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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052197
Party	Plaintiff Terri Yenko Gould, Executor
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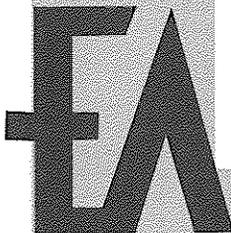
OFFERED BY PLAINTIFF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TERRI YENKO GOULD, EXECUTOR, )  
 )  
 PETITIONER, )  
 )  
 VS. )  
 )  
 SUPERCAR COLLECTIBLES, )  
 LIMITED, )  
 )  
 REGISTRANT. )  
----- )

CANCELLATION 92052197

DEPOSITION OF TERRI YENKO GOULD, TAKEN  
ON BEHALF OF PETITIONER, ON WEDNESDAY,  
JULY 13TH, 2011, AT 10:00 A.M., AT  
21243 VENTURA BOULEVARD, SUITE 230,  
WOODLAND HILLS, CALIFORNIA, BEFORE  
JUDITH A. JAMES, CSR NO. 7850,  
PURSUANT TO NOTICE.



**Janet Epstein & Associates, Inc.**  
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2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
3  
4  
5  
6

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8 )  
9 PETITIONER, )  
10 )  
11 VS. ) CANCELLATION 92052197  
12 )  
13 SUPERCAR COLLECTIBLES, )  
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APPEARANCES:

FOR PETITIONER:                   GEORGE E. BULLWINKEL, ESQ.  
(VIA TELEPHONE)                   425 WOODSIDE AVENUE  
                                          HINSDALE, ILLINOIS 60521  
                                          630 418-2273

FOR RESPONDENT:                   STOUT, UXA, BUYAN & MULLINS  
                                          BY: ROBERT D. BUYAN, ESQ.  
                                          4 VENTURE, SUITE 300  
                                          IRVINE, CALIFORNIA 92618  
                                          949 450-1750

ALSO PRESENT:                   JEFF LEONARD  
                                          HOWARD GOULD

I N D E X

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1 WOODLAND HILLS, CALIFORNIA, WEDNESDAY, JULY 13TH, 2011

2 10:00 A.M.

3 ---000---

4  
5 MR. BULLWINKEL: CAN WE GO ON THE RECORD NOW?

6 THE COURT REPORTER: YES.

7 MR. BULLWINKEL: MS. REPORTER, I ASSUME YOU  
8 HAVE RECORDED THE NAMES OF EVERYONE, AND I AM GEORGE  
9 BULLWINKLE AND I AM CALLING FROM HINTON, ILLINOIS, AND  
10 BY AGREEMENT WE'RE GOING TO DO THE QUESTIONING BY  
11 TELEPHONE. AND IF MR. BUYAN HAS ANY DOCUMENTS HE NEEDS  
12 TO SEND ME, I'M SITTING HERE NEXT TO MY COMPUTER AND I  
13 CAN PRINT THEM OUT. AND I BELIEVE -- I CAN JUST REFER  
14 TO TERRI AS TERRI. IS THAT OKAY WITH YOU?

15 MS. GOULD: THAT'S FINE WITH ME.

16 MR. BULLWINKEL: TERRI, DID YOU BRING WITH YOU  
17 THE PRE-MARKED SET OF EXHIBITS I SENT YOU?

18 MS. GOULD: I DID.

19 MR. BULLWINKEL: IS THAT "YES"?

20 MS. GOULD: YES.

21 MR. BULLWINKEL: AND I WOULD LIKE TO PROPOSE  
22 THAT TO MAKE THINGS GO SMOOTHLY, IF BOB HAS AN  
23 OBJECTION, I WILL ASSUME THAT IT IS TO FORM SO HE  
24 DOESN'T HAVE TO TELL ME WHY HE'S OBJECTING, UNLESS  
25 THERE IS SOME OTHER OBJECTION, AND WHICH HE IS INVITED

1 TO MAKE A MORE FULSOME DESCRIPTION.

2 MR. BUYAN: WELL, GIVEN THAT THIS IS A T.T.A.B.  
3 PROCEEDING, I HAVE TO STATE THE GROUNDS, SO AFTER YOU  
4 ASK THE QUESTION, IF I HAVE AN OBJECTION TO THE  
5 QUESTION I WILL JUST INTERPOSE THE OBJECTION AND SIMPLY  
6 STATE THE GROUNDS FOR THE RECORD. AND THEN PRESUMABLY  
7 MS. YENKO GOULD WILL PAUSE FOR A MOMENT BEFORE  
8 ANSWERING, SO IF YOU WANT TO DISCUSS IT OR IF YOU WISH  
9 TO REPHRASE THE QUESTION YOU WILL HAVE AN OPPORTUNITY.  
10 AND THEN IF YOU DON'T DO THAT, THEN SHE CAN GO AHEAD  
11 AND ANSWER THE QUESTION AND THE OBJECTION WILL BE ON  
12 THE RECORD.

13 MR. BULLWINKEL: ALL RIGHT. TERRI UNDERSTANDS  
14 THAT SHE SHOULD PAUSE SO BOB CAN MAKE AN OBJECTION IF  
15 HE NEEDS TO, AND AFTER THAT, UNLESS THERE IS SOME  
16 UNUSUAL SITUATION, I THINK SHE CAN GO AHEAD AND ANSWER.

17 SO TO BEGIN WITH, WOULD THE REPORTER PLEASE  
18 SWEAR MRS. GOULD AS THE WITNESS.

19  
20 TERRI YENKO GOULD,  
21 HAVING BEEN FIRST DULY AFFIRMED,  
22 WAS EXAMINED AND TESTIFIED AS FOLLOWS:

23 ///

24 ///

25 ///

EXAMINATION

1  
2  
3 BY MR. BULLWINKEL:

4 Q TERRI, LET'S START OFF BY TELLING US YOUR FULL  
5 NAME AND WHAT RELATIONSHIP YOU HAD WITH FRANK YENKO.

6 A MY NAME IS TERRI YENKO GOULD, AND I AM ONE OF  
7 DONALD FRANK YENKO'S DAUGHTERS, AND ALSO THE EXECUTOR  
8 OF HIS ESTATE.

9 Q AND THE OTHER DAUGHTER'S NAME IS WHAT?

10 A LYNN YENKO SHELTON ZOIOEOULOS.

11 Q WHAT IS HER LAST NAME NOW? I THINK SHE  
12 REMARRIED, DIDN'T SHE?

13 A NO, SHE'S NOT REMARRIED. I THINK SHE MIGHT  
14 JUST GO BY YENKO NOW.

15 Q ALL RIGHT. LET'S GO BACK TO THE DECLARATION  
16 THAT YOU ORIGINALLY SIGNED AND ADMITTED, I THINK, BACK  
17 IN APRIL. DO YOU HAPPEN TO HAVE THAT WITH YOU?

18 A I HAVE IT RIGHT IN FRONT OF ME.

19 Q AND HAVE YOU REVIEWED IT IN THE LAST COUPLE OF  
20 DAYS?

21 A YES, I HAVE.

22 Q WAS IT TRUE THEN AND IS IT CORRECT AND TRUE  
23 TODAY AS YOU LOOK AT IT?

24 A YES, IT IS.

25 Q DO YOU WISH TO ADOPT THAT DECLARATION AS YOUR

1 TESTIMONY IN THIS DEPOSITION TODAY?

2 A YES, I DO.

3 Q ALL RIGHT. THAT WILL SAVE US QUITE A BIT OF  
4 TIME.

5 MR. BUYAN: WELL, GEORGE, GIVEN THAT THIS IS A  
6 DEPOSITION, IT WILL BE NECESSARY FOR YOU TO ASK  
7 QUESTIONS, AND WE WILL HAVE THE OPPORTUNITY TO OBJECT  
8 TO THE FORM OF THE QUESTIONS.

9 MR. BULLWINKEL: I WILL DO THAT.

10 MR. BUYAN: IF YOU WANT TO ASK HER QUESTIONS TO  
11 ADDUCE THE INFORMATION IN THE DECLARATION, THAT IS  
12 FINE. OTHERWISE, WE'RE GOING TO HAVE TO GET THE  
13 INTERLOCUTORY ATTORNEY ON THE PHONE PRETTY EARLY HERE.

14 MR. BULLWINKEL: NO, WE WON'T, BECAUSE I'M  
15 GOING TO DO EXACTLY AS YOU'RE SUGGESTING. I JUST  
16 WANTED TO START OFF BY WALKING THROUGH WHAT SHE DID SAY  
17 BEFORE, AND THEN WE WILL GO THROUGH IT AGAIN IN A MORE  
18 SUMMARY FASHION.

19 MR. BUYAN: OKAY.

20 BY MR. BULLWINKEL:

21 Q LET'S START OFF BY HAVING YOU TELL US, TERRI,  
22 WHERE AND WHEN DID YOU GROW UP AND WHAT CONNECTION DID  
23 YOU HAVE TO DON YENKO'S WORK WITH HIGH PERFORMANCE  
24 CARS?

25 A I WAS BORN IN 1960 IN SOUTHWESTERN

1 PENNSYLVANIA. I GREW UP WITH MY MOTHER AND FATHER, MY  
2 FATHER BEING DONALD YENKO. AND HE DEVELOPED CARS AND  
3 SOLD CARS OUT OF HIS SMALL DEALERSHIP IN CANONSBURG,  
4 PENNSYLVANIA. AND IN TERMS -- GO AHEAD, GEORGE. I'M  
5 SORRY.

6 Q FINISH YOUR ANSWER.

7 A OKAY. IN TERMS OF MY RELATIONSHIP TO HIS WORK,  
8 I WAS HIS DAUGHTER AND I REMEMBER EVERY, YOU KNOW,  
9 EVERY EARLY MEMORY OF HIM DOING THIS WORK, BUT I  
10 ACTUALLY DIDN'T PARTICIPATE IN THE WORK MYSELF.

11 Q WERE YOU AROUND HIS DEALERSHIP WHILE THE YENKO  
12 SPORTS CARS WERE BEING PREPARED?

13 A YES.

14 Q WHEN DID YOUR FATHER DIE, AND HOW?

15 A 1987, AND IT WAS IN A PLANE CRASH.

16 Q AT THAT TIME DID THE WILL GET ADMITTED TO  
17 PROBATE THERE IN PENNSYLVANIA?

18 A I'M SORRY. SAY THAT AGAIN.

19 Q DID HE HAVE A WILL WHEN HE DIED IN 1987?

20 A YES, HE DID.

21 Q AND WHO WAS THE EXECUTOR?

22 A INITIALLY MY GRANDMOTHER WAS, AND THEN I WAS  
23 SHORTLY THEREAFTER MADE EXECUTOR, OR ADMINISTRATRIX.

24 Q WOULD YOU PLEASE LOOK AT THE EXHIBITS THAT HAVE  
25 BEEN PRE-MARKED 1 THROUGH 4 AND GO THROUGH THEM ONE BY

1 ONE AND TELL US WHAT THEY ARE.

2 A OKAY. HANG ON ONE SECOND. ONE IS THE LAST  
3 WILL AND TESTAMENT OF MY FATHER, DONALD F. YENKO. AND  
4 DO YOU WANT ME TO SAY ANYTHING MORE ABOUT WHAT'S IN THE  
5 WILL?

6 Q NOT NECESSARY. I WILL ASK YOU SOME MORE  
7 QUESTIONS LATER, BUT RIGHT NOW I JUST WANT THE DOCUMENT  
8 IDENTIFIED ON THE RECORD.

9 A OKAY.

10 Q YOU SHOULD BE ON NUMBER 2.

11 A YEAH, I'M TRYING TO TURN THE PAGE.

12 OKAY. NUMBER 2 IS THE ADJUDICATION AND DECREE.  
13 OKAY. THAT MAKES MYSELF AS THE ADMINISTRATRIX OF MY  
14 FATHER'S ESTATE.

15 NUMBER 3 IS THE SHORT CERTIFICATE, ALSO  
16 CERTIFYING THAT I AM THE ADMINISTRATOR OR THE EXECUTRIX  
17 OF MY FATHER'S ESTATE.

18 NUMBER 4 IS THE REGISTER OF WILLS, CERTIFICATE  
19 OF GRANT OF LETTERS. AND THAT'S 1989. AND THAT'S --  
20 THOSE ARE THE DOCUMENTS YOU WANT ME TO MENTION?

21 Q GOOD FOR NOW. NOW, AT THE TIME OF HIS DEATH,  
22 WERE YOU AWARE OF WHETHER YOUR FATHER HAD GIVEN  
23 PERMISSION OR GIVEN A LICENSE OR ANYTHING ELSE TO USE  
24 THE NAME YENKO OR THE INITIALS "SYC" IN THE FIELD OF  
25 AUTOMOTIVE CONSTRUCTION?

1           A     I FEEL CERTAIN THAT HE DIDN'T.

2           Q     WOULD YOU THEN TAKE A LOOK AT EXHIBIT 5, WHICH  
3 I KNOW YOU DIDN'T AUTHOR.

4           A     RIGHT.

5           Q     YOUR PERSONAL EXPERIENCE, IS THIS AN ACCURATE  
6 GENERAL HISTORY OF YOUR FATHER AND HIS WORK WITH  
7 AUTOMOBILES?

8           A     IT IS PRETTY ACCURATE.

9                     MR. BUYAN: I'LL OBJECT TO EXHIBIT NUMBER 5 ON  
10 GROUNDS OF LACK OF AUTHENTICATION.

11 BY MR. BULLWINKEL:

12           Q     TERRI, YOUR PERSONAL KNOWLEDGE, ARE THE FACTS  
13 STATED IN NUMBER 5 CORRECT, SUBSTANTIALLY CORRECT TO  
14 THE BEST OF YOUR KNOWLEDGE?

15           A     TO THE BEST OF MY KNOWLEDGE, YES.

16                     MR. BUYAN: SAME OBJECTION.

17 BY MR. BULLWINKEL:

18           Q     NOW, TURNING TO THE EVENTS AFTER YOUR FATHER'S  
19 DEATH, WERE YOU EVER APPROACHED BY ANYONE ASKING FOR  
20 PERMISSION OR LICENSE TO USE YOUR FATHER'S NAME AND  
21 TRADEMARKS FOR AUTOMOTIVE PRODUCTS?

22           A     I -- IN TERMS OF APPROACHED, I HAVE BEEN ASKED  
23 TO GIVE MY BLESSING ON A FEW THINGS THAT WERE -- WOULD  
24 BE CONSIDERED, I GUESS THAT, BUT IT HAS BEEN RECENTLY,  
25 NOT IMMEDIATELY AFTER HIS DEATH.

1 Q AND WHAT WAS YOUR RESPONSE?

2 A NO.

3 Q TAKING A LOOK AT EXHIBIT 6, WHAT THAT IS AND  
4 WHETHER YOU RECOGNIZE OR REMEMBER THE CIRCUMSTANCES  
5 SURROUNDING?

6 A YES, I DO. THIS WAS SEVERAL YEARS AFTER MY  
7 FATHER'S DEATH. A MAN NAMED JOHN CONNOLLY WAS AN AVID  
8 ENTHUSIAST OF MY FATHER'S CARS AND WANTED TO START A  
9 CLUB TO COMMEMORATE AND JOIN TOGETHER PEOPLE WHO WERE  
10 INTERESTED IN HIS CARS AND WANTED TO COMMEMORATE HIS  
11 MEMORY. AND SO WHEN WE -- WHEN THE FAMILY WAS  
12 APPROACHED BY -- I'M SORRY. DID I SAY JOHN CONNOLLY?  
13 I THINK I MADE A MISSTATE. TOM CLARY. TOM CLARY WAS  
14 THE PERSON WHO WANTED TO START THE CLUB. JOHN CONNOLLY  
15 IS A FRIEND OF THE FAMILY. AND HE SPOKE TO US ABOUT  
16 THIS CLUB AND WE WERE ALL VERY ENTHUSIASTIC AND  
17 SUPPORTIVE ABOUT THIS. IT WAS NOT -- IT WAS JUST A  
18 CLUB TO COMMEMORATE MY DAD, AND WE THOUGHT THAT WAS  
19 WONDERFUL.

20 Q AND AFTER THAT LETTER WAS SENT BY JOHN CONNOLLY  
21 DATED JANUARY 26, 1998, DO YOU KNOW IF SUCH A CLUB WAS  
22 FORMED?

23 A YES, IT WAS.

24 Q AND DO YOU KNOW IF IT'S CONTINUING IN EXISTENCE  
25 TODAY?

1 A IT IS.

2 Q DO YOU FROM TIME TO TIME HAVE CONTACT WITH TOM  
3 CLARY IN MISSOURI ABOUT CLUB MATTERS?

4 A YES.

5 Q AND AS FAR AS YOU KNOW, OTHER THAN TOM CLARY  
6 AND THE YENKO SPORTS CAR CLUB, DOES ANYONE ELSE  
7 ANYWHERE HAVE PERMISSION FROM YOU TO USE THE YENKO NAME  
8 IN CONNECTION WITH AUTOMOTIVE PRODUCTS?

9 A NO, THEY DO NOT.

10 Q IN LATE 2009 -- WAIT. LET ME GO BACK ONE MORE.  
11 LET'S TAKE A LOOK AT EXHIBIT 7. DO YOU RECOGNIZE THAT  
12 BUILDING?

13 A YES, THAT'S MY DAD'S OLD DEALERSHIP, WHAT'S  
14 LEFT OF IT.

15 Q IS THERE ANYTHING GOING ON UNDER THE YENKO  
16 NAME --

17 A NO.

18 Q -- THERE TODAY?

19 A NO, THERE HASN'T BEEN FOR MANY, MANY YEARS.  
20 AFTER MY FATHER'S DEATH IT WAS RE-PURPOSED FOR  
21 SOMETHING ELSE. <sup>It</sup> ~~X~~ WAS -- I THINK IT WAS A TIRE STORE  
22 FOR A WHILE THAT DIDN'T BELONG TO ANY OF US. THE YENKO  
23 NAME HAS NOT BEEN USED IN CONJUNCTION WITH THAT  
24 BUILDING FOR MANY, MANY YEARS.

25 MR. BUYAN: AND WE WILL OBJECT TO THE

1       ADMISSIBILITY OF EXHIBIT 7 ON GROUNDS OF LACK OF  
2       AUTHENTICATION.

3       BY MR. BULLWINKEL:

4           Q       WAS THERE A YENKO HONDA THAT EXISTED AFTER YOUR  
5       FATHER'S DEATH, TO YOUR KNOWLEDGE?

6           A       YES, THERE WAS, BUT NOT IN THIS BUILDING.

7           Q       WHAT HAPPENED TO YENKO HONDA AS FAR AS YOU  
8       KNOW?

9           A       YENKO HONDA HAS BEEN SOLD AND THE NAME HAS BEEN  
10       REMOVED -- I MEAN, I SHOULD SAY THE DEALERSHIP ITSELF  
11       HAS BEEN SOLD. THE NAME HAS BEEN REMOVED AND IT'S NO  
12       LONGER IN CONJUNCTION WITH THAT OPERATION.

13          Q       ARE YOU AWARE OF ANY OTHER YENKO TRADE OR  
14       BUSINESSES BACK IN PENNSYLVANIA THAT EXIST TODAY?

15          A       WITH MY BLESSING OR -- I'M NOT EXACTLY SURE --

16          Q       OKAY. BLESSING, YES.

17          A       NO.

18          Q       IN LATE 2009, DID IT COME TO YOUR ATTENTION  
19       THAT ANOTHER COMPANY WAS PLANNING TO INTRODUCE A NEW  
20       YENKO AUTOMOBILE AT THE TRADE SHOW IN LAS VEGAS?

21          A       YES, IT WAS.

22          Q       TELL US HOW AND WHERE THAT CAME TO YOUR  
23       ATTENTION.

24          A       IT CAME TO MY ATTENTION BY LESTER QUAM, WHO WAS  
25       ALSO A MEMBER OF THE SPORTS CAR CLUB, AND A FRIEND WHO

1 POINTED IT OUT THAT THIS WAS COMING, AND THAT WAS THE  
2 FIRST I KNEW OF IT.

3 Q WHAT, IF ANYTHING, DID YOU DO WHEN YOU LEARNED  
4 THAT NEWS?

5 A I WAS VERY UPSET AND I ASKED LES IF HE COULD  
6 HELP US TO TRY TO GAIN BACK OUR NAME. AND HE TRIED TO  
7 HELP US FIND AN ATTORNEY TO HELP WITH THAT MATTER, AND  
8 THAT WAS WHERE WE CAME TO YOU.

9 Q DID LES TAKE ANY STEPS ACTING AS YOUR ATTORNEY  
10 IN A FORMAL CAPACITY AT ANY TIME?

11 A I'M TRYING TO THINK IF THERE WAS ANYTHING  
12 FORMAL ABOUT WHAT HE DID. I DON'T BELIEVE SO.

13 Q DID YOU ACTUALLY HIRE AN ATTORNEY TO REPRESENT  
14 YOU IN THIS MATTER INVOLVING THE NEW YENKO PRODUCTS?

15 A IF I'M NOT MISTAKEN, I THINK IT WAS NOVEMBER OF  
16 THAT YEAR. IS THAT CORRECT? I'M NOT TOTALLY SURE  
17 BECAUSE I DON'T HAVE THAT --

18 Q I WON'T DISAGREE WITH YOU. WHO WAS THAT  
19 ATTORNEY AND WHAT DID YOU ASK HIM TO DO?

20 A THAT WAS YOU, GEORGE BULLWINKEL, AND I ASKED  
21 YOU TO HELP ME TO GET THE TRADEMARK BACK TO THE FAMILY.

22 Q THERE ARE STILL SOME OTHER EXHIBITS THAT YOU  
23 REFER TO IN YOUR ORIGINAL DECLARATION. THOSE ARE  
24 NUMBERS 8 THROUGH 14.

25 A OKAY.

1 Q I CERTAINLY KNOW THAT YOU DIDN'T CREATE THESE,  
2 BUT I ASK YOU IF THOSE CAME TO YOUR ATTENTION, AND IF  
3 SO, HOW? AND GO THROUGH THEM ONE BY ONE.

4 A OKAY.

5 Q START WITH 8.

6 A OKAY, 8. THIS APPEARS TO BE A PUBLIC -- A  
7 PRESS RELEASE REGARDING THE CAR THAT MR. LEONARD WAS  
8 INTRODUCING, I BELIEVE.

9 MR. BUYAN: WE OBJECT TO THE ADMISSIBILITY OF  
10 EXHIBIT 8 ON GROUNDS OF LACK OF AUTHENTICATION.  
11 BY MR. BULLWINKEL:

12 Q AND COULD YOU TELL US IN EACH CASE HOW THAT  
13 EXHIBIT CAME TO YOUR ATTENTION, WHETHER YOU FOUND IT OR  
14 SOMEONE ELSE FOUND IT FOR YOU.

15 A MOST OF ALL OF THE INFORMATION THAT I -- THAT  
16 WAS GIVEN TO ME EITHER BY -- MOSTLY BY YOU, GEORGE. I  
17 THINK SOME OF IT MIGHT HAVE BEEN BY LES, BUT I THINK  
18 MOSTLY BY YOU. SO I BELIEVE THIS WAS GIVEN TO ME BY  
19 YOU.

20 Q I'M GOING THROUGH THE REST OF THE EXHIBITS,  
21 THAT IS 9 THROUGH 14. JUST BRIEFLY DESCRIBE THEM AND  
22 TELL US HOW THEY CAME TO YOUR ATTENTION.

23 A OKAY. YOU WANT ME TO LOOK AT 14?

24 Q START WITH 10 AND THEN GO ON.

25 A SORRY. THIS IS ALSO SOMETHING THAT YOU SENT

1 ME. IT'S ALSO TALKING ABOUT SUPERCAR COLLECTIBLES AND  
2 MR. LEONARD'S WORK AND SOME SORT OF PRESS RELEASE OR  
3 PUBLICITY. LET'S SEE. THIS IS AN ARTICLE ABOUT IT.

4 MR. BUYAN: WE WILL ALSO OBJECT TO EXHIBIT 10  
5 ON THE GROUNDS OF LACK OF AUTHENTICATION.

6 BY MR. BULLWINKEL:

7 Q REFERRING TO NEXT, NUMBER 11.

8 A OKAY. THIS IS ANOTHER ARTICLE SAYING THAT THE  
9 YENKO BRAND IS TO BE BROUGHT BACK TO LIFE, AND THE  
10 CAMERO IS TO BE THE FIRST PROJECT. THIS IS AN ARTICLE  
11 BY AUDREY ON NOVEMBER 3, 2009 IN CHEVROLET TUNING.

12 MR. BUYAN: WE WILL OBJECT TO EXHIBIT 11 ON THE  
13 GROUNDS OF LACK OF AUTHENTICATION AND THAT IT  
14 CONSTITUTES HEARSAY.

15 BY MR. BULLWINKEL:

16 Q 12 IS NEXT.

17 A 12 IS NEXT? YES. THIS IS FROM AUTO NEWS.  
18 IT'S ALSO RECORDING THAT THE YENKO BRAND IS BEING  
19 REBORN WITH NEW MODELS ON THE WAY, AND THERE IS A  
20 PICTURE.

21 MR. BUYAN: SAME OBJECTIONS ON EXHIBIT 12, LACK  
22 OF AUTHENTICATION AND HEARSAY.

23 BY MR. BULLWINKEL:

24 Q 13 IS NEXT.

25 A OKAY. JUST TRYING TO DOUBLE-CHECK TO MAKE SURE

1 I KNOW WHAT THIS IS. OKAY. THIS IS ANOTHER ARTICLE  
2 REFERRING TO THE FIFTH GENERATION CAMERO. IT'S FROM  
3 AUTOGUIDE, AN ONLINE SITE. ALSO MENTIONING  
4 MR. LEONARD'S WORK.

5 Q AND THE LAST ONE IS 14.

6 MR. BUYAN: HOLD ON. EXHIBIT 13, WE OBJECT ON  
7 GROUNDS OF LACK OF AUTHENTICATION AND HEARSAY ALSO.  
8 I'M SORRY. GO AHEAD.

9 BY MR. BULLWINKEL:

10 Q LOOK AT 14.

11 A I'M LOOKING AT 14 RIGHT NOW. I'M JUST TRYING  
12 TO -- IT'S COPYRIGHT SPORTS CAR MARKET MAGAZINE. IT'S  
13 ALSO MENTIONING MR. LEONARD'S WORK IN THIS ARTICLE.

14 MR. BUYAN: WE WILL MAKE THE SAME OBJECTIONS TO  
15 EXHIBIT 14, LACK OF FOUNDATION AND THE CONTENT IS  
16 HEARSAY.

17 MR. BULLWINKEL: VERY WELL.

18 Q NOW, IN TERMS OF THE SPECIFIC TRADEMARK  
19 REGISTRATION THAT WE'RE DEALING WITH HERE, DID AN  
20 INDIVIDUAL NAMED JAMES R. SULLIVAN EVER APPROACH YOU  
21 FOR PERMISSION TO USE THE NAME YENKO TOY CARS?

22 A I'M NOT SURE, BUT I DON'T BELIEVE SO.

23 Q DID YOU EVER GIVE PERMISSION AT ANY TIME FOR  
24 SOMEONE TO USE THE NAME YENKO ON TOY CARS OR REPLICA  
25 MODEL CARS OF ANY KIND?

1           A     NO, I HAVE NEVER GIVEN PERMISSION.

2           Q     AND IN PARTICULAR, DID ANYONE APPROACH YOU --  
3 DID JAMES R. SULLIVAN EVER APPROACH YOU FOR THIS  
4 PERMISSION?

5           A     I DON'T RECALL THAT.

6           Q     DID A COMPANY CALLED SUPERCAR COLLECTIBLES OF  
7 MINNESOTA EVER APPROACH YOU FOR THIS?

8           A     NO, I DON'T RECALL THAT.

9           Q     AND IN ANY EVENT, YOU GAVE NO SUCH PERMISSION;  
10 IS THAT CORRECT?

11          A     I GAVE NO SUCH PERMISSION, NO.

12          Q     NOW, I'M GOING TO ASK YOU FOR A MATTER OF  
13 OPINION AND NOT AS AN EXPERT, BUT SIMPLY AS EXECUTOR OF  
14 YOUR FATHER'S ESTATE AND THE PERSON'S RESPONSIBILITY TO  
15 NAME AND REPUTATION. WHAT IN YOUR OPINION WOULD BE THE  
16 EFFECT OF MR. LEONARD'S PRODUCING A NEW CHEVROLET  
17 AUTOMOBILE UNDER THE NAME YENKO?

18               MR. BUYAN: OBJECTION. ASSUMES FACTS NOT IN  
19 EVIDENCE.

20 BY MR. BULLWINKEL:

21          Q     TERRI?

22          A     YES? SHOULD I GO AHEAD AND ANSWER?

23          Q     YES.

24          A     I FEEL THAT IT WOULD UNDERMINE THE INTEGRITY OF  
25 MY DAD'S WORK, AND IT WOULD BE MISREPRESENTED AS BEING

1 SANCTIONED BY MYSELF, MY FAMILY, WHICH IT IS NOT.

2 Q WOULD THAT APPLY ALSO TO MODEL CARS OR TOY CARS  
3 THAT WERE MADE UNDER THE YENKO TRADEMARK?

4 A YES, IF IT WAS NOT GIVEN PERMISSION BY US, THEN  
5 YES, ABSOLUTELY.

6 MR. BULLWINKEL: THAT CONCLUDES MY QUESTIONING  
7 IN CHIEF. AND ~~BOB~~ BOB, WOULD YOU LIKE TO CROSS-EXAMINE?

8 MR. BUYAN: YES. THANK YOU, GEORGE.

9 CAN YOU HEAR ME? I'M BEHIND THE PHONE, GEORGE.

10 MR. BULLWINKEL: VERY WELL.

11

12 EXAMINATION

13

14 BY MR. BUYAN:

15 Q MS. YENKO GOULD, HOW WOULD YOU LIKE ME TO  
16 ADDRESS YOU ON THE RECORD? SHOULD I SAY MS. YENKO  
17 GOULD, MRS. YENKO GOULD, MS. YENKO? HOW WOULD YOU LIKE  
18 TO BE CALLED?

19 A I GUESS --

20 Q SINCE YOUR HUSBAND IS SITTING NEXT TO YOU.

21 A MS. YENKO GOULD IS JUST FINE.

22 Q OKAY. WHEN DID YOU FIRST BECOME AWARE OF TOY  
23 OR MODEL CARS BEING MARKETED UNDER THE NAME YENKO?

24 A I BELIEVE IT WAS THAT SAME YEAR. LET ME JUST  
25 DOUBLE-CHECK THE DATE. I THINK IT WAS 2009. IT ALL

1 SORT OF BECAME -- BROUGHT TO MY ATTENTION AT THE SAME  
2 TIME. THE YEAR THAT GEORGE STARTED WORKING WITH US. I  
3 BELIEVE THAT'S WHEN IT WAS. DOUBLE-CHECK THE DATE.  
4 YES, IT WAS 2009.

5 Q SO YOU HADN'T SEEN THE TOY OR MODEL CARS PRIOR  
6 TO THAT?

7 A I HAD NOT SEEN ANY -- I HAD NOT SEEN ANY CARS  
8 UP CLOSE SAYING THAT THEY WERE -- THAT SAID ANYTHING  
9 ABOUT IT BEING MADE AFTER MY DAD'S DEATH. I HAD SEEN  
10 CARS THAT WERE MADE BEFORE MY DAD'S DEATH, MEANING TOY  
11 CARS, BUT I WAS NOT AWARE OF ANYTHING THAT WAS  
12 COPYRIGHTED AFTER HIS DEATH.

13 Q OKAY. WHEN YOU BECAME AWARE OF THE  
14 AVAILABILITY OR THE FACT THAT TOY OR MODEL CARS WERE  
15 BEING MARKETED UNDER THE YENKO NAME, THAT WAS SOMETHING  
16 THAT LESTER QUAM INFORMED YOU OF?

17 A YES, THAT WAS THE FIRST TIME I REALLY WAS AWARE  
18 OF THAT.

19 Q SO PRIOR TO THAT YOU HAD NOT -- YOU WEREN'T  
20 AWARE THAT ANYONE WAS SELLING --

21 A I WASN'T AWARE THAT --

22 Q PRIOR TO THAT YOU WEREN'T AWARE THAT ANYONE WAS  
23 SELLING TOY OR MODEL CARS UNDER THE NAME YENKO?

24 A NOT NEW ONES.

25 Q OKAY. WHAT YOU'RE SAYING IS THERE WERE SOME

1       RESALES OF COLLECTIBLES --

2           A     THAT I KNEW ABOUT.

3           Q     OKAY. I JUST WANT TO UNDERSTAND. INITIALLY  
4       YOU WERE NOT THE EXECUTOR OR ADMINISTRATOR OF YOUR  
5       FATHER'S ESTATE. HIS MOTHER WAS; IS THAT CORRECT?

6           A     RIGHT, MY GRANDMOTHER.

7           Q     YOUR FATHER'S MOTHER?

8           A     RIGHT.

9           Q     AND THEN YOU TOOK OVER BECAUSE OF HER AGE?

10          A     RIGHT.

11          Q     HER ADVANCING AGE. AND THE ESTATE'S ATTORNEY  
12       WAS MR. LAELLA?

13          A     JOHN LAELLA.

14          Q     WAS HE THE ONLY ATTORNEY THAT THE ESTATE  
15       USED --

16          A     YES.

17          Q     -- IN PROBATE?

18          A     YES, HE WAS THE ONLY ATTORNEY.

19          Q     JUST GIVE ME A MOMENT HERE TO ORGANIZE THESE.  
20       I THINK IT WILL GO FASTER IF I CHANGE THE ORDER.

21                        SUBSEQUENT TO YOUR FATHER'S DEATH -- LET ME  
22       BACK UP.

23                        YOUR FATHER OWNED A NUMBER OF CORPORATIONS; IS  
24       THAT CORRECT?

25          A     WHEN YOU SAY "A NUMBER," I'M NOT SURE HOW MANY

1 YOU MEAN, BUT HE HAD A FEW ENTITIES.

2 Q AND YENKO SPORTS CARS, INCORPORATED, WAS A  
3 CORPORATION THAT WAS WHOLLY OWNED BY YOUR FATHER?

4 A RIGHT.

5 Q FOLLOWING HIS DEATH, THAT CORPORATE ENTITY WAS  
6 DISSOLVED BY THE ESTATE?

7 A I'M NOT TOTALLY A HUNDRED PERCENT SURE ABOUT  
8 THAT, BUT I BELIEVE SO.

9 Q DO YOU HAVE ANY RECOLLECTION OF WHAT WOULD HAVE  
10 BECOME OF YENKO IMPORTS, INCORPORATED?

11 A WHAT WOULD HAVE BECOME OF IT?

12 Q LET ME ASK YOU FIRST: ARE YOU AWARE OF YENKO  
13 IMPORTS, INCORPORATED, A PENNSYLVANIA CORPORATION?

14 A I'M NOT EXACTLY SURE, NO. I'M NOT EXACTLY  
15 SURE.

16 Q WE ALREADY TALKED ABOUT YENKO SPORTS CARS,  
17 INCORPORATED. THAT WAS A PENNSYLVANIA CORPORATION.  
18 YOU WERE AWARE OF THAT ONE?

19 A VAGUELY AWARE OF IT, YES.

20 Q DON YENKO PORSCHE AUDI?

21 A THAT WAS A DEALERSHIP, YES, THAT HE HAD BUT NO  
22 LONGER HAD.

23 Q AND THAT WAS GONE PRIOR TO HIS DEATH?

24 A CORRECT.

25 Q DON YENKO IMPORTS?

1           A     THAT I'M REALLY NOT SURE ABOUT. THAT MIGHT  
2     HAVE SOMETHING TO DO WITH PORSCHE AUDI FIAT. I'M NOT  
3     EXACTLY SURE. OR HONDA. I'M NOT EXACTLY SURE WHAT  
4     IT'S REFERRING TO.

5           Q     YENKO LEASING, ARE YOU AWARE OF THAT ONE?

6           A     YES, I BELIEVE SO.

7           Q     DID THAT CONTINUE TO EXIST AFTER YOUR FATHER'S  
8     DEATH?

9           A     I'M NOT SURE.

10          Q     NOW, YENKO CHEVROLET, INCORPORATED, AS I  
11     UNDERSTAND IT, WAS A CORPORATION THAT WAS OWNED BY YOUR  
12     FATHER'S PARENTS, AND YOUR FATHER HELD SHARES IN THAT  
13     CORPORATION AT THE TIME OF HIS DEATH; IS THAT CORRECT?

14          A     I DON'T BELIEVE SO. YOU MEAN IT WAS OWNED BY  
15     MY GRANDPARENTS?

16          Q     YENKO CHEVROLET, INCORPORATED.

17          A     NO.

18          Q     WHO WERE THE FOUNDERS OF YENKO CHEVROLET,  
19     INCORPORATED?

20          A     MY FATHER AND GRANDFATHER TOGETHER AS PARTNERS.

21          Q     BUT YOUR GRANDFATHER DID NOT OWN --

22          A     NO.

23          Q     -- AN INTEREST IN THAT CORPORATION?

24          A     MY GRANDPARENTS' INTERESTS WERE ALL GIVEN TO MY  
25     FATHER, SOLD OR GIVEN TO MY FATHER.

1 Q I SEE. DO YOU KNOW WHEN THAT OCCURRED?

2 A I COULDN'T RECALL AT THIS MOMENT. I COULD DO  
3 SOME RESEARCH IF YOU NEED THAT INFORMATION.

4 Q SO AT THE TIME OF YOUR FATHER'S DEATH, WAS HE  
5 THE SOLE OWNER OF YENKO CHEVROLET, INC.?

6 A I THINK SO, BUT I'M NOT TOTALLY SURE. BUT I  
7 KNOW IF IT WASN'T BEFORE HIS DEATH, IT WAS AFTER HIS  
8 DEATH THAT HE WAS -- THAT THEY WERE NO LONGER PART OF  
9 IT AT ALL.

10 Q OTHER THAN YOUR FATHER AND YOUR FATHER'S  
11 PARENTS, ARE YOU AWARE OF ANY OTHER --

12 A NO.

13 Q -- PERSONS OR ENTITY WHO WOULD HAVE OWNED  
14 SHARES IN YENKO --

15 A NO.

16 Q -- CHEVROLET, INC.?

17 A NO.

18 Q DID THE ENTITY YENKO CHEVROLET, INC. BECOME  
19 YENKO HONDA AT SOME POINT?

20 A I DON'T -- I'M NOT SURE. I DON'T RECALL  
21 EXACTLY, BECAUSE THERE WAS SOME PART WHERE -- THERE  
22 MIGHT HAVE BEEN TWO DIFFERENT ENTITIES. ONE WAS YENKO  
23 HONDA AND ONE CHEVROLET, BUT I'M NOT TOTALLY SURE.

24 Q DID YENKO HONDA OPERATE IN THE SAME BUILDING OR  
25 THE SAME FACILITY AS YENKO CHEVROLET?

1           A     NO, IT WAS -- THERE WAS -- ORIGINALLY THEY WERE  
2 TOGETHER IN A DIFFERENT FACILITY THAT WAS SOLD BEFORE  
3 MY FATHER'S DEATH.  AND THEN THEY WERE SPLIT UP WHEN MY  
4 FATHER SOLD CHEVROLET TO DAVE LITZENBERGER, AND HONDA  
5 WAS MOVED TO ANOTHER ONE OF THEIR BUILDINGS.  THEY HAD  
6 THREE OR FOUR BUILDINGS, AND IT WAS MOVED TO ANOTHER  
7 ONE OF THE BUILDINGS, SO IT WAS SOLELY YENKO HONDA  
8 THERE.

9           Q     NOW, YOU SAY YOUR FATHER SOLD CHEVROLET.  YOU  
10 MEAN YOUR FATHER SOLD --

11          A     NOT THE NAME.

12          Q     THE DEALERSHIP?

13          A     YES.

14          Q     GIVE ME THE NAME --

15          A     DAVE LITZENBERGER.

16          Q     DO YOU RECALL WHAT YEAR THAT WAS?

17          A     IT WAS, I'M GUESSING, MAYBE 1974.

18          Q     SO IT WAS WELL PRIOR TO HIS --

19          A     WELL PRIOR TO HIS DEATH, YEAH.

20          Q     SO BETWEEN 1974 AND HIS DEATH IN 1987, YOUR  
21 FATHER DIDN'T OPERATE THE CHEVROLET DEALERSHIP.

22          A     NO, HE DID NOT.

23          Q     BUT HE DID CONTINUE TO BUILD CARS AND OPERATE  
24 YENKO SPORTS CARS, INCORPORATED?

25          A     A LITTLE BIT, YES.

1 Q OKAY. DO YOU KNOW WHEN THE LAST YENKO  
2 CHEVROLET WAS PRODUCED, THE LAST AUTHORIZED YENKO  
3 CHEVROLET?

4 A NOT -- I COULDN'T -- I COULDN'T BE EXACT, BUT I  
5 THINK IT WAS EARLY 1970, I BELIEVE, '70, '71.

6 Q SO IT WAS PRIOR TO YOUR FATHER'S DEATH?

7 A OH, YES.

8 Q SO THERE WERE NO NEW YENKO CHEVROLETS MANAGED  
9 AFTER YOUR FATHER PASSED AWAY?

10 A NO, THERE WERE NOT.

11 Q SUBSEQUENT TO YOUR FATHER'S DEATH, WHAT  
12 MEASURES, IF ANY, DID THE ESTATE OF DONALD YENKO TAKE  
13 TO SERVICE THE MARKET FOR REPLACEMENT PARTS AND  
14 MAINTENANCE ITEMS FOR YENKO CHEVROLETS?

15 A THERE WAS NOTHING THE ESTATE DID IN  
16 RELATIONSHIP TO REPLACEMENT PARTS AT THE TIME.

17 Q SO THE ESTATE DIDN'T SELL PARTS?

18 A NOT TO MY KNOWLEDGE.

19 Q AND THE ESTATE HAD NOT AUTHORIZED ANYONE ELSE  
20 TO SELL PARTS?

21 A NO.

22 Q AND IS THAT STILL TRUE TODAY?

23 A THAT'S STILL TRUE TODAY, YES.

24 Q DID THE ESTATE AUTHORIZE YENKO HONDA TO USE THE  
25 NAME YENKO?

1 A YES.

2 Q AND IN WHAT MANNER DID THAT OCCUR? WAS THERE A  
3 WRITTEN AGREEMENT BETWEEN THE ESTATE OF DONALD YENKO  
4 AND YENKO HONDA?

5 A YES, THERE WAS. THAT WAS A PARTNERSHIP THAT MY  
6 SISTER AND I AND A THIRD PARTNER OWNED AS PARTNERS  
7 YENKO HONDA.

8 Q SO YOUR SISTER LYNN, YOU AND A THIRD PARTNER  
9 OWNED YENKO HONDA FOR A PERIOD OF TIME?

10 A FOR A PERIOD OF TIME.

11 Q WHO WAS THE THIRD PARTNER?

12 A ~~KEN~~ MASON.

13 Q HEARD THAT NAME BEFORE. AT SOME POINT DO I  
14 UNDERSTAND CORRECTLY THAT YOU, YOUR SISTER AND ~~KEN~~<sup>KIM</sup>  
15 MASON SOLD YOUR INTEREST IN YENKO HONDA TO A THIRD  
16 PARTY?

17 A MY INTEREST -- THE COMPANY WAS DISSOLVED. THE  
18 ACTUAL COMPANY WASN'T SOLD. THE DEALERSHIP WAS SOLD TO  
19 A THIRD PARTY.

20 Q SO THE PARTNERSHIP BETWEEN YOU, YOUR SISTER AND  
21 MR. MASON --

22 A WAS DISSOLVED.

23 Q -- WAS DISSOLVED. AND THE PHYSICAL PLANT  
24 EQUIPMENT AND INVENTORY WAS SOLD TO -- GIVE ME THE NAME  
25 AGAIN. MR. --

1 A NO, THAT WAS CHEVROLET.

2 Q OKAY. WHO ACQUIRED THE --

3 A AFTER MY SISTER AND I --

4 Q -- ASSETS OF YENKO HONDA?

5 A AFTER MY SISTER AND I GOT OUT OF THAT BUSINESS,  
6 MR. MASON SOLD IT TO SOMEONE ELSE, AND I ACTUALLY DON'T  
7 HAVE HIS NAME.

8 Q SO YOU AND YOUR SISTER LEFT THE PARTNERSHIP --

9 A WE DISSOLVED THE PARTNERSHIP.

10 Q -- AT SOME POINT. BUT MR. MASON THEN CONTINUED  
11 TO OPERATE YENKO HONDA --

12 A FOR A BRIEF TIME, AND THEN HE DISSOLVED THE  
13 REST OF IT AND SOLD THE DEALERSHIP TO ANOTHER MAN.

14 Q WHEN WAS THE PARTNERSHIP DISSOLVED, THE YENKO  
15 HONDA PARTNERSHIP?

16 A I'M JUST TRYING TO THINK DATE-WISE, BECAUSE I  
17 DON'T HAVE THAT IN FRONT OF ME.

18 Q TO THE BEST OF YOUR RECOLLECTION.

19 A IT WAS SOMEWHERE PROBABLY AROUND 2004.

20 Q AND THEN MR. MASON CONTINUED TO OPERATE THE  
21 BUSINESS AS YENKO HONDA UNTIL 2009; IS THAT CORRECT?

22 A I THINK IT WAS 2009. EITHER 2008 OR 2009.

23 Q DID THE ESTATE GRANT A LICENSE TO MR. MASON TO  
24 USE THE NAME YENKO HONDA AFTER YOU AND YOUR SISTER LEFT  
25 THE PARTNERSHIP?

1           A     TO USE THE NAME YENKO HONDA -- HE WAS ABLE TO  
2     USE THE NAME YENKO HONDA AFTER THAT TO SELL HONDAS.

3           Q     WAS THERE ANY WRITTEN AGREEMENT TO THAT EFFECT?

4           A     THERE WAS AN AGREEMENT TO DISSOLVE OUR  
5     PARTNERSHIP.

6           Q     WAS THAT A VOLUNTARY DISSOLUTION OR WAS THERE A  
7     COURT INVOLVED?

8           A     NO.

9           Q     SO YOUR RECOLLECTION IS THAT DISSOLUTION  
10    AGREEMENT HAD A PROVISION IN IT THAT ALLOWED MR. MASON  
11    TO CONTINUE USING THE NAME YENKO?

12          A     TO USE THE NAME YENKO FOR SELLING HONDAS.

13                 MR. BULLWINKEL: I DIDN'T HEAR WHETHER THE  
14    ANSWER -- WAS IT A VOLUNTARY OR LEGALLY ENFORCED  
15    DISSOLUTION?

16                 THE WITNESS: IT WAS VOLUNTARY.

17                 MR. BULLWINKEL: VOLUNTARY. OKAY. THANK YOU.  
18    BY MR. BUYAN:

19          Q     DID THE TERMS OF THE DISSOLUTION AGREEMENT  
20    REQUIRE MR. MASON TO MAINTAIN ANY SPECIFIC STANDARDS OR  
21    QUALITY STANDARDS IN RELATION TO AUTOMOBILES OR PARTS  
22    OR SERVICES THAT HE SOLD THROUGH THE DEALERSHIP?

23          A     I DON'T RECALL WHETHER OR NOT THERE WAS THAT  
24    STIPULATED. I BELIEVE THAT WE HAD A LONG-STANDING  
25    RELATIONSHIP WITH MR. MASON AND THAT PROBABLY WASN'T --

1 THAT WAS NOT SOMETHING THAT WE WOULD EVEN CONSIDER THAT  
2 HE WOULD NOT MAINTAIN QUALITY, SO I'M NOT SURE IF THAT  
3 WAS ACTUALLY WRITTEN IN THE INFORMATION.

4 Q AND MR. MASON HAD BEEN A FRIEND AND ASSOCIATE  
5 OF YOUR FATHER'S?

6 A YES, AND OF OURS AS WELL.

7 Q IS MR. MASON STILL ALIVE TODAY?

8 A YES.

9 Q DO YOU KNOW WHERE HE LIVES?

10 A HE MIGHT STILL BE IN PENNSYLVANIA. AND HE  
11 MIGHT HAVE ANOTHER HOUSE. I'M NOT SURE WHERE. BUT HE  
12 IS STILL ALIVE AND WELL. JUST RETIRED.

13 Q DO YOU KNOW WHY HE DISCONTINUED THE USE OF THE  
14 NAME YENKO HONDA IN 2009?

15 A HE RETIRED.

16 Q DID HE SELL THE BUSINESS --

17 A YES.

18 Q -- AT THAT TIME?

19 A SOLD THE BUSINESS.

20 Q DID THE PARTY WHO ACQUIRED THE BUSINESS FROM  
21 MR. MASON CONTINUE TO USE THE NAME YENKO?

22 A THERE WAS A STIPULATION IN THEIR AGREEMENT AS  
23 FAR AS I'M AWARE -- THIS IS JUST WHAT MR. MASON TOLD  
24 ME -- THAT THE MAN WHO PURCHASED IT WOULD BE ALLOWED TO  
25 USE THE NAME YENKO FOR ONE YEAR, AND AFTER THAT HE

1 WOULD NOT BE ABLE TO USE THE NAME YENKO, AND ONLY IN  
2 THE TRANSITION PERIOD WOULD HE BE ABLE TO USE IT.

3 Q DO YOU KNOW WHETHER THERE WAS ANY PROVISION IN  
4 THE AGREEMENT BETWEEN MR. MASON AND THE ACQUIRER WHO  
5 BOUGHT YENKO HONDA FROM HIM THAT REQUIRED SPECIFIC  
6 QUALITY STANDARDS OR --

7 A I'M NOT AWARE --

8 Q -- STANDARDS OF QUALITY TO BE MAINTAINED IN  
9 CONNECTION WITH AUTOMOBILES, GOODS OR SERVICES SOLD BY  
10 THE DEALERSHIP UNDER THE NAME?

11 A I DON'T KNOW ONE WAY OR THE OTHER.

12 Q SO WHEN YOU TESTIFIED EARLIER THAT YOU HAD NOT  
13 GRANTED PERMISSION TO ANYONE ELSE TO USE THE NAME  
14 YENKO, YENKO HONDA IS AN EXCEPTION TO THAT. DO I  
15 UNDERSTAND CORRECTLY?

16 A YES, THAT IS.

17 Q NOW, YOU ALSO --

18 A ONLY IN -- I THINK WHEN YOU WERE ASKING ME THE  
19 QUESTION, IT WAS IN REFERENCE -- I FELT LIKE IT WAS IN  
20 REFERENCE TO SPORTS CARS, SO I MIGHT HAVE MISSPOKEN.

21 Q GIVE ME A MINUTE TO FIND THE NUMBER OF THE  
22 EXHIBIT. I DON'T HAVE THE EXHIBIT NUMBER IN FRONT OF  
23 ME, BUT THE PERMISSION LETTER SIGNED BY MR. CONNOLLY TO  
24 TOM CLARY.

25 MR. BULLWINKEL: NUMBER 6.

1 BY MR. BUYAN:

2 Q EXHIBIT NUMBER 6. THAT IS THE ONLY GRANT OF  
3 PERMISSION OR LICENSE BETWEEN THE ESTATE AND THE YENKO  
4 SPORTS CAR CLUB OR MR. CLARY; IS THAT CORRECT?

5 A ONLY WRITTEN, YES.

6 Q HAVE YOU EVER AUTHORIZED MR. CLARY TO BUILD  
7 YENKO AUTOMOBILES?

8 A NO, I HAVE NOT.

9 Q ARE YOU AWARE THAT MR. CLARY HAD BUILT A YENKO  
10 AUTOMOBILE?

11 A YES, I AM.

12 Q HAVE YOU OBJECTED TO THAT?

13 A YES. NOT OBJECTED TO HIM -- HE CAN BUILD  
14 WHATEVER HE WANTS, BUT I WOULD NOT GIVE HIM PERMISSION  
15 TO BUILD MORE AND SELL THEM. HE CAN -- FOR HIS OWN  
16 PERSONAL USE HE CAN DO WHATEVER HE WANTS, BUT TO SELL  
17 TO SOMEONE ELSE, I WOULD HAVE A PROBLEM WITH THAT.

18 Q SO YOU DO NOT OBJECT TO THE ONE AUTOMOBILE THAT  
19 HE HAS ALREADY BUILT AND USING HIMSELF?

20 A I OBJECT TO HIM USING THE NAME ON THE CAR.

21 Q SO EVEN THOUGH IT HASN'T BEEN SOLD TO ANYONE  
22 ELSE -- AND I WILL REPRESENT FOR PURPOSES OF THE  
23 QUESTION THAT MY UNDERSTANDING IS THAT HE OWNS THE CAR.  
24 IT'S NOT BEEN SOLD TO ANYONE ELSE.

25 A I KNOW.

1 Q BUT YOU STILL OBJECT TO THE USE OF THE NAME --

2 A I OBJECT --

3 Q -- YENKO ON THE CAR?

4 A I DO OBJECT TO THAT, YES.

5 Q HAVE YOU EVER HEARD OF YENKO WILDFIRE?

6 A YES, I HAVE.

7 Q WHAT DO YOU KNOW ABOUT YENKO WILDFIRE?

8 A I KNOW THAT HIS NAME IS MR. REA. I HAVE TO  
9 LOOK IT UP. THE MAN INVOLVED IN THAT CLAIMED TO BE A  
10 FRIEND OF MY FATHER AND TRIED TO SEEK OUT MY MOTHER AND  
11 GET PERMISSION FROM ME THROUGH HER TO USE THE NAME  
12 YENKO IN PRODUCING THE WILDFIRE SERIES CARS. WE SAID  
13 NO. WE SAID WE DO NOT WANT TO GIVE ANY PERMISSION OR  
14 BLESSING TO USE THE NAME, AND WE ASSUMED THAT HE WOULD  
15 HONOR THAT.

16 Q DO YOU RECALL -- LET ME BACK UP. YOU SAID HE  
17 FIRST SOUGHT OUT YOUR MOTHER. YOU'RE REFERRING TO HOPE  
18 YENKO; IS THAT CORRECT?

19 A YES, BECAUSE HE COULDN'T REACH ME, SO HE FOUND  
20 A BACK WAY TO REACH ME, WHICH IS THROUGH MY MOTHER.

21 Q DO YOU RECALL WHEN THAT WAS?

22 A NO, I'M SORRY I DON'T KNOW THE EXACT -- I'D BE  
23 JUST GUESSING.

24 Q WOULD IT HAVE BEEN IN THE '90S?

25 A NO.

1 Q SO IT WAS AFTER 2000?

2 A YES.

3 Q WOULD IT HAVE BEEN PRIOR TO 2005?

4 A POSSIBLY, YES.

5 Q SO IT WAS IN THE FIRST HALF OF --

6 A IT MIGHT HAVE BEEN.

7 Q -- THE 2000 DECADE?

8 A YES.

9 Q ARE YOU AWARE THAT YENKO WILDFIRE HAS IN FACT  
10 PRODUCED --

11 A I FOUND OUT --

12 Q LET ME FINISH THE QUESTION SO THAT SHE CAN --

13 A I'M SORRY.

14 Q -- GET IT DOWN.

15 ARE YOU AWARE OR DO YOU KNOW WHETHER YENKO  
16 WILDFIRE ACTUALLY DID PRODUCE VEHICLES?

17 A WE HAVE FOUND SINCE THAT TIME THAT, YES, HE DID  
18 WITHOUT OUR PERMISSION OR BLESSING DO THAT.

19 Q WHEN DID YOU FIRST LEARN THAT HE HAD PRODUCED  
20 VEHICLES WITHOUT YOUR PERMISSION?

21 A IT WAS AROUND THE SAME TIME AS WE FOUND OUT  
22 ABOUT MR. LEONARD'S WORK.

23 Q SO IT WAS IN 2009?

24 A AROUND THAT TIME, YEAH.

25 Q SO YOU HAD NO KNOWLEDGE PRIOR TO 2009 THAT

1 YENKO WILDFIRE OR YENKO WILDFIRE GARAGE HAD PRODUCED --

2 A NO.

3 Q -- YENKO CARS?

4 A NO, HE DIDN'T KNOW THAT. JUST TO RESTATE, HIS  
5 NAME IS BILL RAE.

6 Q BILL RAE. WAS HE LOCATED IN PENNSYLVANIA?

7 A AS FAR AS I KNOW HE'S LOCATED IN PENNSYLVANIA.

8 Q CLARION, PENNSYLVANIA? DOES THAT SOUND  
9 FAMILIAR?

10 A THAT SOUNDS RIGHT.

11 Q HAVE YOU EVER HEARD OF YENKO MOTOR SPORTS IN  
12 CALIFORNIA?

13 A NO.

14 Q HAVE YOU EVER HEARD OF DAVID HETH, H-E-T-H, IN  
15 CALIFORNIA?

16 A NO.

17 Q YOU MENTIONED IN YOUR DIRECT TESTIMONY THAT YOU  
18 HAD REFUSED TO GIVE THE ESTATE'S BLESSING TO A NUMBER  
19 OF PEOPLE OR ENTITIES WHO HAD ASKED FOR IT. AND WE  
20 HAVE TALKED ABOUT YENKO WILDFIRE. APPARENTLY THAT WAS  
21 ONE OF THOSE TO WHOM YOU REFUSED PERMISSION.

22 A THERE WAS NOBODY THAT DIRECTLY REFUSED  
23 PERMISSION TO. I JUST DIDN'T GIVE PERMISSION TO  
24 ANYBODY ELSE. THERE WERE RUMORS OF PEOPLE WANTING TO  
25 DO THINGS, BUT I FIGURED THAT SINCE WE WERE MY DAD'S

1 HEIRS THAT WE WOULD HAVE THE RIGHT TO GRAND PERMISSION  
2 IF WE WANTED TO OR NOT GRANT PERMISSION IF WE WANTED  
3 TO. I DIDN'T REALIZE THAT THERE WERE OTHER WAYS THAT  
4 PEOPLE COULD TRY TO GO AROUND IT OR JUST DO IT WITHOUT  
5 OUR PERMISSION.

6 Q SO NO ONE CAME TO YOU AND SPECIFICALLY ASKED  
7 PERMISSION AND WAS DENIED?

8 A NOT THAT I RECALL.

9 Q WHO WERE THE PERSONS OR ENTITIES THAT YOU HEARD  
10 ABOUT?

11 A DON'T KNOW. THERE WERE JUST RUMORS MOSTLY THAT  
12 WERE RUNNING AROUND WITH, YOU KNOW. I DON'T KNOW  
13 ANYBODY SPECIFICALLY, BESIDES BILL REA.

14 Q WHEN DID YOU FIRST HEAR ONE OF THOSE RUMORS?

15 A THE FIRST ONE -- YOU MEAN THE RUMORS?

16 Q ABOUT SOMEONE USING THE YENKO NAME.

17 A YOU MEAN USING IT? NOT USING IT. WANTING IT,  
18 BY -- AROUND THE SAME TIME.

19 Q AROUND 2009?

20 A NO, AROUND -- WHENEVER THAT WAS. AROUND 2005,  
21 WHENEVER BILL REA CONTACTED. IT WAS AROUND THAT TIME.

22 Q AND THERE WERE MORE THAN ONE? YOU HEARD RUMORS  
23 OF MORE THAN ONE?

24 A JUST RUMORS. IT WAS NOT ANYONE DIRECTLY  
25 CONTACTING ME, BUT HEARD ABOUT PEOPLE WANTING TO.

1 Q WHO WERE THE PEOPLE?

2 A I DON'T KNOW. THAT'S WHY I'M SAYING, THEY WERE  
3 JUST RUMORS. IT WASN'T ANYBODY SPECIFICALLY CALLING ME  
4 OR SEEKING ME OUT OR WRITING ME.

5 Q HOW DID YOU HEAR THE RUMORS?

6 A WELL, THERE'S -- WE HAVE FRIENDS WHO WERE STILL  
7 IN THE CAR BUSINESS WHO MENTIONED -- WHO MENTIONED  
8 THAT. I'M SORRY I AM NOT BEING VERY SPECIFIC, BECAUSE  
9 I DON'T REALLY RECALL. I JUST KNOW THAT THERE WAS TALK  
10 OF PEOPLE WANTING TO USE MY DAD'S NAME FOR A CAR, LIKE  
11 THIS WILDFIRE.

12 Q FOR A CAR SPECIFICALLY. WHAT ABOUT ANY OTHER  
13 GOODS? WERE THERE RUMORS OF PEOPLE WANTING TO USE YOUR  
14 FATHER'S NAME IN CONNECTION WITH ANY OTHER GOODS OR  
15 SERVICES?

16 A NOT THAT I KNEW OF, NOT AT THAT TIME. I MEAN,  
17 ANYTHING THAT I SAW OR THE FAMILY SAW THAT WAS GOODS OR  
18 SERVICES WE ASSUMED WAS SOMETHING THAT WAS ALREADY  
19 ESTABLISHED, LIKE THE TOY CARS, FOR EXAMPLE. WE  
20 THOUGHT THAT THAT WAS ALREADY SOMETHING BEFORE MY DAD'S  
21 DEATH, THAT THERE WERE COLLECTORS WHO LOVED TO PASS  
22 BETWEEN THEM, YOU KNOW, MEMORABILIA. WE HAD NO IDEA  
23 THAT THERE WAS ANYTHING NEW BEING CREATED IN MY  
24 FATHER'S NAME.

25 Q HAVE YOU EVER ATTENDED RALLIES OR REUNIONS OR

1 GATHERINGS SPONSORED BY MR. CLARY'S CLUB?

2 A MY MOTHER HAS, BUT I HAVEN'T. MY MOTHER AND MY  
3 SISTER BOTH HAVE. I WAS RAISING CHILDREN AT THE TIME  
4 AND JUST HADN'T HAD A CHANCE TO ATTEND.

5 Q AFTER YOU HEARD RUMORS OF PEOPLE WANTING TO USE  
6 THE NAME YENKO IN CONNECTION WITH CARS, DID YOU TAKE  
7 ANY FURTHER MEASURES TO INVESTIGATE THAT?

8 A YOU KNOW, WHAT YOU'RE REFERRING TO IS A TIME  
9 WHEN THERE WAS -- WHEN I SAY THERE'S RUMORS, PEOPLE  
10 WANTED TO -- AS FAR AS I KNEW, PEOPLE WANTED TO USE IT,  
11 BUT I DID NOT KNOW THAT PEOPLE WERE ACTUALLY DOING  
12 THAT. I DIDN'T HAVE ANY INKLING ABOUT THAT. WANTING  
13 TO DO SOMETHING AND ACTUALLY DOING SOMETHING ARE TWO  
14 DIFFERENT THINGS, AND I WAS NOT AWARE OF ANYTHING.

15 Q DID YOU SEARCH TO DETERMINE IF ANYONE WAS  
16 ACTUALLY FOLLOWING THROUGH ON THOSE PLANS?

17 A NO.

18 Q DID YOU RETAIN ANY TRADEMARK OR INTELLECTUAL  
19 PROPERTY ATTORNEY TO LOOK INTO WHETHER --

20 A NO.

21 Q -- THERE WERE INFRINGES IN THE MARKETPLACE?

22 A NO, I WASN'T -- NO, I DID NOT, AND I DID NOT  
23 SEEK OUT COUNSEL FOR THAT.

24 Q AGAIN, I SPEAK KIND OF SLOWLY SOMETIMES, SO LET  
25 ME FINISH BEFORE YOU START, BECAUSE HER FINGERS ARE

1 RUNNING --

2 A SORRY.

3 MR. BULLWINKEL: JUST TO LET EVERYBODY KNOW,  
4 THE CONNECTION IS STILL GOOD AND I'M STILL ON THE LINE.

5 THE WITNESS: THANK YOU, GEORGE.

6 MR. BUYAN: I WAS WORRIED, GEORGE.

7 MR. BULLWINKEL: THE POWER OUTAGE WE HAVE HAD  
8 OUT HERE, I WOULD BE SURPRISED IF -- WE STILL HAVE  
9 200,000 PEOPLE IN CHICAGO WITH NO POWER TO THEIR  
10 REFRIGERATORS.

11 BY MR. BUYAN:

12 Q THE LETTER TO MR. CLARY GRANTING PERMISSION TO  
13 FORM THE CLUB --

14 A RIGHT.

15 Q -- IS FROM JOHN CONNOLLY MOTOR SPORTS.

16 A RIGHT.

17 Q WHAT RELATIONSHIP, IF ANY, DID JOHN CONNOLLY  
18 MOTOR SPORTS HAVE WITH THE ESTATE OF DONALD YENKO?

19 A HE WAS ONLY A FRIEND OF THE FAMILY, AND HE WAS  
20 AN ENTHUSIAST OF MY DAD'S WORK.

21 Q DID YOU AUTHORIZE HIM TO SEND THAT LETTER?

22 A WE GAVE OUR BLESSING ON IT. WE DID NOT OBJECT  
23 TO IT.

24 Q DID YOU SEE THE LETTER BEFORE HE SENT IT?

25 A I DON'T RECALL. WE KNEW WHAT WAS GOING ON, BUT

1 WE DIDN'T ACTUALLY SEE IT. I DON'T KNOW IF WE SAW IT  
2 OR NOT BEFORE.

3 Q DID YOU CONSULT WITH COUNSEL ABOUT IT --

4 A NO.

5 Q -- BEFORE IT WAS SENT?

6 A NO, THIS WAS SOMETHING THAT WAS GIVING  
7 PERMISSION TO SOMEONE WHO WAS COMMEMORATING MY DAD'S  
8 MEMORY AND HIS WORK. FOR US IT WAS NOT GIVING  
9 PERMISSION TO SOMEONE TO MAKE ANYTHING, ANY PRODUCTS  
10 LIKE CARS OR ANYTHING LIKE THAT.

11 Q SO YOUR UNDERSTANDING IS THAT THAT LETTER DID  
12 NOT AUTHORIZE ANYONE TO SELL GOODS OR SERVICES UNDER  
13 THE TRADEMARK YENKO --

14 A RIGHT.

15 Q -- OR SYC, THE LOGO MARK?

16 A THAT WAS FOR HIM TO -- FOR MR. CLARY TO USE TO  
17 AUTHENTICATE CARS THAT WERE MY FATHER'S WORK, BUT NOT  
18 TO CREATE ANY NEW PRODUCTS.

19 Q DID YOU EVER AUTHORIZE MR. CLARY OR THE YENKO  
20 SPORTS CAR CLUB OR ANYONE ELSE TO REGISTER SYC OR YENKO  
21 TRADEMARKS IN THEIR OWN NAMES?

22 A TO REGISTER AS A TRADEMARK?

23 Q CORRECT.

24 A WE GAVE THEM PERMISSION TO USE IT, BUT WE  
25 DIDN'T AUTHORIZE ANY TRADEMARKS. WE WEREN'T AWARE OF

1 IT, THAT THERE WERE SUCH THINGS.

2 Q SO THE QUESTION WAS, DID YOU GRANT PERMISSION  
3 TO ANYONE TO REGISTER --

4 A NO.

5 Q -- YENKO OR SYC TRADEMARKS IN THEIR OWN NAME --

6 A NO.

7 Q -- AS OWNER OF THE CAR?

8 DID YOU GRANT PERMISSION TO MR. CLARY OR THE  
9 YENKO SPORTS CAR CLUB OR ANYONE ELSE TO REGISTER  
10 INTERNET DOMAIN NAMES CONTAINING YENKO OR SYC IN THEIR  
11 OWN NAME?

12 A DO YOU MEAN TO ACTUALLY HAVE AN INTERNET SITE  
13 USING THE NAME?

14 Q THAT THEY OWNED, YES.

15 A WE DIDN'T OBJECT TO IT.

16 Q ARE YOU AWARE OF WHAT, IF ANY, DOMAIN NAME  
17 REGISTRATIONS EXIST WITH THE WORD YENKO IN THEM?

18 A I'M AWARE OF SOME OF THEM, BUT I DON'T KNOW IF  
19 THERE MAY BE MORE THAT I DON'T KNOW ABOUT.

20 Q WHICH ONES ARE YOU AWARE OF IT?

21 A I AM SAYING THE ONES THAT HAVE BEEN BROUGHT TO  
22 MY ATTENTION RECENTLY.

23 Q WHICH ONES ARE THOSE?

24 A THE ONES MR. LEONARD HAS REGISTERED.

25 Q OKAY. I'M TALKING ABOUT INTERNET DOMAIN

1 NAMES --

2 A OH, I'M SORRY.

3 Q -- OR TRADEMARKS.

4 A I MISUNDERSTOOD.

5 Q THAT'S FINE.

6 A YEAH, I DON'T REALLY KNOW. I DON'T.

7 Q ARE YOU AWARE OF YENKO.NET?

8 A NO. JUST TRYING TO THINK WHAT TOM'S WEBSITE  
9 IS, BUT I DON'T RECALL RIGHT NOW. JUST TAKE A LOOK.

10 Q I WILL JUST REPRESENT TO YOU THAT MR. CLARY HAS  
11 REGISTERED THE DOMAIN NAME YENKO.NET --

12 A OH, OKAY.

13 Q -- AND IS USING IT.

14 A ALL RIGHT.

15 Q SO IT'S MY UNDERSTANDING THAT YOU DIDN'T GIVE  
16 PERMISSION FOR THAT --

17 A I DIDN'T OBJECT --

18 Q -- IN ADVANCE?

19 A NO, I DIDN'T OBJECT TO THAT.

20 Q HAS THE ESTATE EVER USED A TRADEMARK WATCH  
21 SERVICE?

22 A NO.

23 Q HAS THE ESTATE TAKEN ANY MEASURES TO MONITOR  
24 THE MARKETPLACE TO LOOK FOR POTENTIALLY WHAT IT  
25 BELIEVES TO BE INFRINGING OR UNAUTHORIZED USES OF YENKO

1 OR SYC?

2 A NO. WE WERE NOT AWARE THAT WE NEEDED TO DO  
3 THAT.

4 Q MAY I PRESUME FROM THAT ANSWER THAT AT SOME  
5 POINT YOU BECAME AWARE THAT THAT WAS APPROPRIATE?

6 A WE BECAME AWARE THAT THERE WERE THINGS BEING  
7 DONE IN THE NAME YENKO THAT WE DIDN'T KNOW THAT NOT  
8 GIVING PERMISSION THAT PEOPLE COULD JUST DO IT AND WERE  
9 DOING THAT.

10 Q AND THAT WAS IN 2009?

11 A YES.

12 Q SO PRIOR TO 2009, YOU TOOK ACTION TO --

13 A WE DIDN'T --

14 Q LET ME RE-ASK THE QUESTION.

15 PRIOR TO 2009, THE ESTATE OF DONALD YENKO TOOK  
16 NO ACTION TO SEARCH THE MARKETPLACE OR MONITOR THE  
17 MARKETPLACE LOOKING FOR UNAUTHORIZED USES OF YENKO OR  
18 SYC TRADEMARKS?

19 A WE DID NOT SEEK OUT ANY ENTITY TO TRY TO FIND  
20 OR POLICE ANYONE MISUSING THE NAME PRIOR TO THAT.

21 Q DID YOU DO ANY POLICING ACTIVITIES YOURSELF?

22 A NO.

23 Q DID ANY OTHER HEIRS DO POLICING ACTIVITIES  
24 THEMSELVES THAT YOU'RE AWARE OF?

25 A NOT THAT I'M AWARE OF. WE WEREN'T AWARE OF

1 THIS GOING ON, SO WE DID NOT KNOW.

2 Q SO IT'S ACCURATE TO SAY THAT PRIOR TO 2009  
3 THERE WAS NO EFFORT MADE TO LOOK FOR --

4 A YES, WE DIDN'T KNOW TO ANTICIPATE THAT.

5 Q IN YOUR DIRECT TESTIMONY I BELIEVE YOU  
6 TESTIFIED THAT YOU HAD NOT RETAINED MR. QUAM AS AN  
7 ATTORNEY FOR THE ESTATE. DID I UNDERSTAND THAT  
8 CORRECTLY?

9 A NO, WE CONSULTED ON THE PHONE, BUT I NEVER  
10 RETAINED HIM AS AN ATTORNEY.

11 Q OKAY.

12 A MORE AS A FRIEND.

13 MR. BUYAN: I'M GOING TO ASK -- GEORGE, I'M  
14 GOING TO INTRODUCE A COUPLE OF EXHIBITS HERE.

15 MR. BULLWINKEL: OKAY.

16 MR. BUYAN: AND I HAVE THREE COPIES OF EACH,  
17 AND I'M GOING TO ASK THE COURT REPORTER TO MARK THE  
18 EXHIBIT NUMBER. AND THEN I KNOW THAT YOU ACTUALLY HAVE  
19 THESE, OR I BELIEVE YOU DO, OR I IMAGINE SOME PROVISION  
20 HAS BEEN MADE TO GET COPIES E-MAILED TO YOU. SO I'M  
21 GOING TO GO AHEAD AND TRY TO JUST IN ADVANCE -- SO  
22 THERE IS THREE SEPARATE EXHIBITS.

23 I WILL ASK TO BE MARKED AS RESPONDENT'S EXHIBIT  
24 NUMBER 1, A LETTER DATED OCTOBER 30, 2009 FROM STEVEN  
25 L. VENIT, V-E-N-I-T, TO GARY VIGIL, V-I-G-I-L, OF THE

1 SEMA, S-E-M-A, TRADE ORGANIZATION.

2 (WHEREUPON RESPONDENT'S EXHIBIT 1  
3 WAS MARKED FOR IDENTIFICATION.)

4 MR. BUYAN: I WILL ASK TO BE MARKED AS  
5 RESPONDENT'S EXHIBIT 2 A LETTER FROM -- A LETTER DATED  
6 NOVEMBER 3, 009 FROM GREG GEMIGNANI, G-E-M-I-G-N-A-N-I,  
7 OF LIONEL, SAWYER & COLLINS, TO STEVEN L. VENIT.

8 (WHEREUPON RESPONDENT'S EXHIBIT 2  
9 WAS MARKED FOR IDENTIFICATION.)

10 MR. BUYAN: AND I'M GOING TO ASK THE REPORTER  
11 TO MARK AS EXHIBIT NUMBER 3, RESPONDENT'S EXHIBIT  
12 NUMBER 3, A LETTER DATED NOVEMBER 2, 2009 FROM STEVEN  
13 L. VENIT OF QUAM AND VENIT TO JEFFREY LEONARD.

14 (WHEREUPON RESPONDENT'S EXHIBIT 3  
15 WAS MARKED FOR IDENTIFICATION.)

16 MR. BUYAN: SO THERE THEY ARE, AND I WILL NEED  
17 TO HAVE ONE COPY BACK FOR MYSELF.

18 MR. BULLWINKEL: I THINK I HAVE THOSE RIGHT IN  
19 FRONT OF ME, SO YOU DON'T NEED TO DO ANYTHING SPECIAL  
20 TO GET THEM TO ME.

21 MR. BUYAN: I THOUGHT YOU WOULD HAVE THEM.

22 THE WITNESS: MAY I COMMENT ON THAT?

23 MR. BUYAN: I AM ACTUALLY GOING TO GIVE THEM TO  
24 YOU AND WE WILL ASK YOU ABOUT EACH ONE.

25 MR. BULLWINKEL: REMEMBER THE RULE, DON'T

1 VOLUNTEER.

2 BY MR. BUYAN:

3 Q SO MS. YENKO GOULD, I WILL HAND YOU NOW WHAT'S  
4 BEEN MARKED AS RESPONDENT'S EXHIBIT NUMBER 1, AND I'M  
5 GOING TO ASK YOU TO LOOK AT THAT AND TELL ME IF YOU  
6 HAVE SEEN THAT LETTER PREVIOUSLY.

7 A I'M JUST LOOKING IN MY PAPERS TO SEE IF I COULD  
8 FIND -- I KNOW THERE WAS SOME CORRESPONDENCE. MAYBE  
9 THIS WAS IT. I DON'T KNOW. INITIALLY BEFORE  
10 MR. BULLWINKEL WAS HIRED, I KNOW THAT MR. QUAM WAS  
11 TRYING TO HELP THE ESTATE, SO THIS MAY BE ONE OF THOSE  
12 LETTERS THAT WAS -- SO TO ANSWER YOUR QUESTION, YES, I  
13 THINK I HAVE SEEN THIS BEFORE.

14 Q THE FIRST SENTENCE SAYS, "PLEASE BE INFORMED  
15 THAT MY OFFICE HAS BEEN RETAINED BY THE HEIRS OF DONALD  
16 YENKO TO IMMEDIATELY STOP THE USE OF THE NAME YENKO ON  
17 AUTOMOBILE PRODUCTS AND AUTOMOBILES WITHOUT THE EXPRESS  
18 WRITTEN PERMISSION OF THE HEIRS OF DONALD YENKO."

19 A RIGHT.

20 Q HAD THE ESTATE IN FACT RETAINED THE LAW OFFICE  
21 OF STEVEN L. VENIT FOR THAT PURPOSE?

22 A AT THAT POINT WE WERE INVESTIGATING ALL  
23 POSSIBILITIES OF LEGAL REPRESENTATION, SO AT THAT POINT  
24 THAT WAS THE DIRECTION WE WERE GOING.

25 Q HAD YOU SPOKEN TO MR. VENIT --

1 A NO.

2 Q -- BEFORE THIS LETTER WAS SENT?

3 A I HAD NOT.

4 Q DID YOU REVIEW THIS LETTER BEFORE IT WAS SENT?

5 A NO.

6 Q I'M GOING TO HAND YOU NOW WHAT'S BEEN MARKED AS  
7 RESPONDENT'S EXHIBIT NUMBER 2.

8 AND, GEORGE, THIS IS THE LETTER TO MR. VENIT  
9 FROM MR. GEMIGNANI. THAT'S AS CLOSE I CAN COME ON  
10 PRONUNCIATION.

11 AND I'M GOING TO ASK YOU IF YOU HAVE SEEN THAT  
12 PREVIOUSLY.

13 A I THINK I HAVE SEEN COPIES OF THIS, I BELIEVE.  
14 COULDN'T BE 100 PERCENT SURE, BUT I THINK I MIGHT HAVE.

15 Q THEN I WILL HAND YOU RESPONDENT'S EXHIBIT  
16 NUMBER 3, WHICH IS A LETTER ON THE LETTERHEAD OF QUAM  
17 AND VENIT --

18 A UH-HUH.

19 Q -- AGAIN, SIGNED BY STEVEN L. VENIT AND  
20 DIRECTED TO JEFFREY LEONARD OF GENERAL MARKETING  
21 CAPITAL, INCORPORATED, DATED NOVEMBER 2, 2009. HAVE  
22 YOU SEEN THAT PREVIOUSLY?

23 A POSSIBLY. I THINK SO, YEAH.

24 Q DID YOU REVIEW THAT LETTER BEFORE IT WAS SENT?

25 A NO. THESE WERE ALL DONE UNDER -- FOR MY

1 BENEFIT, BUT NO, I DID NOT REVIEW IT BEFORE.

2 Q BUT YOU HAD AUTHORIZED MR. QUAM TO SEND THESE  
3 LETTERS?

4 A TO SPEAK FOR US AND TO TRY TO PURSUE THIS, YES.

5 Q WERE YOU AWARE THAT HE HAD SENT THESE LETTERS  
6 AT THE TIME THEY WERE SENT, OR DID YOU SEE THEM  
7 AFTER --

8 A AFTER.

9 Q -- THE FACT?

10 A SHORTLY AFTER.

11 MR. BUYAN: WHAT I WOULD LIKE TO DO NOW IS TAKE  
12 A SHORT BREAK SO THAT I CAN CONFER WITH MR. LEONARD.

13 THE WITNESS: OKAY.

14 MR. BUYAN: AND THEN THERE MAY BE JUST SOME  
15 ADDITIONAL THINGS, AND WE WILL TRY TO GET THIS FINISHED  
16 UP.

17 SO, GEORGE, I IMAGINE YOU WANT TO JUST STAY ON  
18 THE LINE. IT WILL PROBABLY BE FIVE TO TEN MINUTES. DO  
19 YOU WANT TO CALL BACK IN?

20 MR. BULLWINKEL: TAKE A LITTLE LONGER. IT'S  
21 JUST ABOUT ON THE HOUR RIGHT NOW. WHY DON'T I CALL  
22 BACK IN EXACTLY TEN MINUTES. WILL THAT BE GOOD ENOUGH?

23 MR. BUYAN: I THINK SO.

24 OFF THE RECORD.

25 (WHEREUPON A RECESS WAS TAKEN.)

1 MR. BUYAN: BACK ON THE RECORD.

2 Q MS. YENKO GOULD, DO YOU KNOW CHARLIE LILLARD?

3 A NO, NOT THAT I KNOW OF.

4 Q L-I-L-L-A-R-D.

5 FOR PURPOSES OF THIS QUESTION, THEN, I WILL  
6 REPRESENT TO YOU THAT I, WITHIN THE LAST COUPLE OF  
7 DAYS, READ A DISCUSSION THREAD ON THE YENKO SPORTS CAR  
8 CLUB'S WEBSITE, OR MR. CLARY'S WEBSITE, THAT INDICATED  
9 THAT OWNERSHIP OF THE YENKO.NET DOMAIN AND OPERATION OF  
10 THE CLUB WAS BEING TRANSFERRED TO CHARLIE LILLARD OF  
11 WOODLAND, CALIFORNIA, AND THAT MR. CLARY WOULD ONLY  
12 HANDLE THE REUNIONS IN THE FUTURE.

13 ARE YOU AWARE OF THIS?

14 A NO.

15 Q SO NO ONE ASKED YOUR PERMISSION FOR THAT  
16 CHANGE?

17 A NO.

18 Q AND YOU DON'T KNOW CHARLIE LILLARD?

19 A (WITNESS SHAKES HEAD IN THE NEGATIVE.)

20 MR. BUYAN: OKAY. I GUESS THAT ANSWERS THAT  
21 QUESTION. I HAVE NOTHING FURTHER AT THIS TIME.

22 MR. BULLWINKEL: I HAVE NOTHING EITHER. I JUST  
23 WANT TO MAKE SURE THAT TERRI UNDERSTANDS THAT SHE DOES  
24 NEED TO READ AND SIGN THIS TO COMPLY WITH ALL OF THE  
25 REGULATIONS, SO I WILL ASK THE COURT REPORTER HOW

1 QUICKLY IT CAN BE TYPED UP INTO A TRANSCRIPT AND  
2 PROVIDED TO HER.

3 THE COURT REPORTER: STANDARD TURN-AROUND TIME  
4 IS TEN WORKING DAYS.

5 MR. BULLWINKEL: THAT'S FINE WITH ME. IS THAT  
6 OKAY WITH YOU, BOB?

7 MR. BUYAN: YEAH, I THINK THAT'S FINE.

8 MR. BULLWINKEL: LET'S DO THAT. AND CAN WE  
9 STIPULATE THAT SHE CAN READ IT AND SIGN IT WITHOUT  
10 HAVING TO BE IN FRONT OF A NOTARY?

11 MR. BUYAN: YES. IF SHE WILL GO AHEAD AND PUT  
12 A DECLARATION PARAGRAPH AT THE END OF IT AND SEND THE  
13 TRANSCRIPT TO MS. YENKO GOULD, SHE WILL REVIEW IT AND  
14 SIGN THE DECLARATION PARAGRAPH OUTSIDE THE PRESENCE OF  
15 A NOTARY.

16 MR. BULLWINKEL: AND FINALLY, CAN WE LEAVE THE  
17 EXHIBITS WHERE THEY ARE NOW, THAT IS, TERRI WILL HOLD  
18 HERS, YOU WILL HOLD YOURS, I WILL HOLD MINE. WE ALL  
19 KNOW WHAT THEY ARE. AND WE CAN REUSE THEM AS THE  
20 OCCASION REQUIRES.

21 MR. BUYAN: WELL, THERE WILL NEED TO BE  
22 ORIGINAL EXHIBITS WITH THE DEPOSITION TRANSCRIPT, I  
23 BELIEVE, SO THAT THERE IS TO BE ONE SET OF ORIGINALS ON  
24 THE ORIGINAL TRANSCRIPT, AND THAT'S GOING TO GO TO THE  
25 T.T.A.B. SO WE WILL TO HAVE A SET WITH THE COURT

1 REPORTER.

2 MR. BULLWINKEL: WHO DO WE GIVE THE EXHIBITS TO  
3 THAT HAVE BEEN USED IN THIS DEPOSITION THIS MORNING?

4 MR. BUYAN: THE THREE THAT I INTRODUCED, I'M  
5 GOING TO HAVE THE REPORTER KEEP THE ORIGINALS AND SHE  
6 WILL PUT THEM WITH THE TRANSCRIPT.

7 MR. BULLWINKEL: TERRI, GIVE THE EXHIBITS TO  
8 THE REPORTER, TOO, AND THEN SHE CAN HAVE THEM ALL AS A  
9 GROUP.

10 THE WITNESS: OKAY.

11 (WHEREUPON PETITIONER'S EXHIBITS 1 THROUGH 14  
12 WERE MARKED FOR IDENTIFICATION.)

13 MR. BUYAN: NOW, THE EXHIBITS THAT YOU HAVE  
14 INTRODUCED IN THIS DEPOSITION ARE NOT ALL OF THE  
15 EXHIBITS IN THE PACKET THAT YOU SENT TO ME.

16 MR. BULLWINKEL: THAT'S RIGHT. THERE'S LOTS  
17 MORE.

18 MR. BUYAN: SO IT'S 1 THROUGH -- WHAT WAS THE  
19 LAST NUMBER THAT YOU INTRODUCED?

20 MR. BULLWINKEL: 14.

21 MR. BUYAN: OKAY. SO 1 THROUGH 14 YOU WILL  
22 LEAVE WITH THE COURT REPORTER, AND THEN THE OTHERS ARE  
23 FOR ANOTHER DAY.

24 MR. BULLWINKEL: ALL RIGHT. I THINK THAT WORKS  
25 FOR ME.

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MR. BUYAN: SO THAT'S IT.

MR. BULLWINKEL: I WANT TO THANK YOU ALL FOR YOUR COURTESY AND CONSIDERATION. IT WENT PRETTY SMOOTHLY. I THANK MR. LEONARD BEING THERE. I THINK HIS PRESENCE INDICATES A SINCERE DESIRE THAT THIS CAN BE DONE.

MR. LEONARD: THANK YOU, GEORGE.

MR. BUYAN: SO WE'RE OFF THE RECORD.

(WHEREUPON THE DEPOSITION CONCLUDED AT 11:30 A.M.)

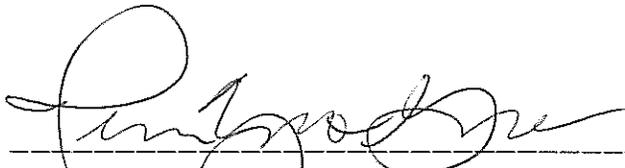
\* \* \*

PENALTY OF PERJURY

I HEREBY DECLARE I AM THE DEPONENT IN THE  
WITHIN MATTER; THAT I HAVE READ THE FOREGOING  
DEPOSITION AND KNOW THE CONTENTS THEREOF AND I DECLARE  
THAT THE SAME IS TRUE OF MY KNOWLEDGE EXCEPT AS TO THE  
MATTERS WHICH ARE THEREIN STATED UPON MY INFORMATION OR  
BELIEF, AND AS TO THOSE MATTERS I BELIEVE IT TO BE  
TRUE.

I DECLARE UNDER PENALTY OF PERJURY THAT THE  
FOREGOING IS TRUE AND CORRECT.

EXECUTED ON THE 27th DAY OF July,  
2011, AT Van Nuys,  
CALIFORNIA.

  
\_\_\_\_\_  
TERRI YENKO GOULD

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) SS

3

4 I, JUDITH A. JAMES, CERTIFIED SHORTHAND  
5 REPORTER NO. 7850, IN AND FOR THE STATE OF CALIFORNIA,  
6 DO HEREBY CERTIFY:

7 THAT PRIOR TO BEING EXAMINED, THE WITNESS IN  
8 THE FOREGOING DEPOSITION WAS BY ME DULY AFFIRMED TO  
9 TESTIFY THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE  
10 TRUTH;

11 THAT SAID DEPOSITION WAS TAKEN BEFORE ME  
12 PURSUANT TO NOTICE AT THE TIME AND PLACE THEREIN SET  
13 FORTH, AND WAS TAKEN DOWN BY ME IN SHORTHAND AND  
14 THEREAFTER TRANSCRIBED INTO TYPEWRITING UNDER MY  
15 DIRECTION AND SUPERVISION;

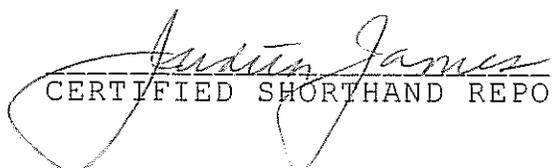
16 THAT IT WAS STIPULATED BY COUNSEL THAT SAID  
17 DEPOSITION MAY BE READ, CORRECTED AND SIGNED BY THE  
18 WITNESS;

19 I FURTHER CERTIFY THAT I AM NEITHER COUNSEL  
20 FOR, NOR RELATED TO, ANY PARTY TO SAID ACTION, NOR IN  
21 ANY WAY INTERESTED IN THE OUTCOME THEREOF.

22 IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED  
23 MY NAME THIS 19TH DAY OF JULY, 2011.

24

25

  
-----  
CERTIFIED SHORTHAND REPORTER

CORRECTIONS

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From Ken to Kim

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From Ken to Kim

# EXHIBITS

JANET EPSTEIN & ASSOCIATES  
CERTIFIED SHORTHAND REPORTERS  
(818) 710-9911  
JEDEPO@AOL.COM

## LAST WILL AND TESTAMENT

OF

DONALD F. YENKO

I, DONALD F. YENKO, of Peters Township, Washington County, Pennsylvania, do make this my Will, hereby revoking any and all Wills at any time heretofore made by me.

FIRST: I direct that the expenses of my last illness and funeral be paid out of my estate as soon as may be convenient after my death.

SECOND: I give so much of my tangible personal property to my children, LYNN HOPE ROBERTS and TERRI LEE YENKO, as they each may select. Any unselected items shall be sold and the proceeds distributed as part of the rest of my estate.

THIRD: I give, devise and bequeath all the rest, residue and remainder of my estate to MARTHA YENKO, as Trustee, to hold in trust for my children, LYNN HOPE ROBERTS and TERRI LEE YENKO, or such of them as survive me; provided, however, that the share of any child of mine shall be retained in a separate Trust as follows:

(A) The Trustee shall hold the principal of each Trust and shall pay the net income therefrom in monthly installments to said child, such payments to continue until said child attains the age of thirty-five (35) years. Further, during the period of time that the income from the Trust or Trusts is being so distributed, the Trustee is authorized to pay and distribute to or for the benefit of said child so much of the principal from each Trust - to its exhaustion - as the Trustee, in her complete discretion, deems advisable for said child's comfort,

maintenance, support and complete education, including college and post-graduate or professional training, and to aid said child wherein money is needed.

(B) Upon each of my children's thirty-fifth (35th) birthday, that child's Trust shall terminate and the principal shall be transferred and delivered to her, free of trust.

(C) While in the hands of the Trustee, neither the principal nor the income of either Trust shall be liable for the debts of any beneficiary hereunder, nor shall the same be subject to seizure or attachment by any creditor of any beneficiary hereunder, nor shall any beneficiary hereunder have any power to sell, assign, encumber, or in any manner to anticipate or dispose of her interest in the applicable Trust or in the income produced thereby.

(D) Corporate distributions received in shares of the distributing corporation shall be allocated to principal, regardless of the number of shares and however described or designated by the distributing corporation.

(E) The Trustee hereunder shall have the following powers in addition to and not in limitation of those granted by law: to accept assets in kind in distribution from my Estate; to collect proceeds of insurance on my life and to use such proceeds to purchase assets from my Estate; to retain assets in kind, or to sell the same and to invest and reinvest the proceeds and any other cash in any kind of property, real or personal, or part interest therein, without being restricted to investments which are listed as legal for trust funds; to pledge, exchange or mortgage real or personal property and to lease the same for

terms exceeding five (5) years; to give options for sales, leases and exchanges; to borrow money; to compromise claims; to vote shares of corporate stock, in person or by proxy, in favor of or against management proposals; to make division or distribution hereunder either in cash or in kind; and to allot different kinds of or interests in property to different shares.

(F) Upon the death, resignation or incapacity of the Trustee, I appoint JOHN W. LATELLA as successor Trustee. The successor Trustee may resign at any time, without stating cause, by petitioning a Court of competent jurisdiction to designate and appoint another successor Trustee.

FOURTH: I appoint my mother, MARTHA YENKO, Executrix of this my Last Will and Testament. If my said mother predeceases me or shall fail to qualify or for any reason ceases to act as Executrix, then I appoint my daughter, LYNN HOPE ROBERTS, as Executrix of this my Last Will and Testament.

I give to my said Executrix, in addition to the authority conferred by law, the power to sell any or all of my property, real or personal, at public or private sale, at such time and for such price and upon such terms and conditions as she may see fit, or in her discretion, to retain same for distribution in kind, and the power but not the duty, to invest any cash without being limited to "legal investments".

My Executrix shall have the power to perform such acts as are necessary in order for my Estate to comply with the provisions of any stock sale agreement or voting trust agreement which I have entered into

with respect to my interest in any business which is presently or in the future owned in whole or in part by me.

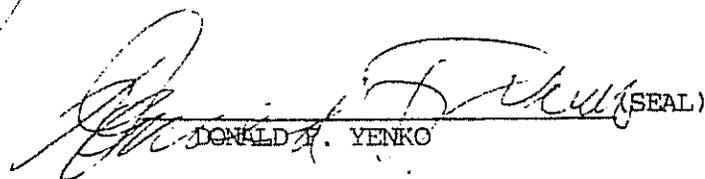
FIFTH: I direct that no bond shall be required of any fiduciary hereunder.

SIXTH: I direct my Executrix to claim any expenses of administration of my Estate as income tax deductions upon an income tax return or returns wherever, in her sole judgment, such action will achieve an overall reduction in the total income and death taxes. No compensating adjustments between income and principal shall be made as a result of such action.

SEVENTH: I direct that all estate, inheritance and other taxes in the nature thereof, together with any interest and penalties thereon, becoming payable because of my death with respect to the property constituting my gross estate for death tax purposes, whether or not such property passes under this Will, shall be paid from the principal of my residuary Estate; and no person receiving or having a beneficial interest in any such property, whether under this Will or otherwise, shall at any time be required to contribute to or refund any part thereof. At any time prior to the vesting of a future interest in possession and enjoyment, my Executrix shall have the discretion to elect to prepay all or any part of the death taxes thereon, and such election shall be binding upon all parties in interest.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this

9th day of May, 1986.

 (SEAL)  
DONALD A. YENKO

Signed, sealed, published and declared by the above named Testator, DONALD F. YENKO, as and for his Last Will and Testament in the presence of us, who, at his request, in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses.

Cindy L. Gray  
Name

10212 Manor Blvd.  
Pgts. Pa. 15419  
Address

Nancy G. Doyle  
Name

110 McMahons Rd.  
Marion PA 15665  
Address

In the Court of Common Pleas of Washington County,  
 Pennsylvania Orphans' Court Division

ESTATE OF <u>DONALD F. YENKO a/k/a DON</u> <u>YENKO a/k/a DON F. YENKO,</u> <u>DECEASED.</u>	}	No. 63- <u>87-0349</u> In the matter of the <u>Supplemental</u> Account of <u>TERRI YENKO-GOULD,</u> <u>Administratrix D.B.N.C.T.A.</u>
-------------------------------------------------------------------------------------------------------	---	--------------------------------------------------------------------------------------------------------------------------------------------------

ADJUDICATION AND DECREE

And now \_\_\_\_\_, 19 94, this matter having come on for hearing, audit and distribution and testimony taken; upon due consideration thereof, the balance for distribution in the hands of the Accountant is determined to be \$ \_\_\_\_\_ and the account is accordingly confirmed; and it is ordered, adjudged and decreed that the said balance be paid out by the Accountant in accordance with the schedule of distribution hereto attached and made a part hereof, unless exceptions hereto, be filed sec. reg. or an appeal taken herefrom sec. leg.

SCHEDULE OF DISTRIBUTION

<u>Supplemental</u>		<u>\$ 242,988.10</u>
Balance per /account		
Interest and other Income	5,134.87	
Gain on Conversion of Assets	420,577.25	
Disbursements	(95,099.48)	
Personal Property (distribution & loss)	(13,000.00)	
<u>Balance as per Supplemental Petition Sur Audit</u>		<u>\$ 588,671.09</u>
Attorney <u>JOHN W. LAELLA, ESQUIRE</u>		
To: LAELLA & NERONE (Legal fees and expenses)	8,298.50	
To: TERRI YENKO-GOULD, Administratrix D.B.N.C.T.A. (Distribution suspended for future Estate obligations)	14,000.00	
To: LYNN YENKO SHELTON, Residuary Legatee	283,186.30	
To: TERRI YENKO-GOULD, Residuary Legatee	283,186.29	
		<u>\$ 588,671.09</u>

Any interest earned on Estate bank account subsequent to the Supplemental Petition Sur Audit shall be distributed in equal shares to: LYNN YENKO SHELTON and TERRI YENKO-GOULD.

PET'S EXHIBIT 2  
 JUDITH A. JAMES  
 DATE 7-13-11



Will

# REGISTER OF WILLS

## Certificate of Grant of Letters

No. 63-87-0349

ESTATE OF Donald F. Yenke aka

Don Yenke aka

Don F. Yenke

Seal

Social Security No. 210-24-1239

WHEREAS, on the 7th day of April 1989 instrument(s) dated May 9, 1986  
was (were) admitted to probate as the last will of Donald F. Yenke aka Don Yenke aka Don F. Yenke  
late of McMurray, PA  
who died on the 5th day of March  
1987, and

WHEREAS, a true copy of the will as probated is annexed hereto.

THEREFORE, I, Kathleen Flynn Reda, Register of Wills  
in and for the County of Washington, in the Commonwealth of Pennsylvania, hereby certify that I have this day granted  
Letters Administration DBNCTA to Terri Y. Gould  
(as per court order dated March 30, 1989)

who has duly qualified as administratrix dbncta  
and has agreed to administer the estate according to law, all of which fully appears of record in my Office  
at Washington, Pennsylvania.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my Office the 7th day of  
April 1989

*Kathleen Flynn Reda*  
Register of Wills

PET'S EXHIBIT 4  
JUDITH A. JAMES  
DATE 7-13-11

P-05

## We know Jack!

### Chevy Performance was Spelled "Y-E-N-K-O"

Yenko Chevrolet, was first known as Yenko's Central Garage and located in Bentley, PA. It became a franchised Chevrolet dealer in 1934. In 1947, the dealership moved to nearby Canonsburg, PA. This is where the hi-performance division of Yenko was created. Yenko Sportscars, Inc. (sYc), as it was known, was the brainchild of the Yenko's only child, Donald Frank "Don" Yenko.

It has been over 20 years since the last Yenko was produced, it is impossible to be involved with Chevy musclecars and not hear the name Yenko mentioned. Yenko built cars are some of the rarest and most sought after musclecars ever built, demanding a high price if you ever see one for sale. Any musclecar collector would love to have at least one "Yenko" in their collection. Even us Blue Oval guys. At car shows across the country, enthusiasts flock to get a glimpse at one. There seems to be something magical about cars that carry the Yenko name.

Don, not one to do things in a small way, set about turning a portion of his Dad's Chevrolet dealership into a race shop, a place where not only were Don's race cars were maintained, but where other area racers could have their cars maintained as well. By 1957, Don succeeded in making his Dad's dealership into a speed shop for Chevy cars, where customers could order hi-performance parts at the counter for their 265's and 283's, or leave their car at the dealership to be worked on by Don's race mechanics.

Sometimes in the 1960's car business, actual performance wasn't enough. Perceived performance was just as--if not more--important than what actually happened out there on the street from light to light. Pop culture sang songs about fast cars. And the guy who could lay the longest patch of rubber got the girls. Most historians consider the "Musclecar Era" starting when Pontiac dropped a big block 389cid in the Tempest/LeMans mid-size platform, and gave birth to the famed GTO.

In 1967 at the height of the musclecar wars, you could buy any number of Mopars with a 426 Hemi or 440 wedge motor. Ford's were popping up all over the place with dual-quad 427's. Low Risers, High Risers, even an SOHC 427 Ford was built. It soon became obvious that more power was needed--or at least perceived to be needed--under the hood of the soon to be released Camaro. But the General (GM) had a policy. No more than 400 cubic inch engines in intermediate and compact cars. If the Camaro was to be marketed successfully against the other performance pony-cars, Mustang, Barracuda, Firebird, and the rest of the musclecar pack, Chevrolet was going to have to level the playing field.

For 1969, which would prove to be his most productive year, Don went all out. Besides his already successful Yenko Camaro, Don saw the need to offer a 427 Chevelle and a 427 Nova. As with the '67 and '68 Yenkos, the engine of choice was the L-72, 427cid, 435hp Vette engine. But even Don could not get Chevrolet to put a 427 into the lightweight Nova. This had to be done at the Yenko dealership.

The 1969 Yenko Chevelle came equipped much like the Camaro, using COPO 9562

PET'S EXHIBIT 5  
JUDITH A. JAMES  
DATE 7-13-11

and COPO 9737. Colors included Garnet Red, Butternut Yellow, Lemans Blue, Dover White, Daytona Yellow, Fathom Green, Hugger Orange and Olympic Gold, and you could opt for a vinyl top here too, available in several different colors. It is thought that less than 100 "Yenko Chevelle's" were produced, making it more rare than the famed '69 Yenko Camaro.

By the end of 1970, high insurance costs had reduced the market for super cars and it was evident to Don Yenko that Chevrolet was no longer going to offer any high horsepower engine options and was instead starting to produce smaller cars. With the newly released 1971 Vega (a small, 4 cylinder economy car), Don looked at the Vega and saw his next project, the "Stinger II". It was to have fiberglass front and rear spoilers, special Yenko graphics and a turbocharger. But, just as Don was ready to release the latest Yenko on the performance market, the EPA heard what he was intending to do. The EPA informed Yenko that the "Yenko Turbo Vega" would need to pass EPA certification before it could be sold to the public.

This certification process would require a test run of 50,000 miles under the scrutiny of the EPA. The Yenko staff had rented a racetrack and were prepared to complete the certification test, but at the eleventh hour, decided not to do it. Don went ahead and produced his Yenko Vega, but without a turbocharger. The turbo had to be purchased separately as an aftermarket item. It is unknown how many Yenko Vega's were ever produced, with few documented examples surviving today.

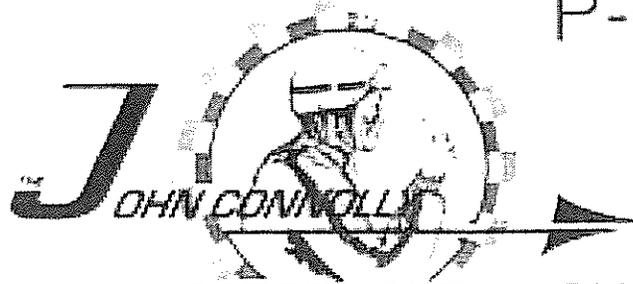
Just as Chevrolet was changing directions, so was Yenko, as in 1972 they held a ground breaking ceremony for a new modern facility in McMurray, Pennsylvania. Except for a limited number of "special purpose" race cars, Yenko was now out of the business of building and selling hi-performance cars. Instead, Yenko Sports Cars had started publishing a hi-performance parts catalog. Here, customers throughout the country could order all sorts of hi-performance parts for their Chevrolet products. Everything from Yenko stickers to an all aluminum big block 427. This block was the same famed ZL-1 power plant made famous in Can-Am racing and in the ill fated 1969 ZL-1 Camaros and Corvettes of Fred Gibb.

Yenko had received permission to produce this block when Chevy had abandoned the ZL-1 project. The only difference between the Yenko version and the ZL-1 version was the Yenko name cast in the front of the block. The majority of these aluminum blocks were used in boats and for stock car racing. It is unknown how many of these blocks were sold, but many of them are still around today.

Yenko's last creation was called the "Yenko Turbo Z". Built using the 1981 Z-28 Camaro, Yenko added a turbocharger to the cars 350cid engine. The "Turbo Z" could be ordered in two different stages. Besides the turbo, the Stage I cars received a special Yenko designed graphics package, by now a staple on all Yenko cars.

Stage II cars received the turbo, the graphics, a special nose piece, different wheels and tires, Koni adjustable shocks and special leather racing style seats. It is believed that only 19 Turbo Z's were ever built, with only 2 in Stage II trim.

P-06



# CORVETTE MOTORSPORT COLLECTION

And  
HISTORICAL ARCHIVE OF CHEVROLET RACING

January 21, 1998

Tom Clark,  
P.O. Box 375  
Aubub, MI 49616

Dear Tom,

I'm writing you in regard to our conversation on or about January 3 or 4, 1998. Consider this letter a follow-up response to your interest in organizing a Yenko enthusiasts organization for the principal purpose of creating a roster club registry of all individuals, as well as Yenko automobiles, by VIN numbers and to collecting personal memorabilia from both Don or Don's automotive dealings.

It is my understanding that your primary efforts will be geared toward researching and publishing an official Yenko registry of all surviving Yenko produced automobiles. It should also be combined with a roster of any Yenko cars which have been proven to have been destroyed by collision, fire, or disassembly.

And, at any time, while the registry is still in the mode of completion, or after its completion, the above listed registry will be available for public research and review.

It is my belief that a national organization needs to be developed to better handle the ever increasing problem of proving the difference between a fake Yenko automobile and the original. It is also vitally important to create a safe-guard for all other Yenko artifacts which help preserve the important history of the Yenko legacy.

Therefore, I give my approval to you to begin developing the above listed agenda.

Sincerely yours,  
  
John E. Connolly

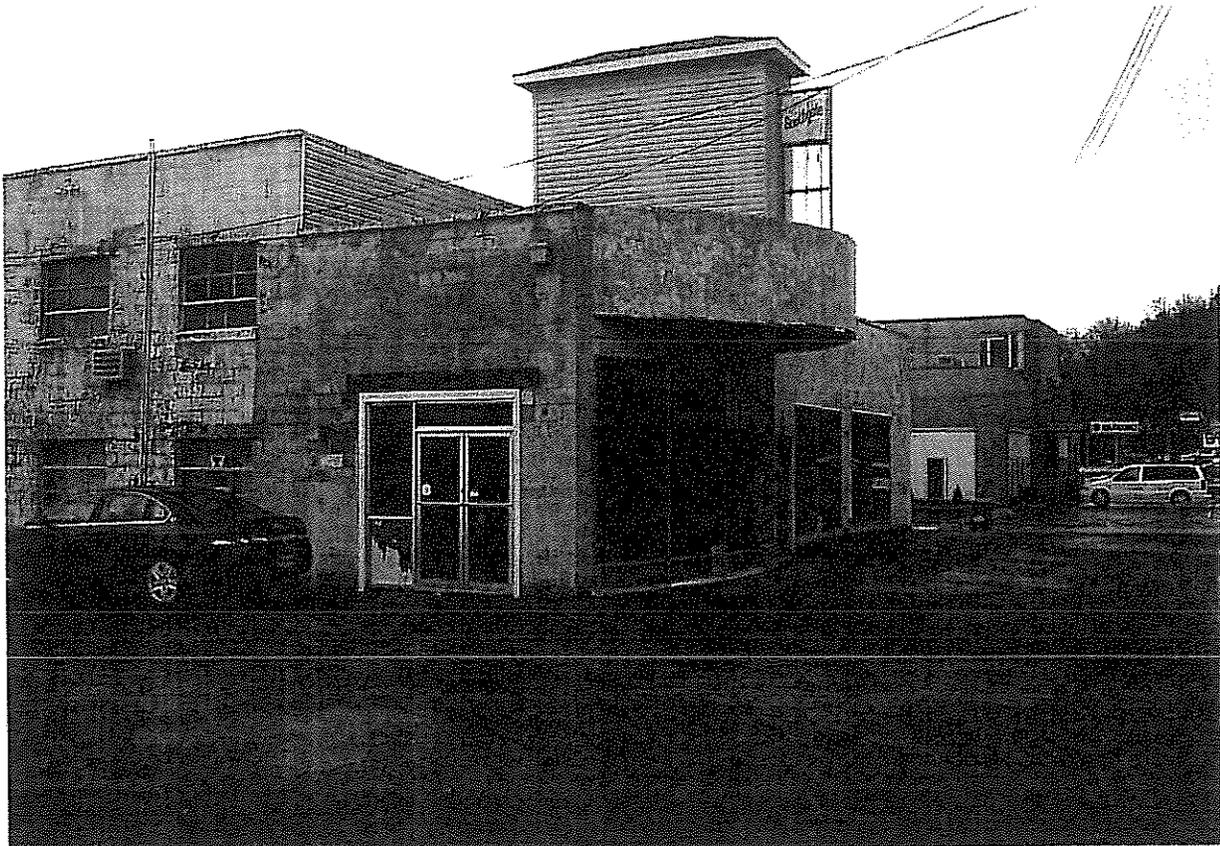
**EXECUTIVE MANAGEMENT**

Terri Yenko Gould, Executor  
Lynn Shelton (Yenko), Terry Gould, Hope Yenko, etc.

CORVETTE MOTORSPORT COLLECTION

PET'S EXHIBIT 6  
JUDITH A. JAMES  
DATE 7-13-11

P-07



Size of this preview: 800 x 600 pixels

Full resolution (2,592 x 1,944 pixels, file size: 2.04 MB, MIME type: image/jpeg)

### Summary

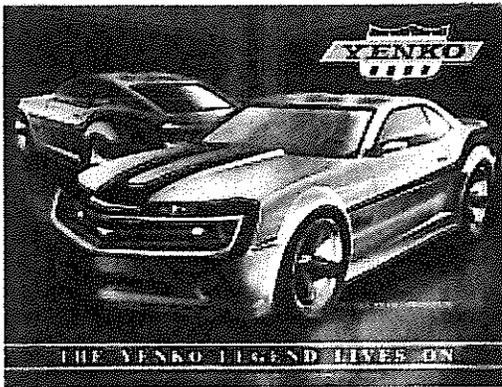
<b>Description</b>	The former Yenko Chevrolet building in Cannonsburg, PA. Taken March 19th, 2008.
<b>Source</b>	I took this picture myself.
<b>Date</b>	03/19/2008
<b>Author</b>	Ryan McCarthy
<b>Permission</b>	See below.

PET'S EXHIBIT 7  
JUDITH A. JAMES  
DATE 7-13-11



### Official 2010 Yenko Camaro Prototype Debuts at SEMA

# P-09



General Marketing Capital inc. (GMCI) is presenting its official 2010 Yenko Camaro prototype to the public Nov. 3-6 at the SEMA Show.

The official 2010 Yenko Prototype, which began its life on a 2010 Camaro SS platform, will be showcased in the OER booth #23795, according to a press release. The company will present the modern Yenko almost 44 years to the day that Don Yenko's Corvair Corsa was officially recognized as a Class D Production Competition Car by the SCCA.

The new Camaro underwent several significant upgrades including modification to a Phase I Yenko Camaro Supercar. Preliminary

highlights and specifications include a high-performance 600-hp supercharged and intercooled LS-based engine, Tremec six-speed manual high-performance transmission, Hurst short-throw shifter, six-piston big brake package and Magnaflow high-flow cat-back exhaust system.

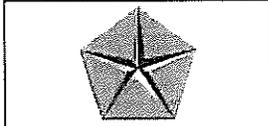
Plans call for three phases to be available. The Phase I prototype is designed to maintain the retro appeal for Yenko enthusiasts while including significant performance upgrades. Phase II and III cars will have higher-output engines and increased suspension and handling upgrades.

Additional Yenko branded upgrades to the prototype include the Yenko stripe package, official emblems and badging, retro-styled 22-inch Yenko billet aluminum wheels, Yenko leather interior package featuring Yenko Super Car (sYc) embroidered headrests, Yenko/SC sIII plates, Yenko/SC embroidered floor mats and more.

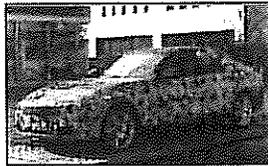
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JUDITH A. JAMES  
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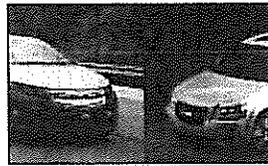
- Breaking: BREAKING: Dodge to end Viper production in July '10, new car in 2012



- Live Blog: Chrysler CEO Sergio Marchionne presents 5-year business plan



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- Green: Editorial: Henderson's fuel cell 10X cost comments are out of context

## Yenko brand still kicking 45 years later, new vehicles coming?

by Jonny Lieberman (RSS feed) on Oct 15th 2009 at 4:56PM



*1968 Yenko Super Camaro - Click above for high-res image gallery*

This post represents something of a dilemma for us. On the one hand, we could tell you about General Marketing Capital Incorporated (GMCI) owner Jeff Leonard and how he's just taken control of the Yenko name and brand. But on the other, we could ask only that you stare at the above image (and those in the gallery) for five minutes in absolute reverential silence. Do you really care that Leonard will more likely than not be

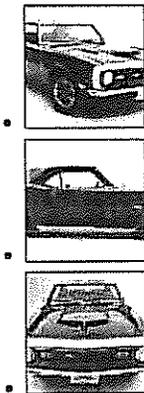
PET'S EXHIBIT 10  
JUDITH A. JAMES  
DATE 7-13-11

bringing new Yenko products to market? Sure, a 2010 Yenko Super Camaro would be sweeter than cookie dough ice cream, but hey... look up.

Additionally, we could explain how almost forty-five years ago Don Yenko gamed GM's COPO (Central Office Production Order) program to build his first factory hot rod, the Yenko Stinger Corvaair, but we just cannot take our eyes off of the gorgeous blue 1968 Yenko Camaro with the 427 motor and M-21 four-speed manual. Because really, besides the Stinger Corvaair, have you ever seen anything hotter? Really? What?

And what would a 2010 Yenko consist of anyhow? Well, the Yenko formula was simply to put the best performance parts possible under the skin of a given car. Meaning we're talking about a LS9 powered Camaro with carbon ceramic brakes and magnetic-rheological shocks. Actually, that sounds pretty good. The question, then, really is whether or not Mr. Leonard will be able to make new Yenkos as blisteringly desirable to people in 2055 as Don Yenko's products are to us today at the end of 2009. Any bets? Full press release [after the jump](#).

### **Gallery: 1968 Yenko Super Camaro**



[Source: General Marketing Capital Incorporated]

### **PRESS RELEASE**

#### **ON IT'S 45th ANNIVERSARY - THE YENKO NAME IS ALIVE AND WELL**

#### **Avid Car Collector and Yenko Enthusiast Recaptures Yenko Magic with Possible New Yenko Models, Fresh Product Lines**

Westminster, Calif. – (October 14, 2009) As the 45th Anniversary of the Yenko legacy draws near, General Marketing Capital Incorporated (GMCI) announced today its ownership of the classic trademark and its plans to revitalize the brand.

To jump start this effort, Yenko owner, enthusiast and GMCI CEO Jeff Leonard, is consulting with several notable limited production vehicle companies in the automotive industry on possible new Yenko project cars as well as upcoming Yenko product lines.

GMCI will also launch a brand-new online home for the Yenko brand in the upcoming weeks, where owners and

enthusiasts can find information about upcoming cars and products, access historical information about the brand, register to be a part of the site's forums and much more.

"The muscle car era has made a huge comeback this year and we expect this trend to grow," said Leonard. "The Yenko name is very much a part of that magnificent history and we plan to resurge its magic and its historical significance. Through GMCI's efforts, Don Yenko's name will be kept alive with the highest degree of integrity and respect."

Growing up in Detroit in the shadow of the famous Woodward Avenue during the muscle era heyday, Leonard always had a keen interest in Detroit muscle culture. As a muscle car enthusiast and owner of an original 1968 Yenko Camaro, Leonard shares the enthusiasm and excitement of many towards owning a unique piece of Yenko history.

Originally, the 60s era Yenko car was a special order vehicle, available only through Don Yenko Chevrolet in Canonsburg, PA. Don Yenko used the Central Office Production Order (COPO) program, a program GM used for fleet vehicles like police cars, taxi cabs, etc. to special order the most powerful vehicles available.

Yenko modified his first vehicle, the Chevrolet Corvair, in 1965 for the Sports Car Club of America racing team. Yenko later went on to build the Yenko Super Camaro, Yenko Deuce, Yenko Chevelle, Yenko Super Nova, Yenko Vega Stinger and the Yenko Camaro Turbo Z among the fastest SCCA racing cars ever produced.

###

Filed under: [Aftermarket](#), [Classics](#), [Coupe](#), [Performance](#), [Chevrolet](#)

Tags: [Don Yenko](#), [DonYenko](#), [General Marketing Capital Incorporated](#), [GeneralMarketingCapitalIncorporated](#), [GMCI](#), [Jeff Leonard](#), [JeffLeonard](#), [muscle car](#), [muscle cars](#), [MuscleCar](#), [MuscleCars](#), [Yenko](#), [Yenko Camaro](#), [Yenko Corvair](#), [Yenko Stinger](#), [Yenko Stinger Corvair](#), [Yenko Super Camaro](#), [YenkoCamaro](#), [YenkoCorvair](#), [YenkoStinger](#), [YenkoStingerCorvair](#), [YenkoSuperCamaro](#)

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P-11

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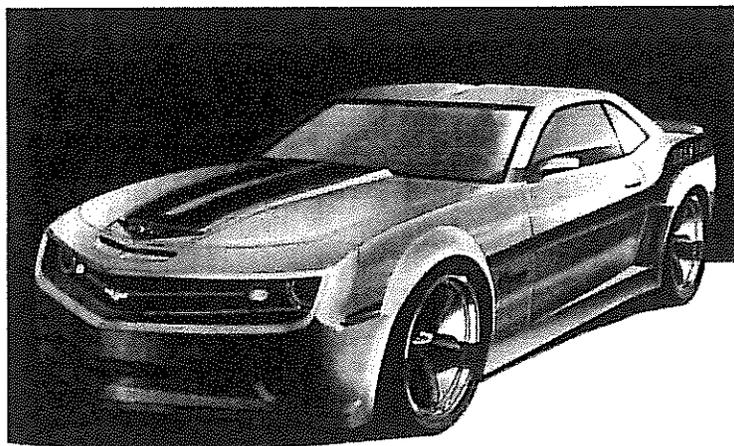
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## Yenko brand brought back to life, 2010 Chevrolet Camaro to be first project

By Andrey on Nov 3, 2009 in Chevrolet, Tuning



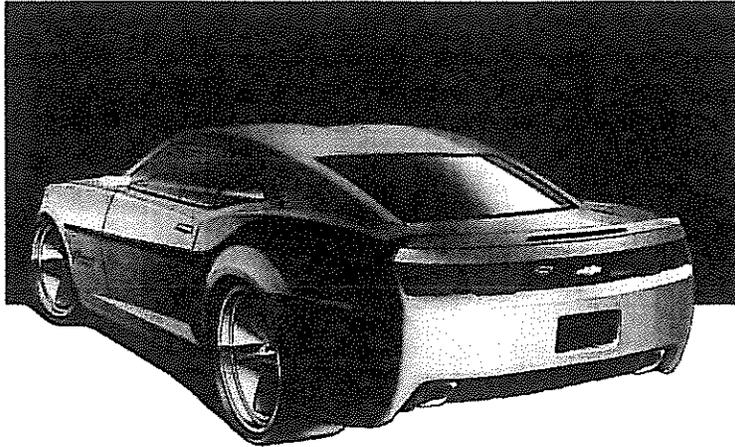
For all our readers who aren't from the United States, a brief history lesson on the great heritage that the **Yenko** brand brought to the tuning and aftermarket scene is needed. Founded in the late 1960s, the brand became a hallmark of exclusivity and handled mostly Chevrolet models, in a similar way to how Shelby deals with Ford vehicles.

But the last few years haven't been so kind with the historic brand, as its owners were forced to sell it to GMCI (General Marketing Capital Inc.), which promised to get it back on its feet. And that it will certainly do, as it has just announced that it will debut its first new project, based on the **2010 Chevrolet Camaro** at this week's

PET'S EXHIBIT 11  
JUDITH A. JAMES  
DATE 7-13-11

SEMA Show, which is taking place in Las Vegas.

The Phase I edition will use the SS edition of the Camaro, powered by a V8 engine, on which they will add a supercharger, reportedly taking output to a massive 600 HP, a Hurst short-throw shifter, bigger brakes and a special Magnalloy cat-back exhaust system. Of course, in order to follow the Yenko tradition, various badges and logos will be applied wherever possible.



GMCI also added that a Phase II and III editions will follow during next year, hopefully with bigger engines like the LS7.

Source: [Autoblog](#)

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#### You might also like:

- [2010 Chevrolet Camaro SS photos](#)
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- [2010 Chevrolet Camaro to start at \\$22,995](#)
- [The 2010 Chevy Camaro, only one month away](#)

**Post tags :** [Chevrolet](#), [chevrolet-camaro](#), [gmci](#), [Tuning](#), [venko](#)

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Report: Yenko Brand Reborn With New Models on the Way

- 2 Comments By Colum Wood, Friday October 2009 . As: american cars, domestic cars, don yenko, General Marketing Capital Incorporated, gmci, jeff leonard, Modified American, modified camaros, modified chevys, muscle cars, pony cars, SPORTS CARS, yenko camaro, yenko chevrolet



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No Doubt you've never heard of General Marketing Capital Incorporated (GMCI), but if you're a lover of classic American muscle, or modern American muscle, you're about to become more familiar with the company. The reason? GMCI has just announced that it has purchased the Yenko name and brand and has announced plans to bring it back from the dead – which is good timing considering the tremendous popularity of the new Camaro.

The Yenko name has become synonymous with performance ever since Don Yenko, owner of Yenko Chevrolet, first dropped a Corvette 427 cu.-in. V8 under the hood of a Camaro back in 1967.

"The muscle car era has made a huge comeback this year and we expect this trend to grow," said company owner Jeff Leonard. "The Yenko name is very much a part of that magnificent history and we plan to resurge its magic and its historical significance. Through GMCI's efforts, Don Yenko's name will be kept alive with the highest degree of integrity and respect."

Normally we might worry about someone buying a good name like the Yenko one and running it into the ground with scissor doors and neon lights, but Leonard seems to have the right approach and is a genuine enthusiast as well as a business man. He even owned an original '68 Yenko Camaro.

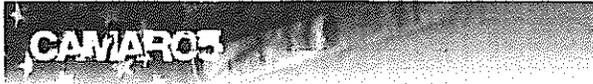
We'll have to wait and see what GMCI has planned, but we're hoping for some nice ZR1 goodies!

Official release after the jump:

> read full story

PET'S EXHIBIT 12  
JUDITH A. JAMES  
DATE 7-13-11

P-13



Camaro Forum - 2010 Camaro / Camaro Z28 SS Forums -  
Camaro5.com > General Camaro Forums > 5th Gen Camaro SS LS LT  
General Discussions  
Yenko Revived?

User Name  User Name  Remember Me?  
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5th Gen Camaro SS LS LT General Discussions Come discuss anything and everything related to the 5th generation Camaro.

POST REPLY

Thread Tools

10-23-2009, 09:43 PM

#1

garagelologic

It's slow...



Drives: 2010 Shelby GT500  
Join Date: Jul 2008  
Location: Tennessee  
Posts: 958

[View My Garage](#)

Yenko Revived?

<http://www.autoquote.com/auto-news/2...html#more-8440>

Quote:

Westminster, Calif. - (October 14, 2009) As the 45th Anniversary of the Yenko legacy draws near, General Marketing Capital Incorporated (GMCI) announced today its ownership of the classic trademark and its plans to revitalize the brand.

To jump start this effort, Yenko owner, enthusiast and GMCI CEO Jeff Leonard, is consulting with several notable limited production vehicle companies in the automotive industry on possible new Yenko project cars as well as upcoming Yenko product lines.

GMCI will also launch a brand-new online home for the Yenko brand in the upcoming weeks, where owners and enthusiasts can find information about upcoming cars and products, access historical information about the brand, register to be a part of the site's forums and much more.

"The muscle car era has made a huge comeback this year and we expect this trend to grow," said Leonard. "The Yenko name is very much a part of that magnificent history and we plan to resurge its magic and its historical significance. Through GMCI's efforts, Don Yenko's name will be kept alive with the highest degree of integrity and respect."

PET'S EXHIBIT 13  
JUDITH A. JAMES  
DATE 7-13-11

Growing up in Detroit in the shadow of the famous Woodward Avenue during the muscle era heyday, Leonard always had a keen interest in Detroit muscle culture. As a muscle car enthusiast and owner of an original 1968 Yenko Camaro, Leonard shares the enthusiasm and excitement of many towards owning a unique piece of Yenko history.

Originally, the 60s era Yenko car was a special order vehicle, available only through Don Yenko Chevrolet in Canonsburg, PA. Don Yenko used the Central Office Production Order (COPO) program, a program GM used for fleet vehicles like police cars, taxi cabs, etc. to special order the most powerful vehicles available.

Yenko modified his first vehicle, the Chevrolet Corvair, in 1965 for the Sports Car Club of America racing team. Yenko later went on to build the Yenko Super Camaro, Yenko Deuce, Yenko Chevelle, Yenko Super Nova, Yenko Vega Stinger and the Yenko Camaro Turbo Z among the fastest SCCA racing cars ever produced.

---

Shelby GT500: Not since Mr. Ed has a horse spoken so clearly.

*Last edited by garagelagic; 10-23-2009 at 10:04 PM.*



QUOTE

10-23-2009, 10:08 PM

#2

### Zabo

I was \*\*\*\*\* from Cam5 :D



Drives: his mom's car for now.  
Join Date: Sep 2008  
Location: Kalamazoo, MI  
Posts: 3,794

[View My Garage](#)



Eh.. still no way in hell I'll be able to afford one. :\_||

Friggin win though, either way.

---

[My Cache of Zany Projects](#)

[Join](#): THE DISCIPLES OF MAXIMUM BOB!



QUOTE

10-23-2009, 10:25 PM

#3

## Mr. Brownstone



Drives: 2004 F-250 Diesel  
Super Crew  
Join Date: Jul 2009  
Location: Maryville, TN  
Posts: 141



QUOTE

10-23-2009, 11:52 PM

#4

## Sir Nuke

Master of All Things



Drives: '10' Camaro RS,'08'  
Caddy STS  
Join Date: Jul 2009  
Location: South Texas  
Posts: 1,248



QUOTE

10-24-2009, 12:16 AM

#5

## garagelogic

It's slow...



Drives: 2010 Shelby GT500  
Join Date: Jul 2008  
Location: Tennessee  
Posts: 958

[View My Garage](#)



QUOTE

How is this even remotely considered a Yenko? Just because a guy who owns a very popular "Classic" Camaro aftermarket supplier out of California is a Yenko enthusiast wants to build these cars, does that make them a Yenko. Guess what, I'm a Yenko enthusiast. If I build a camaro, would that make it a Yenko?

Come on Folks, Yenko died in 1987 with Don Yenko. If you fall victim to a marketing scheme, then that's on you.

as brownstone CORRECTLY stated.....if Don Yenko didn't build it, its not a Yenko.....someone is just using his name to put some parts together, thus its NOT a real Yenko.

2LT/RS, (Performance Package, 15. Interior Pkg), Automatic, Polished Wheels, Arctic White Rally Stripes

NKNQD0

1100, ordered (07/16/09), 2000, Order accepted by GM (07/17/09), 3000, Order accepted by production control (07/18/09), 3300, Order scheduled for production TPW 8-17-09 (08/10/09), 3400, Order broadcast (08/18/09), 3800, Order produced (2G1FC1EV8A9139417) (08/22/09), 4000, Available to ship (08/25/09), 4200, Shipped (08/31/09), 5000, Delivered to the dealer (09/11/09), 6000, Delivered to the OWNER!!! (09/13/09).

I agree. Just buying the rights to the name and sticking it on some special edition Camaro will never make that car a real Yenko.

Shelby GT500: Not since Mr. Ed has a horse spoken so clearly.

Honda Film: Mobility 2088

Honda asks great thinkers about the future of mobility. Watch here.  
www.honda.com

General Motors Parts

General Motors at Edmunds.com Info On Parts & Prices.  
www.GeneralMotors.Edmunds.com

Black Friday GM Car Sale

Cometing Dealers Offer Top Deals At Black Friday Prices for New GMs  
GM.CarBuyingDiscounts.com/deals

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## GM Woes Won't Disrupt Pontiac Parts Supplies

Noted Catalog Supplier Classic Industries Receiving Numerous Calls from Worried Hobbyists



HUNTINGTON BEACH, CALIFORNIA (April 28, 2009) – While auto enthusiasts lament the problems within GM and most recently, the loss of Pontiac, Classic Industries, the leader in GM restoration parts and accessories, has assured customers that the demise of one of GM's most popular brands will have no affect on its supply of Classic GM, GMC or Pontiac Firebird restoration parts.

Since rumors of GM's most recent Pontiac division closure became public, Classic Industries has received countless calls and emails from worried customers expressing concern regarding the future supply of parts for collectible GM and GMC vehicles, including the iconic Firebird muscle car. Classic Industries' call center personnel are now reassuring hobbyists that there is no need to worry and that the company will continue reproducing and distributing original GM parts and accessories.

"This is a sad day for General Motors and for Pontiac," said Classic Industries CEO, Jeff Leonard. "But GM's decision will have no affect on our supply of classic GM and Pontiac parts. Nearly all of our GM-licensed restoration parts are sourced outside GM. Firebird fans need not worry. There will be no interruption of Pontiac restoration parts made and marketed by Classic Industries."

Classic Industries offers a wide-range of GM-licensed parts and accessories for Chevrolet Camaro, Impala and

PET'S EXHIBIT 14  
JUDITH A. JAMES  
DATE 7-13-11

Nova, plus Pontiac Firebird and GM pickup models from the 1940's through 2008. The CI Pontiac Firebird catalog, for example, boasts more than 900 pages. All Classic Industries parts meet or exceed OEM-specifications.

The closure of Pontiac has also raised the possibility that Classic Industries could also gain access to original GM tooling. While this is a possibility in any restructuring, Leonard said, he hoped that GM would retain use of the tooling, as well as the employees that operated them. It is after all, Leonard noted, "a legendary American brand."

Over the years, most Detroit OEMs, including GM and Pontiac, have outsourced many - if not all - older restoration parts.

Classic Industries is the recognized leader in GM restoration for classic Camaro, Firebird, Nova, Impala and GM pickup trucks from the 1940's through the 2008 year range. With 30 years of experience, Classic Industries is the largest distributor of reproduction and original GM parts and accessories in the world. In addition, Classic Industries also offers many popular brands GM enthusiasts rely on, such as OER, Air Ride, B&M, Chris Alston's Chassisworks, Edelbrock, officially licensed Yenko products and many more. Visit Classic Industries on the web at [www.classicindustries.com](http://www.classicindustries.com) for more.

[Ads by Google](#) [GM Downunder](#) [Sports Cars](#) [Gary'S Auto](#) [Global Auto](#) [Nova Parts](#)

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(773) 477-2230 Fax

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Las Vegas, NV 89102  
(702) 877-2383  
(702) 877-2767 Fax

- Reply to Las Vegas  
 Reply to Chicago  
 No Reply Necessary

Via Facsimile & Regular Mail: (702) 943-3748

October 30, 2009

Gary Vigil  
SEMA  
P.O. Box 4910  
Diamond Bar, CA 91765-0910

Re: The Estate of Donald Yenko  
Unauthorized Use of the Yenko Name

Mr. Virgil,

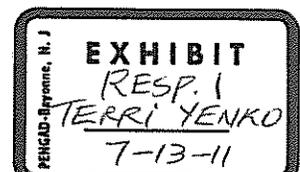
Please be informed that my office has been retained by the heirs of Donald Yenko to immediately stop the use of the name "Yenko" on automobile products and automobiles without the expressed written permission of the heirs of Donald Yenko.

It has come to the attention of the heirs of Donald Yenko that your company will be putting on a show in Las Vegas, Nevada starting on November 3, 2009 with an exhibitor from a company named General Marketing Capital, Inc. from Westminster, California and General Marketing Capital, Inc. intends to show a 2010 Yenko Camaro.

General Marketing Capital, Inc. does not have the permission or authorization to utilize the Yenko name from the heirs of Donald Yenko and the heirs of Donald Yenko have not granted permission to General Marketing Capital, Inc. to utilize the Yenko name or Yenko Symbols to identify the 2010 Camaro.

In a separate letter, I will be informing General Marketing Capital, Inc. to cease and desist using the Yenko name to identify their 2010 Yenko Camaro or any and all items manufactured or sold by them in the future.

I would expect your company to comply with both federal and state laws and inform General Marketing Capital, Inc. that they are not allow to show the 2010 Yenko Camaro at your show in Las Vegas, Nevada unless they enter into a licensing agreement to utilize the Yenko name from my client's prior to your show.



Your failure to honor the heirs of Donald Yenke's request contained in this letter will subject your company to possible litigation and possible large monetary fines in both state and/or federal court.

Your prompt attention to this matter is greatly appreciated and if you should have any questions, please do not hesitate to contact my office.

Cordially,



Steven L. Venit

SLV/cm

cc: Jeffery Leonard  
General Marketing Capital, Inc.

Hugh Verano

# LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW

1700 BANK OF AMERICA PLAZA  
300 SOUTH FOURTH STREET  
LAS VEGAS, NEVADA 89101

(702) 383-8888

FAX (702) 383-8845

lsc@lionelsawyer.com

www.lionelsawyer.com

November 3, 2009

SAMUEL S. LIONEL  
GRANT SAWYER  
(1918-1996)

JON R. COLLINS  
(1923-1987)

RICHARD H. BRYAN  
JEFFREY P. ZUCKER  
PAUL R. HEJMANOWSKI  
ROBERT D. FAISS  
DAVID N. FREDERICK  
RODNEY M. JEAN  
HARVEY WHITTEMORE  
TODD TOUTON  
CAM FERENBACH  
LYNDA S. MABRY  
MARK H. GOLDSTEIN  
KIRBY J. SMITH  
COLLEEN A. DOLAN  
JENNIFER A. SMITH  
DAN R. REASER  
PAUL E. LARSEN

ALLEN J. WILT  
LYNN S. FULSTONE  
RORY J. REID  
DAN C. MCGUIRE  
JOHN E. DAWSON  
FRED D. "PETE" GIBSON, III  
CHARLES H. McCREA JR.  
GREGORY E. SMITH  
MALANI L. KOTCHKA  
LESLIE BRYAN HART  
CRAIG E. ETEM  
TODD E. KENNEDY  
MATTHEW E. WATSON  
JOHN M. NAYLOR  
WILLIAM J. McKEAN  
ELIZABETH BRICKFIELD  
GREGORY R. GEMIGNANI  
LINDA M. BULLEN  
LAURA J. THALACKER  
DOREEN SPEARS HARTWELL  
LAURA K. GRANIER  
MAXIMILIANO D. COUVILLIER III

MICHAEL D. KNOX  
ERIN FLYNN  
JENNIFER ROBERTS  
MEREDITH L. STOW  
DOUGLAS A. CANNON  
RICHARD T. CUNNINGHAM  
MATTHEW R. POLICASTRO  
JENNIFER J. DIMARZIO  
PEARL L. GALLAGHER  
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LUCAS J. TUCKER  
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KETAN D. BHIRUD  
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MARK A. CLAYTON

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WRITER'S DIRECT DIAL NUMBER  
(702) 383-8989  
GGEMIGNANI@LIONELSAWYER.COM

Steven L. Venit, Esq.  
3240 W. Irving Park Road  
Chicago, IL 60618  
Fax 773-477-2230

VIA FACSIMILE & U.S. MAIL

Re: Unauthorized Use of the Yenko Name

Dear Mr. Venit:

I represent SEMA Show management regarding intellectual property issues at its annual show. I am writing in response to your letter dated October 30, 2009 regarding the use of the Yenko name on products being displayed by an exhibitor at the SEMA Show. At your request, this response is being sent to your Chicago office.

SEMA's policy regarding intellectual property ("IP") issues at the show can be summed up as follows:

- SEMA will log each complaint.
- SEMA will review the complaint and may perform basic research to evaluate whether the claim has any likelihood of validity.
- If the complaint appears to have any validity, the complaint will be brought to the attention of the exhibitor that is the subject of the complaint.
- SEMA policies regarding IP infringement will be provided to the exhibitor.

Work:Sema 09-Yenکو Response.doc

RENO OFFICE: 1100 BANK OF AMERICA PLAZA, 50 WEST LIBERTY STREET • RENO, NEVADA 89501 • (775) 788-8666 • FAX (775) 788-8667  
CARSON CITY OFFICE: 410 SOUTH CARSON STREET • CARSON CITY, NEVADA 89701 • (775) 851-2115 • FAX (775) 841-2116



**LIONEL SAWYER & COLLINS**  
ATTORNEYS AT LAW

Steven L. Venit, Esq.  
November 3, 2009  
Page 2

- The exhibitor has the opportunity to remove or cover the product at issue. By removing the product from view, the exhibitor will generally avoid future sanctions regarding exhibiting at the show related to the IP complaint.
- The exhibitor may elect to continue to display the material at issue; however, if the exhibitor is adjudged by a court to have engaged in infringement at the show, then SEMA may take action regarding the exhibitor's status at the show or the exhibitor's ability to participate in future shows.
- SEMA will not provide any IP advice to any complaining party or exhibitor.
- SEMA will not make a determination as to whether any particular product or service constitutes an infringement; that is the domain of the courts.

In compliance with SEMA policies, I have (i) reviewed your letter, (ii) checked the United States Patent and Trademark Office records related to the YENKO mark and (iii) visited the booth that is planning to exhibit the 2010 Chevrolet Camaro bearing the YENKO mark (the "Yenko Camaro"), and provided them with notice of the complaint and an explanation of the relevant SEMA policies.

General Marketing Capital, Inc. ("GMCI") is not exhibiting at the show; however, another exhibitor is displaying GMCI products and they are relying on the federally registered trademarks for YENKO owned by GMCI as a basis for their belief that GMCI has the right to market the YENKO Camaro.

My research of the publicly available information published by the United States Patent and Trademark Office indicates GMCI owns the following mark registrations incorporating the term YENKO:

Mark	Registration Number	Goods/Services
YENKO	3097652	Automobiles and Automotive parts and accessories, namely, wheel caps, spoilers and emblems
YENKO	2314585	Mail order catalogue services featuring parts and accessories for the restoration of classic automobiles; wholesale distributorships featuring parts and accessories for the restoration of classic automobiles
	3585627	Metal parts for motor vehicles, namely, decorative metal automotive emblems, Decals, Glass mugs, Clothing, namely, t-shirts and caps
YENKO	3161668	Clothing and headwear accessories, namely shirts, jackets and caps

**LIONEL SAWYER & COLLINS**  
ATTORNEYS AT LAW

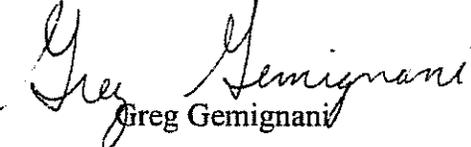
Steven L. Venit, Esq.  
November 3, 2009  
Page 3

It is my understanding that the exhibitor will not be removing the Yenko Camaro from their exhibit.

If your client pursues action against GMCI or their distributors, please let me know and I will add this information to my files. Also, if your client obtains a judgment or order from a Nevada court, or an order or judgment domesticated in Nevada, prohibiting the showing of the Yenko Camaro at the show, please let me know.

If you have any questions regarding this letter, please call me on my cell at 702-518-3554.

Sincerely,

  
Greg Gemignani

**Quam and Venit  
Attorneys at Law**

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Chicago, Illinois 60618  
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Reply to Las Vegas  
 Reply to Chicago  
 No Reply Necessary

**Lester Quam  
Licensed In  
Nevada, Florida,  
Illinois and  
Colorado**

**Via Regular Mail and Federal Express**

**November 2, 2009**

**Steven L. Venit  
Licensed In  
Nevada, Illinois  
and Wisconsin**

**Jeffery Leonard  
General Marketing Capital, Inc.  
14700 Hoover St.  
Westminster, CA 92683**

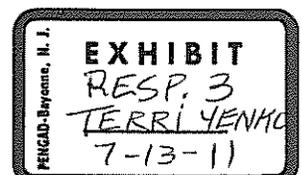
**Re: Notice of Intention to File Suit for Trademark and Trade Name  
Infringement of Yenko Name.**

**Mr. Leonard,**

Please be advised that our firm has been retained by Terri Yenko Gould, the daughter of Donald Yenko and the executor of his estate to act immediately to stop the unauthorized use of Donald Yenko's name and his various Yenko trademarks.

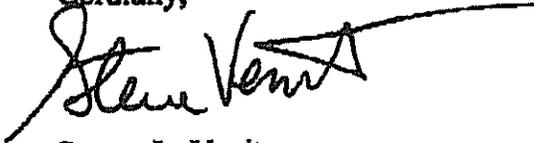
Presently, only one entity has a valid written license to use the Yenko name which was granted in 1999 by the Yenko Estate. This license was granted by the Yenko family to maintain the history of Donald Yenko and his work. A license to have an annual national Yenko reunion event was also granted. A website was established with a historical database of Donald Yenko's life and work as well as a licensed national club. To date the club, the Yenko Sports Car Club has almost 10,000 members and the national event has convened every year for over almost ten (10) years and generates national media attention each year.

No other person or entity has been given authorization to use the Yenko name or Yenko trademarks and all are infringing on the common law rights to the Yenko name and various trademarks. Specifically General Marketing Capital, Inc. and you are in blatant violation of the Yenko family's rights by creating an unauthorized version of their father's Yenko Camaro. Furthermore, you or your company appear to have obtained a trade name and trademark license to the Yenko name and Yenko Trademark without the consent or authorization of Yenko Estate which is an infringement on the rights of Donald Yenko's Estate.



The firm has been retained to act immediately to stop the continued violations and misappropriation of the Yenko name and trade marks. Therefore, this letter shall serve as notice that you are to immediately cease and desist from further use of the Yenko name or Yenko Trademark in any and all forms including the sale of cars, equipment, memorabilia or parts. Please direct any and all questions or inquiries to myself or Lester Quam. We will be moving forward to properly register the Yenko name and Yenko Trademark and assisting the Yenko Estate in establishing licensing agreements and recovering monies lost by the recent violations.

Cordially,

A handwritten signature in black ink, appearing to read "Steven Venit", with a long horizontal flourish extending to the right.

Steven L. Venit

SLV/cm