

ORIGINAL

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

GINO L. FILIPPI,

Plaintiff,

vs.

CASE NO. CIVRS 705774

J. FILIPPI VINTAGE CO., a  
California corporation; JOSEPH PAUL  
FILIPPI, an Individual; and DOES 1  
Through 100, inclusive

Defendants.

Sworn under oath!

DEPOSITION OF GINO L. FILIPPI

VOLUME I

TAKEN ON

MONDAY, NOVEMBER 16, 2009

*PRECISION COURT REPORTING SERVICES*

*PRECISION VIDEO SERVICES*

CHRISTIE HUDSON HOEHN, President

305 North Second Avenue

Upland, California 91786

(909) 981-1300 (800) 98-DEPOS

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REPORTER: CHRISTIE HUDSON HOEHN,  
C.S.R. No. 7866





"I wonder if she has heard from the Black ~~At~~

Monkey."

1 Q. Did Joey feel that way, too?

2 MR. MEYER: Objection; calls for speculation.

3 BY MR. SCHAUER:

4 Q. If you know.

"Who Is The  
Black Monkey?"

5 A. I don't know.

6 Q. Okay.

7 A. I remember Joey apologizing to me for some of [REDACTED]  
8 work in the winery.

9 Q. Okay. Nobody else can talk.

10 A. Oh, sorry.

11 Q. In this 3rd paragraph you state -- you are writing  
12 now to [REDACTED], and you say, "I thought perhaps that the  
13 new owner would have called you for a reference regarding  
14 [REDACTED]"

15 The next sentence is, and I don't know understand  
16 this, so I want you to explain it to me, "I wonder if she  
17 heard from [REDACTED] black monkey." Who is [REDACTED] "black monkey"?

18 A. That was a joke of [REDACTED]

19 Q. What was funny about it?

20 A. Well, I don't know. I would have to ask him.

21 Q. Do you know what he meant by, "I wonder if she heard  
22 from [REDACTED] black monkey"?

23 MR. MEYER: Objection; asks for speculation.

24 THE WITNESS: I don't remember. You would have to  
25 ask [REDACTED]



"Black Monkey" Being used when discussing an employee with an African American boyfriend.

1 BY MR. SCHAUER:

2 Q. Well, if you knew it was a joke, would you have  
3 known what --

Gino omitted the word black

4 A. We would always tease each other about monkeys,  
5 whether it be [REDACTED], or myself, or -- you know, it was a  
6 joke.

7 Q. Wasn't she married to a black person when she came  
8 to work at the winery, Gino?

9 A. I don't remember her being married.

10 Q. Didn't she have a significant other that was a black  
11 individual?

12 A. I think she had a couple, yes.

- So rude!

13 Q. All right. Do you think that's what he was  
14 referring to? Does that refresh your memory?

15 A. I don't know.

16 MR. MEYER: Objection; speculation.

17 THE WITNESS: When [REDACTED] walked into this room,  
18 she called me "monkey."

19 BY MR. SCHAUER:

20 Q. She did?

21 A. Yes, it was fondly.

22 Q. Okay. Was there ever any Board meeting at any time  
23 that you attended where you felt the discussion on any issue  
24 was cut off?

25 MR. MEYER: Objection; it's vague and ambiguous.

78



# "Testing Positive For Cocaine"

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MR. MEYER: I think this is "18", right?

MR. SCHAUER: Oh, yes, it is. Thank you. Would you please correct it.

(Whereupon the aforementioned document was marked as Defendant's Exhibit "18" for identification by the deposition reporter and is attached hereto.)

(Pause in proceedings.)

THE WITNESS: Okay.

BY MR. SCHAUER:

Q. May I have that back, please.

Since the reference in this letter -- I guess it's an e-mail, dated Friday, June 30th, 2006 -- strike that.

Exhibit "18" is a e-mail to you -- from you to Joey, dated June 30th, 2006, correct?

A. Yes.

Q. And in the third paragraph you reference "testing positive for cocaine," correct?

A. Yes.

Q. When, in terms of time, did you test positive for cocaine?

A. It was '97, or approximately thereabouts.

Q. Subsequent to that date, did you ever use cocaine again?

A. No.



YAHOO! MAIL

Print - Close Window

From: Ginoffvine@aol.com  
Date: Fri, 30 Jun 2006 01:22:45 EDT  
Subject: (no subject)  
To: josephfil@  
CC:

"Testing positive for cocaine"

"Calling you a Mother Fucker"

I will continue to use the credit card for business meetings such as today. and I took out the guys from Lewis Companies. They want to plant vineyards with us. I do take and/or out from time to time and sometimes I use my own cash money.

As stated in our past 2 Board meetings, our sales are down for a few reasons. We have lost excellent sales people, our wines have been inconsistent, we have been out of high-priced wines in our stores, traffic is down in our stores, we are missing wines for wholesale accounts, there is huge competition from the distributors, gasoline prices are high, etc...

Believe me, I regret so much telling you about my testing positive for cocaine. You really did me no favor when you shared that personal information with. He in turn spread it all over town and that was no one's business but mine.

If you recall, I did offer to pay you rent in cash for the loft. When I move, it can be rented out and the winery can make all the \$ back. It will make a nice office for someone. No worries.

I said to you that I was upset when I sent the email calling you a mother fucker to. It was sent to you by mistake. I am sorry. I was venting to. As far as you always fucking things up, I was referring to our relationship with. I believe your actions and manners have damaged our business relationship with him. has made it very clear that he does not want to work with and he has his own reasons, yet you seem to keep promoting and praising her in front of him and I do not think it is helpful.

I learned when I was young, that no one is quite as skilled as my older brother in keeping score. You don't have to worry about me challenging you on that issue.

Did Lewis want to plant vineyards or help Gina appraise the vineyard so Gino could try to force a sale of the winery to Lewis for residential development?

EXHIBIT 18  
Deponent Gino Filippi  
Date 11-16-09  
DEPOBOOK



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CASE NO. CIVRS 705774

J. FILIPPI VINTAGE CO., a )  
California corporation; JOSEPH PAUL )  
FILIPPI, an Individual; and DOES 1 )  
Through 100, inclusive )

Defendants. )

Continuation of Gino's 1st  
Sworn Deposition

DEPOSITION OF GINO L. FILIPPI

VOLUME I

TAKEN ON

MONDAY, NOVEMBER 16, 2009

REPORTER: CHRISTIE HUDSON HOEHN,  
C.S.R. No. 7866

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# "Sexual relationship with employee"

1 Q. Was the sexual relationship ongoing at the time that  
2 [REDACTED] was terminated?

3 A. I was -- we had a relationship. I was seeing her,  
4 and we were having sex, yes.

5 Q. As of the date that she was terminated?

6 A. I don't know the exact date.

7 Q. As of April of '07?

8 A. Is that the date she was terminated?

9 Q. Close to that.

10 A. Yes.

11 Q. Okay. Did you ever get approval of the Board of  
12 Directors to have a sexual relationship with [REDACTED] when  
13 she was an employee of the winery?

14 A. Can you rephrase the question?

15 Q. I said, did you ever get approval by the Board of  
16 Directors to have a sexual relationship with [REDACTED] while  
17 she was an employee of the winery?

18 A. No.

19 Q. Okay. Did you tell anybody at the winery that you  
20 were having a sexual relationship with [REDACTED]?

21 A. I told Joey that I was dating [REDACTED]. I never said  
22 that I was having a sexual relationship with [REDACTED].

23 Q. Okay. There was a period of time where you were  
24 living at the winery, correct?

25 A. Yes.



"Sexual relationship with your direct subordinate"

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Q. Okay.

A. I know what you are asking. He was 1099'd versus

W-2'd.

Q. That's all I want to know.

And Joey terminated the business relationship with

[REDACTED]?

A. Yes.

Q. Did you ever ask Joey why he terminated him?

A. Yes.

Q. What did Joey say?

A. "I don't need a fucking Frenchman telling me how to make wine," was one response.

Q. Okay. That sounds good to me.

What other employees are you referring to in the second bullet point on Line 3?

A. Well, I believe [REDACTED] was one of them. [REDACTED]

was a good employee.

Q. And Joey terminated her for personal reasons?

A. I think so.

Q. Because you were having a sexual relationship with your direct subordinate, and that's personal, is that what your telling me?

A. No, I'm not telling you because I was having sexual relations -- inappropriate sexual relations with her. That's not what I say.



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CASE NO. CIVRS 705774

J. FILIPPI VINTAGE CO., a  
California corporation;  
JOSEPH PAUL FILIPPI, an  
Individual; and DOES 1 Through 100,  
inclusive

Defendents.

1st &  
2nd Deposition  
of Gino Filippi  
are 1 month  
~~month~~ apart.

2nd Sworn  
Deposition

DEPOSITION OF GINO L. FILIPPI

VOLUME II

TAKEN ON

THURSDAY, DECEMBER 17, 2009

REPORTER: CHRISTIE HUDSON HOEHN  
C.S.R. No. 7866

*PRECISION COURT REPORTING SERVICES*

*PRECISION VIDEO SERVICES*  
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1 THE WITNESS: No.

and in fear for  
her safety.

2 BY MR. SCHAUER:

3 Q. Did you have a problem with the way [REDACTED]  
4 dressed?

5 A. There might have been a mention of -- there might  
6 have been conversation about dress code with [REDACTED]. There was  
7 usually with everyone.

8 Q. Well, did you have a problem with her dress attire?

9 A. I don't remember.

10 Q. All right.

11 A. I would have to look at the file. Gino

12 Q. Was she overweight? ← Fat Shaming?

13 A. I don't know.

14 Q. Okay. Did you have a problem with the way  
15 [REDACTED] performed her duties as an employee?

16 A. I considered [REDACTED] a good employee. I think she  
17 progressed well. So there may have been incidents where we  
18 had a review and constructive input.

19 Q. Do you have any idea --

20 A. She was a good employee.

21 Q. Do you have any idea then why she might feel in fear  
22 for her safety, with respect to you?

23 MR. MEYER: Objection; asked and answered.

24 THE WITNESS: No.

25 BY MR. SCHAUER:



Employee in writing says she feared for her safety

because of Gino Filippi.

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Q. I'm going to show you another document marked Exhibit "23". Take a look at that.

A. Okay.

(Whereupon the aforementioned document was marked as Defendants' Exhibit "23" for identification by the deposition reporter and is attached hereto.)

BY MR. SCHAUER:

Q. What do you understand Exhibit "23" to be?

A. An e-mail. Well, the top is from Joey to [redacted] and the bottom is from [redacted] to Joey.

Q. Okay. The next to the last sentence says, "Gino said he would deal with me on Monday or Tuesday. I have no desire to be in a closed room with him or [redacted] as I fear for my safety. He has come at me before, and I do not wish to go through that trauma again."

So as you sit here today, can you think of anything you did, with respect to [redacted], that caused her to put something in writing that she actually feared for her safety?

MR. MEYER: Objection; asked and answered.

THE WITNESS: No.

BY MR. SCHAUER:

Q. Did you ever come at her, or whatever what she might have meant?

MR. MEYER: Objection; calls for speculation.



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Fwd: winery

Thursday, April 5, 2007 2:42 PM

From: [redacted]  
To: josephfil@[redacted]

[redacted] wrote:

"Moving towards me with stabbing motions with his hand"

Date: Thu, 5 Apr 2007 07:00:37 -0700 (PDT)  
From: [redacted]  
Subject: winery  
To: josephfil@[redacted]

Hi Joey,

I know that this has been along time in coming, but I am really struggling over this. There have been several incidents that have taken place since I have been employed at the winery that make me wonder why I am still there. The worst incident took place in november of 2006 when Gino went into a rage over some things that happened with wine club I was actually afraid for my safety this was also seen and heard by [redacted] and [redacted]. Gino was screaming and yelling about backstabbing and that he knows what goes on and he was moving towards me with stabbing motions with his hand to this day I do not know what he was talking about as I do not handle wine club. We also had a very good customer at [redacted] that placed a custom label order that was messed up several times and when she came to pick it up she was told to go to rancho because they did not send it down she had a fit and wanted to talk with Gino about it I called him but he refused to speak with her. I was able to call a friend and have it brought down for her but it was not wrapped she again wanted to speak with gino but he again refused she said she would never do business with us again and would tell everyone that she knew not to come here. On average she spent between 6 and 10 thousand dollars a year with us all on almond champagne she now goes to wilson creek. I will forward her information to you. Joey please keep this very very confidential if [redacted] and gino find out they will fire me without batting an eye and I need my job. There are a lot of things going on right now you have alot of unhappy customers from rancho that are now visiting only the [redacted] store. We get at least one or two comments aday about personel changes and lack of customer service. There has also been several comments about my appearance that I need to look more polished I am dress code compliant everyday I just don't happen to be a size 2 and I wonder if that has something to do with it. Also after the incident in november gino did apologize to both [redacted] and myself for his actions but I always wait for the shoe to drop again I thank god I am at [redacted] but that will be ending I hope that we will be able to go back because that store has more potential then we think.

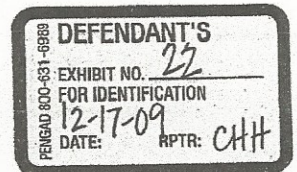
Fat shaming?

Thanks,

s

TV dinner still cooling?  
Check out "Tonight's Picks" on Yahoo! TV.

Food fight? Enjoy some healthy debate in the [Yahoo! Answers Food & Drink Q&A](#).





23



Re: incident report re:saturday april 7th

Sunday, April 8, 2007 10:07 PM

From: "Joseph Filippi" <joseph.filippi@...>  
To: "S..." <...>  
Cc: r...

Dear [redacted]

Yes, please inform me and or [redacted] about the meeting. If you feel the need for not to be alone with Gino or anyone else, then you shall be accomodated.

Joseph Filippi  
President

"I fear for my safety"

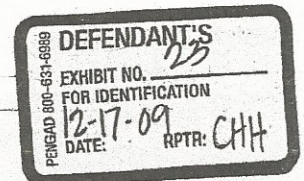
Joey,

This is what took place on saturday, I have forwarded an e-mail from [redacted] to me this is what happened. The woman who was at the counter had been in the store for awhile picking up several items when she was ready to check out she came up to the counter as [redacted] was walking out of [redacted] office. I was helping a customer to the door and [redacted] was walking to the register as [redacted] said is anyone going to help her as she kept walking to her office the woman was at the counter for at least 3-4 seconds before [redacted] reached her the other employees were helping other customers. [redacted] was at lunch and [redacted] and [redacted] were at the bar r.j. was doing stuff for [redacted] who pretty much stayed in her office with the door closed she left for the day at 2:00. The customer service was excellent and we had a good day over 5,000.00.

When [redacted] left she was in the parking lot for at least 10 minutes before [redacted] pulled up I was in the process of going to lock the warehouse when I turned around to go ask [redacted] if I needed to turn off the lights. As I was walking back towards the warehouse [redacted] was walking towards it I asked her if she was locking it up she said yes [redacted] also saw her and told someone had left something for her as [redacted] walked in the door. I walked back into the store area and [redacted], [redacted] and [redacted] went towards the mail boxes, a few minutes later [redacted] walked out then [redacted] did and handed her some cheese for us to try and then she left. About 15minutes later(2:30) Gino called and wanted to know what was going on? he said that customers were not being helped and that we had 8 people working he spoke in a very loud and angry voice(yelling) and swearing he told me to send 2 people home when I tried to explain that nothing happened he kept saying so you are telling me that [redacted] is lying. He was also still upset about a comment I made the other day and saying that I said the f word I never used that but he did several times. He then asked to speak with [redacted] who was making a gift basket and accused her of intercepting mail for [redacted] she was very visably upset by this and said no one has ever talked to her in that way and that we did nothing wrong. [redacted] works on monday but is not sure if she will come in because she is afraid of what they might do to her. It is getting very hard to continue to work in such a hostile environment. Gino said he would deal with me on monday or tuesday I have no desire to be in a closed room with him or [redacted] as I fear for my safety he has come at me before and I do not wish to go thru that trama again. I will inform you of that meeting if there is one and I would like either you or [redacted] to be there.

Thanks

[redacted]





"\$50,000 - In order to buttress up your financial statement?" For a mortgage loan?

1 Q. Okay. Did you recommend to Joey that [REDACTED] be  
2 terminated?

3 A. I did.

4 Q. Did Joey at any time ever follow your  
5 recommendation?

6 A. No.

7 Q. Where is [REDACTED] now?

8 A. I don't know.

9 Q. Did she quit?

10 A. I don't know.

11 Q. So you don't even know if she's still at the winery  
12 at this time?

13 A. No.

14 Did she quit?

15 Q. I'm just asking you questions.

16 In the last deposition we talked about the \$50,000  
17 that's been alleged that you took from the Filippi Winery  
18 account, correct?

19 A. Yes.

20 Q. Did you ever talk to Joey concerning the \$50,000,  
21 admit to him that the reason you took it is because you  
22 needed it in order to buttress up your financial statement?  
23 Did you ever make that statement to him?

24 A. No.

25 Q. Did you need the \$50,000 showing in a bank account

212



# ??? Is something like this mortgage fraud?

1 in order to secure a loan from a lending institution?

2 A. No.

3 Q. Did you ever submit an application for a loan to any  
4 lending institution wherein you showed the \$50,000 as being  
5 in your bank account?

6 A. I probably had to, when we refinanced. I don't know  
7 what year that was. But I never took the winery's \$50,000.  
8 I had my own \$50,000. And I never talked to Joey about it,  
9 because I was never made aware that there was even a problem.

10 Q. So you deny that there was any transfer of \$50,000  
11 from the Filippi Winery bank account and transferred to you  
12 personally? You deny that, right?

13 A. No, the bank did do that, and the bank made an  
14 error.

15 Q. Okay. So your contention, with regard to that, is  
16 that it was all the bank's fault, that they made a mistake?

17 A. Correct.

18 Q. When the \$50,000 -- well, let me ask you this.

19 What is your understanding as to how the bank even  
20 got involved in it?

21 And the reason I ask that question is, because if  
22 you already had \$50,000 in a CD, or wherever you had it, why  
23 did the bank even get involved if you already had it?

24 A. Well; obviously, the winery banked at the same bank.

25 Q. Right.



WTF???? \$50,000 Bank Error????

Total BS!!

1 A. And they mixed up the accounts.

2 Q. Well, wait a minute. At some point prior to what  
3 you contend was the mix-up, there's \$50,000 sitting in the  
4 winery account, correct? There's \$50,000 in the winery  
5 account?

6 A. And I came in to open a CD --

7 Q. Just a minute. We'll go through this step-by-step.  
8 And then, you had \$50,000 someplace independently,  
9 right?

10 A. Yes.

11 MR. MEYER: Objection; asked and answered.

12 BY MR. MAHONEY:

13 Q. And that was at the same bank where the winery did  
14 its banking, correct?

15 MR. MEYER: Asked and answered.

16 BY MR. MAHONEY:

17 Q. Go ahead.

18 A. Can you reask the question?

19 Q. I'm trying to get the scenario down.

20 Filippi Winery has \$50,000 plus in its own corporate  
21 account, right?

22 A. Obviously, yes.

23 Q. And then, you claimed you never took their money,  
24 that the bank somehow transferred that money. I want to know  
25 how that scenario even got started.



~~\*~~ Holy Shit!!! Gino lost his temper  
going postal with  
the lawyer!!!

- 1 A. I don't know.
- 2 Q. Where did you have \$50,000?
- 3 A. We went through this in my first deposition.
- 4 Q. I'm asking you a question. I have a right, as the
- 5 lawyer for Joey individually, to ask you the question.
- 6 A. You don't need to raise your voice.
- 7 Q. I'm not.
- 8 A. Yes, you are.
- 9 Q. I asked you a specific question.
- 10 A. You are raising your voice, so I am going to.
- 11 Q. Hey, I am the right guy to raise your voice to.
- 12 A. Well, it's bullshit. I didn't steal.
- 13 Q. I'm not asking you if you stole.
- 14 A. No, you did. *Joey said I did.*
- 15 Q. Well, where was the \$50,000?
- 16 A. You did, and I don't want to answer you.
- 17 Q. Where was the goddamn \$50,000?
- 18 A. It was at the bank.
- 19 Q. All right. Which bank?
- 20 A. Vineyard Bank.
- 21 Q. Good. Now, I got that answer.
- 22 A. Stop your bullshit.
- 23 Q. Hey, hey.
- 24 A. Hey, what?
- 25 MR. MAHONEY: Get him out of here.

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JUL - 7  
*Rozanne*

1 **ROBERT F. SCHAUER (SBN 48614)**  
2 **ANDREW R. DELOACH (SBN 255367)**  
3 **LAW OFFICES OF ROBERT F. SCHAUER**  
4 1131 WEST SIXTH STREET, SUITE 140  
ONTARIO, CALIFORNIA 91762  
TELEPHONE: (909) 983-5600  
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(SPACE BELOW FOR FILING STAMP ONLY)

**Scanned**

FILED-Rancho Cucamonga District  
SUPERIOR COURT  
SAN BERNARDINO COUNTY

JUL - 7 2008

By *Rozanne R. Rea*  
Deputy

5 **ATTORNEYS FOR:** Defendant and Cross-Complainant  
6 **J. FILIPPI VINTAGE CO., INC.,** a California corporation

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN BERNARDINO**

11 GINO L. FILIPPI,  
12 Plaintiff,

13 vs.

14 J. FILIPPI VINTAGE CO., a California  
15 corporation; JOSEPH PAUL FILIPPI, an  
16 individual; and DOES 1 through 100,  
17 inclusive

Defendants.

**CASE NUMBER CIVRS 705774**  
[Assigned to Dept. R6 - Hon. Keith D. Davis]

Case Management Conference: October 3, 2008  
Complaint filed: October 10, 2007

**CROSS-COMPLAINT OF J. FILIPPI  
VINTAGE CO., a California  
Corporation, FOR BREACH OF  
FIDUCIARY DUTY TO  
CORPORATION**

18 J. FILIPPI VINTAGE CO., a California  
19 corporation,

Cross-Complainant,

21 vs.

22 GINO L. FILIPPI, an individual; and ROES  
23 1 through 50, inclusive,

Cross-Defendants.

26 Cross-Complainant J. FILIPPI VINTAGE CO., a California corporation (hereinafter  
27 referred to as "the Corporation"), alleges as follows:

28 ///

Law Offices of  
ROBERT F. SCHAUER  
1131 WEST SIXTH STREET, SUITE 140  
ONTARIO, CA 91762



1 would have otherwise been available to the Corporation, not to suppress or conceal any  
2 material facts related to the Corporation, and not to exert undue influence on the  
3 Corporation, to the detriment of Corporation.

4 **FIRST CAUSE OF ACTION**

5 **BREACH OF FIDUCIARY DUTY**

6 (Against Cross-Defendant GINO L. FILIPPI and ROES 1 through 10, inclusive)

7 9. The Corporation realleges and incorporates herein each, every and all of the  
8 allegations contained in Paragraphs 1 through 6, inclusive, of the General Allegations set  
9 forth herein above.

10 10. Gino breached his fiduciary duty and obligation to the the Corporation as  
11 follows:

12 A. Without the consent of the Corporation, Gino removed approximately  
13 \$50,000.00 from Corporations bank account for his personal needs and benefits.

14 B. While employed by the Corporation, Gino engaged in an inappropriate  
15 sexual relationship with a female manager which created a hostile work environment within  
16 the Corporation.

17 C. Subsequent to Gino's termination as an employee of the Corporation,  
18 but while Gino was still a Director and Officer of the Corporation, Gino asked customers  
19 of the Corporation to no longer purchase the Corporation's wines for resale, all to the  
20 detriment of the Corporation.

21 D. At various times subsequent to Gino's termination as an employee of  
22 the Corporation, Gino has advised individuals who are not employees of any public entity  
23 that the Corporation's wines are subpar, no good and should not be purchased, all to the  
24 detriment of the Corporation.

25 E. While employed with the Corporation and while a Director and Officer of the  
26 Corporation, Gino instructed various employees to lie to protect the female manager of the  
27 Corporation with whom Gino was having a sexual relationship, and continuously harassed  
28 employees of the Corporation by screaming and yelling at them with respect to their work



1 performance and duties, creating a hostile work environment which was detrimental to the  
2 Corporation.

3 F. The principal business of the Corporation is the making of wine and  
4 accordingly, the Corporation operates under a basic permit issued by the Bureau of Alcohol,  
5 Tobacco, and Firearms (hereinafter "ATF") and is regulated by the ATF and the  
6 Department of Alcohol Beverage Control (hereinafter "ABC"). On at least one occasion  
7 Gino, while a Director, Officer and employee of the Corporation, tested positive for the  
8 use of illegal drugs, namely cocaine, which if known to ATF, and or ABC, could result in  
9 a removal or suspension of the Corporation's wine making permit, all to the detriment of  
10 the Corporation.

11 G. Gino permitted, on at least one occasion, former employees to take  
12 merchandise from the Corporation's retail store without payment, all to the detriment of the  
13 Corporation.

14 H. Subsequent to Gino's termination as an employee of the Corporation, Gino  
15 contacted various suppliers and vendors of the Corporation advising vendors that the  
16 Corporation would not be able to pay their invoices, which was not true, all to the detriment  
17 of the Corporation.

18 I. Gino has competed directly with the Corporation by selling, transporting, and  
19 distributing wines, to the detriment of the Corporation.

20 J. Gino has removed, without authorization, employee personnel files from the  
21 offices of the Corporation and other files which belonged to and were owned by the  
22 Corporation which were all business records of the Corporation all to the detriment of the  
23 Corporation.

24 11. As an approximate result of Gino's breach of his fiduciary duties and  
25 relationship to the Corporation, the Corporation has suffered damages, the exact amount of  
26 which is unknown but is in excess of \$25,000.00, all according to proof at the time of trial.

27 12. Gino undertook and breached his fiduciary obligations to the company  
28 knowingly and for the specific purpose of undermining, hurting the financial condition of



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO

GINO L. FILIPPI,

Plaintiff,

vs

CASE NO. CIVRS 705774

J. FILIPPI VINTAGE CO., a  
California corporation; JOSEPH PAUL  
FILIPPI, an Individual; and DOES 1  
Through 100, inclusive,

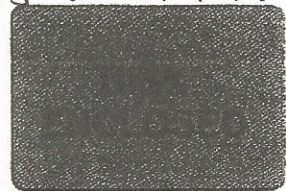
Defendants.

Gino was elected  
the same year  
as this sworn  
deposition of  
his brother.

**DEPOSITION OF JOSEPH PAUL FILIPPI**

TAKEN ON

THURSDAY, MARCH 04, 2010



Reporter: CHRISTIE HUDSON HOEHN  
C.S.R NO. 7866

*PRECISION COURT REPORTING SERVICES*

*PRECISION VIDEO SERVICES*

CHRISTIE HUDSON HOEHN, President

305 North Second Avenue

Upland, California 91786

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e-mail: precision@depotime.com



1 A. (No audible response.)

2 Q. If you recall.

3 A. I don't recall.

4 Q. Do you recall if she expressed any animosity towards  
5 Gino, because Gino had brought this to your attention?

6 A. No.

7 Q. No.

8 Have you ever told any winery employee that Gino was  
9 under investigation by the FBI for drugs?

10 A. No.

11 Q. Have you told anyone that Gino was under  
12 investigation by the FBI for drugs?

13 A. I don't recall, no.

14 Q. You don't recall, or no?

15 A. I don't recall.

16 Q. Do you have any reason to believe that Gino was  
17 under investigation by the FBI for drugs?

18 A. Yes, I do.

19 Q. And why is that?

20 A. I received a phone call, an anonymous phone call,  
21 one day at my desk. This person, a male, said, "Is this  
22 Joseph Filippi?" I said, "Yes." He said, "You don't know  
23 me. I work at the Daily Bulletin. The FBI has been down  
24 here asking questions about your brother."

25 Q. And do you recall approximately when this phone call



1 make any changes that you deem necessary or inaccurate;  
2 however, I'll be able to comment on those changes at trial.

3 Do you understand?

4 A. Yes.

5 Q. All right. My first question is, why did you  
6 terminate Gino's employment in July of 2007 from the winery?

7 A. A couple of reasons. His vision for where the  
8 company should go was different than mine. And I'm the  
9 president and majority stock holder, and I felt that it  
10 shouldn't go a certain direction. Complete insubordination.  
11 His beratement of employees, including myself. His  
12 relationship with [REDACTED] was causing problems in the  
13 workplace and creating a hostile work environment.

14 Q. Is that complete?

15 A. Yes.

16 Q. Okay. Um, with respect to insubordination, is there  
17 some examples you can give me or something -- you know, some  
18 particular incidences that you recall?

19 MR. SCHAUER: Repeat the question.

20 BY MR. MEYER:

21 Q. With respect to insubordination, can you give me  
22 some specific examples of what happened, or what you are  
23 referring to when you use the word "insubordination"?

24 A. Well, a couple instances, I would -- we would be  
25 ready to be bottling a wine and a particular label would be



"You need to have your ass kicked."

\*"Picked up a trash can, acted like he was going to throw it at me."

Page 11

1 needed to be produced, and at the time he was in charge of  
2 taking care of that, and the labels wouldn't be correct in  
3 the manners of legality for, let's say, appellation or year,  
4 as an example. And he would go ahead and produce these  
5 labels after I would tell him not to.

6 Insubordination -- I can remember -- I can't  
7 remember everything as I'm sitting here, so I can give some  
8 examples.

9 Q. Oh, yeah. Um --

10 A. Another instance, when [REDACTED] was there  
11 involved with the winery -- and I forget why Gino came into  
12 my office, but he did. And we were alone. And he walked  
13 right up to me, this far away, putting his finger --

14 MR. SCHAUER: Let the record reflect within two  
15 inches.

16 THE WITNESS: -- in my chest like this, "You need to  
17 have your ass kicked. You don't know what I'm trying to do."  
18 And I said, "You better leave. Get out." He wouldn't leave.

19 Then I said, "Well, if you want to fight about it,  
20 then let's go outside, just you and me. You came in here  
21 acting that way." And I told him, "Get out."

22 Finally, he left, picked up a trash can, acted like  
23 he was going to throw it at me, but he didn't. So that's  
24 what I consider insubordination.

25 MR. SCHAUER: Counsel, your question was something



1 incident we'll call it. And upon getting -- incident reports  
2 is what I requested from everybody. I didn't want to get  
3 everybody in a room and go through that, so I just wanted  
4 incident reports.

5 I received incident reports from everyone involved.  
6 And then, one of the assistant managers indicated to me that  
7 Gino told her she needed to change her incident report to  
8 reflect that it was [REDACTED] who was doing --  
9 threatening and yelling in that manner, because it wasn't  
10 true. I was led to believe it wasn't true, and that he  
11 wanted her to change the incident report to reflect that.

12 Then a little bit of time went on, a few days, maybe  
13 a week. He started demanding that I write her up, the same  
14 assistant manager. He demanded that I write her up. And I  
15 said, "No, you need to let it go. Just let it go, you know."  
16 And then, he kept pushing me and pushing me.

17 And you have to remember, for a period of years I  
18 felt I had been dealing with his behavior of causing these  
19 hostile -- this hostile work environment and it's when I  
20 decided, you know, I've had enough. I had been getting  
21 complaints, via those e-mails and documents, from other  
22 employees about the goings-on in that department, and I had  
23 it. So I said, "You're relieved of duties."

24 Q. Why did you not terminate Gino at that same time?

25 A. Well, I didn't want to -- to me termination would



Eviction Notice To  
Get Gino Out of Loft  
At Winery

THIRTY (30) DAY NOTICE TO QUIT

TENANT(S) GINO FILIPPI

PREMISES [REDACTED] loft  
(Street Address)

Rancho Cucamonga, California  
(City)

TO TENANT(S) AND ALL PERSONS IN POSSESSION

YOU ARE HEREBY NOTIFIED that the tenancy under which you occupy the premises shall end thirty (30) days after the date of service of copy of this notice upon you, and you are required to quit and deliver up possession of the premises to the undersigned on or before that date.

IF YOU FAIL TO DO SO, legal proceedings will be instituted against you for possession of the premises, for forfeiture of the rental agreement and for such monetary damages as may be allowed by law.

Dated this 28 day of June, 2007

J. FILIPPI WINERY, INC.,

[Signature]  
Owner / Agent

JOSEPH P. FILIPPI

LS-400  
Legal  
Solutions  
Co. Plus



"made idle threats"

Re:

From: Joseph Filippi [REDACTED]  
To: Gino L. Filippi [REDACTED]  
Cc: [REDACTED]

Subject: Re:

Date: Thu, 5 Jul 2007 10:53 am

Dear Gino

Previously I asked you to stop engaging with the employees. Yesterday I was considerate enough to allow you extra time to move out per your request. Today I was informed of your phone calls to [REDACTED] in that there were false accusations and idle threats made. No one is denying you access to your things. You have a key to the banquet room door and the loft. If you have any questions please email me personally.

1. I am rescinding my offer of an extended time for you to remove your things and the 30 day notice still stands.
2. As of today July 5, 2007 your employment with the winery is officially terminated and you will no longer receive your salary. Any paychecks or mail will be placed in your mail box.
3. Your health insurance will be paid through the month of August 2007 and then it will cease. You will be able to continue your insurance after that date through the Cobra Plan or unless there is some other final agreement made through our attorneys.
4. Again, do not engage with the employees of the winery.

Joseph Filippi

"Gino L. Filippi" <ginoffvine@aol.com> wrote:

People are questioning your ability to make business decisions... that is a problem for the winery. I am 45% owner of the winery whether you approve of that or not. If you continue to move my things without my permission and prevent me from access, I will call the police. Once again... I do not engage the employees. Some are nice and others are rude and mislead. If they are rude and lie, that is a problem for them... not me. You are not going to bully me any longer. I am doing my best to get out of the winery. I certainly hope you make better decisions from here on out for the future of the winery and for us.

-----Original Message-----

From: Joseph Filippi [REDACTED]  
To: Gino L. Filippi <ginoffvine@aol.com>  
Cc: [REDACTED]  
Sent: Thu, 5 Jul 2007 9:04 am  
Subject: Re:

Your items have been boxed and placed by the loft door. I don't want you to take the project pictures, those are to stay here. If you have a problem with that you can always get more copies from [REDACTED] those are winery property, not yours. I'm not treating you poorly these are business decisions. In fact, the locks on your old office are being changed right now for [REDACTED] to use that office. Like it or not your items will be placed in the back by the loft along with your other items. If this is not satisfactory for you then you may get all of your items out of here right now. Again, please do not engage with any of the employees.

Jp

I am starting to move my things out. I truly don't know what I have done to you to make you treat me so poorly.