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IN THE CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA

THE BANK OF NEW YORK)	Civil Action No.
MELLON,)	
)	CV-2009-02318
Plaintif,)	
)	
vs.)	
)	
JEFFERSON COUNTY, ALABAMA,)	
et al.,)	
)	
Defendats.)	

VIDEOTAPE DEPOSITION OF PEIFFER BRANDT
(Taken by Plaintiff)
Charlotte, North Carolina
May 17, 2010

Reported in Stenotype by
Rebecca L. Arrison, Court Reporter
Transcript produced by computer-aided transcription

1 THE VIDEOGRAPHER: Here begins
2 videotape number one in the deposition of Peiffer
3 Brandt, in the matter of Bank of New York Mellon
4 versus Jefferson County, Alabama, et al., in the
5 Circuit Court of Jefferson County, Alabama, Case
6 Number CV 2009-02318.

7 Today's date is the 17th of May,
8 2010. The time on the monitor is 9:15. Our video
9 specialist today is Sharon Rudow, contracted by
10 CaseWorks.

11 This video deposition is taking
12 place in the law offices of Poyner Spruill, 301
13 South College Street, Charlotte, North Carolina.

14 Counsel, please identify yourself
15 and state who you represent.

16 MR. CHILDS: This is Larry Childs,
17 along with Ryan Cochran. We represent the
18 plaintiff trustee.

19 THE VIDEOGRAPHER: Thank you.

20 MR. BLACK: This is Dylan Black. I
21 represent the defendants, Jefferson County,
22 Alabama, and the commissioners that have been
23 individually named in the case.

24 MR. FOGARTY: Pat Fogarty with
25 Poyner Spruill representing the witness, Peiffer

1 Brandt and Raftelis Financial Consultants.

2 THE VIDEOGRAPHER: Thank you. Would
3 all others at the table please identify yourself
4 for the record.

5 MR. COCHRAN: Ryan Cochran on behalf
6 of the Indenture Trustee.

7 THE VIDEOGRAPHER: Thank you. Our
8 court reporter today is Rebecca Arrison. Would
9 Madam Court Reporter please swear in the witness.

10 PEIFFER BRANDT,
11 being first duly sworn, testified as follows:

12 THE VIDEOGRAPHER: Please begin,
13 sir.

14 EXAMINATION

15 BY MR. CHILDS:

16 Q. What is your name?

17 A. Peiffer Alan Brandt.

18 Q. By whom are you employed?

19 A. Raftelis Financial Consultants.

20 Q. How long have you been employed by Raftelis
21 Financial Consultants?

22 A. Since September of 1997.

23 Q. Did you receive a Master's in Science degree
24 in 1997?

25 A. I did.

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Q. Okay. I wonder if you would do two more calculations and then we will close that Exhibit.

Assuming that the lower figure that you calculated was correct that the average annual bills were the lower figure, would you calculate how much Jefferson County could raise its volumetric charges and still be at or under the 2 percent threshold that you calculated?

A. Percentage or nominal?

Q. Percentage. Percentage.

What did you come up with?

A. Let me just confirm.

Q. Oh, sure. Sure.

A. Could increase 250 percent.

1 Q. Okay. That's with the lower figure?

2 A. That is with the -- actually that is with the
3 lower figure. It's 2-1/2 times -- the rate could
4 increase 150 percent.

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1 STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

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3 REPORTER'S CERTIFICATE

4 I, Rebecca L. Arrison, a Notary Public in and for
5 the State of North Carolina, do hereby certify that
6 there came before me on Monday, the 17th day of May,
7 2010, the person hereinbefore named, who was by me duly
8 sworn to testify to the truth and nothing but the truth
9 of his knowledge concerning the matters in controversy
10 in this cause; that the witness was there upon examined
11 under oath, the examination reduced to typewriting under
12 my direction, and the deposition is a true record of the
13 testimony given by the witness.

14 I further certify that I am neither attorney or
15 counsel for, nor related to or employed by, any attorney
16 or counsel employed by the parties hereto or financially
17 interested in the action.

18 IN WITNESS WHEREOF, I have hereto set my hand, this
19 20th day of May, 2010.

20

21

22

23 _____
Rebecca L. Arrison, Notary Public

24 My Commission Expires: 2/28/2013

25