



1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
3 CASE NO. 1:09-cv-1330
4 CASE NO. 1:09-CV-1331

5 U.S. SECURITIES AND EXCHANGE
6 COMMISSION, and U.S. COMMODITY
7 AND FUTURES TRADING COMMISSION,
8 Plaintiffs,

9 -vs-

10 SEAN NATHAN HEALY,
11 Defendant,

12 and

13 SHALESE HEALY and SAND
14 DOLLAR INVESTING PARTNERS, LLC,
15 Relief Defendants.

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19 DEPOSITION

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21 OF

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23 SEAN HEALY

24

25 1000 Brickell Avenue
26 Suite 1020
27 Miami, Florida

28

29 Thursday, August 20, 2009
30 1:30 p.m. - 3:10 p.m.

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1 APPEARANCES

2

3 For the Plaintiff, U.S. S.E.C.:

4 FREDERICK BLOCK, ESQ.
5 PATRICK FEENEY, ESQ.
6 U.S. Securities & Exchange
Commission
7 100 F. Street NW
Washington, D.C. 20549

8 For the Plaintiff, U.S. C.F.T.C.:

9 BRADEN M. PERRY, ESQ.
10 U.S. Commodities Futures
Trading Commission
11 Two Emanuel Cleaver II Blvd.
Suite 300
12 Kansas City, Missouri 64112

13 For the Receiver:

14 MELANIE DAMIAN, ESQ.
15 KENNETH DANTE MURENA, ESQ.
Damian & Valori, LLP
16 1000 Brickell Avenue
Suite 1020
17 Miami, FLorida 33131

18 For the Defendants:

19 JEFFREY L. COX, ESQ.
20 Sallah & Cox, LLC
21 2101 N.W. Corporate Blvd.
 Suite 218
 Boca Raton, Florida 33431

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1 Q. Since January 1st, 2005, have you had
2 any source of funds other than funds derived from
3 investors?

4 A. Assert the Fifth.

5 Q. And all of the items that you personally
6 purchased, or your wife, or Sand Dollar have been
7 purchased through funds derived from investors; is
8 that correct?

9 A. Assert the Fifth.

10 Q. And all of the funds used to purchase
11 any of your personal items held in your name, or
12 your wife's name, or Sand Dollar were purchased
13 with funds that were to be held in constructive
14 trust on behalf of the investors?

15 A. Assert the Fifth.

16 Q. All of the funds since January 1st, 2005
17 that you have obtained were fraudulently
18 transferred from investors to you for your
19 personal use; is that correct?

20 A. Assert the Fifth.

21 Q. All automobiles that were purchased by
22 you and held in your name, Sand Dollar, or your
23 wife's name were purchased with funds that were
24 derived from investors; is that right?

25 A. Assert the Fifth.

1 Q. And all of the automobiles that were
2 purchased with funds were purchased with funds
3 that were to be held in constructive trust on
4 behalf of the investors?

5 A. Assert the Fifth.

6 Q. And all of the automobiles that you have
7 purchased and are held in your name, your wife's
8 name, or Sand Dollar were funds that were
9 fraudulently transferred from investors for you
10 for your personal use?

11 A. Assert the Fifth.

12 Q. I'm going to -- you have in front of you
13 what we've marked as Exhibit 7 to this deposition.
14 And for the record, Exhibit 7 is a letter from the
15 Department of Motor Vehicles dated July 30th, 2009
16 to counsel for the Receiver, Kenneth Dante Murena.

17 And the vehicles listed on Exhibit 7
18 were purchased by you from investors funds; is
19 that correct?

20 A. Assert the Fifth.

21 Q. All the vehicles listed on there were
22 purchased with funds that were held constructively
23 in trust for investors; is that correct?

24 A. Assert the Fifth.

25 Q. All of the vehicles listed on Exhibit 7

1 were purchased with funds that were fraudulently
2 transferred from investors or your clients to
3 yourself for your personal use; is that right?

4 A. Assert the Fifth.

5 Q. Are you currently driving the 2009 Chevy
6 suburban?

7 A. Assert the Fifth.

8 Q. And the 2009 Chevy suburban was
9 purchased with funds derived from investors; is
10 that correct?

11 A. Assert the Fifth.

12 Q. And they were funds that were to be held
13 constructively in trust for the investors?

14 A. Assert the Fifth.

15 Q. And they were funds that were
16 fraudulently transferred from investors to you for
17 your personal use; is that right?

18 A. Assert the Fifth.

19 Q. Do you know where the 1995 Ferrari is
20 with vin number ZFFPR42A950101284?

21 A. Assert the Fifth.

22 Q. You have in front of you what we've

23 marked as Exhibit 6 to this deposition. And for

24 the record, Exhibit 6 is a document spreadsheet

25 that indicates any missing jewelry as of

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19 DEPOSITION

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21 SHALESE HEALY

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12:25 p.m. - 1:20 p.m.

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10 Trading Commission
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- 21 Q. Indeed, all the things that you have
- 22 purchased since January, 2005 have been derived
- 23 from investor funds; is that correct?
- 24 A. Fifth Amendment.
- 25 Q. And all of the funds that you used to

1 buy all of the personal things that you own were
2 funds that were held or being held constructively
3 for investors; is that correct?

4 A. Fifth Amendment.

5 Q. You in fact fraudulently transferred the
6 investor funds to buy all the personal items
7 you've bought since January, 2005; is that right?

8 A. Fifth Amendment.

9 Q. Including all automobiles?

10 A. Fifth Amendment.

11 Q. Motorcycles?

12 A. Fifth Amendment.

13 Q. Golf carts?

14 A. Fifth Amendment.

15 Q. And boats?

16 A. Fifth Amendment.

17 Q. I'm going to hand you what we're going
18 to mark as Exhibit 7 to this deposition.

19 (Thereupon, List of Automobiles was marked as
20 Plaintiff's Exhibit 7 for Identification.)

21 Q. Mrs. Healy, have you had an opportunity
22 to look at Exhibit 7?

23 A. Fifth Amendment.

24 Q. And is Exhibit 7 automobiles that are
25 currently in your, or your husband's, or Sand

1 Dollar's name?

2 A. Fifth Amendment.

3 Q. Isn't it true that all of the

4 automobiles listed on Exhibit 7 were purchased

5 with funds derived from investors or clients of

6 you, your husband, or Sand Dollar?

7 A. Fifth Amendment.

8 Q. And isn't it true that those funds are

9 being held constructively for investors?

10 A. Fifth Amendment.

11 Q. And you fraudulently transferred those

12 funds in order to purchase these automobiles?

13 A. Fifth Amendment.

14 Q. Can you tell me the location of the

15 vehicle that is listed as a 1995 Ferrari with a

16 vin number ZFFPR42A9S0101284?

17 A. Fifth Amendment.