRR, CRC
Notary Public, Hennepin County, Minnesota
My commission expires: January 31, 2030

Veritext Legal Solutions
1100 Superior Ave
Suite 1820
Cleveland, Ohio 44114
Phone: 216-523-1313

November 6, 2024

To: Mr. Leach

Case Name: Nuhn Industries LTD v. Bazooka Farmstar LLC

Veritext Reference Number: 6972640

Witness: Maurice Bryham Deposition Date: 10/29/2024

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,
Production Department

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6972640

CASE NAME: Nuhn Industries LTD v. Bazooka Farmstar LLC

DATE OF DEPOSITION: 10/29/2024

WITNESS' NAME: Maurice Bryham

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

Date Maurice Bryham

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;
They signed the foregoing Sworn Statement; and
Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6972640

CASE NAME: Nuhn Industries LTD v. Bazooka Farmstar LLC

DATE OF DEPOSITION: 10/29/2024

WITNESS' NAME: Maurice Bryham

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

Date

Maurice Bryham

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They have listed all of their corrections in the appended Errata Sheet;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

PAGE/LINE(S) /	CHANGE	/REASON
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[illegible]

Date _____ Maurice Bryham
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
DAY OF _____, 20____.

Notary Public

Commission Expiration Date

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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