

11· So obviously I had the \$100,000 deposit.

12· ·During this time frame I was basically busted. **I had no**

13· **idea what was going on or why.**

14· . . . Q· · When you say you were busted, what do you

15· ·mean?

16· . . . A· · Broke.

17· . . . Q· · Okay.

18· . . . A· · I had no -- nothing. I had no job, no -- I

19· ·was -- so Mr. Mosler knew that and they -- **after,**

20· **essentially, like beating the daylights out of me and**

21· **I'm on the ground, he's like "Here, sign this."**

22· . . . Q· · What was that?

23· . . . A· · That Termination and Release Agreement where

24· ·I'd have to sign away my intellectual property, my

25· ·exclusive distributorship, which I had two -- I'm only

·1· ·suing on one, but I had two -- and my \$100,000 in return

·2· ·for \$100. **And Mosler said, "You should sign it in**

·3· **exchange for me not sending my two attorneys after you**

·4· **to sue me for anything."**

- Snip of Plaintiffs Exhibit #101 follows:

Bottom line, Todd is exposed to a multi million dollar lawsuit, and these demands at the point of sale only add to his liability.

As I advised him, I believed his best move is to agree that he owes us nothing and we owe him nothing and move on.

And now that he's retained you to represent him, the end of my patience has been reached.

Please advise him that If he doesn't back off as of Monday, I'll be directing both of my in house attorneys to go after him to the maximum degree by law, and for as long as it takes to bring him to justice.

Please advise him accordingly.

Warren Mosler

Trial testimony, Warren Mosler testifying pg 861 ln 25 – pg 862 ln 9

25 · · · · Q · Did you ever say that the RaptorGTR was not

·1· ·certifiable for public sale?

·2· · · · A · I don't think I said that.

·3· · · · Q · Did you ever hear anyone say that the

·4· ·RaptorGTR would not pass emissions?

·5· · · · A · I might have said that, that it was something

·6· ·different.

·7· · · · Q · Okay · Now the RaptorGTR will pass emissions,

·8· ·won't it?

·9· · · · A · No.

Trial testimony, car journalist Matt Farah testifying pg 1103 ln 23 – pg 1104 ln 10

23 · · · · Q · Okay · And then when we flip forward, you

24 · actually had conversations with Mr. Mosler, correct?

25 · · · · A · **Yes, I did have a conversation with**

·1· **Mr. Mosler** -- one.

·2· · · · Q · Okay · And he said -- and he confirmed that

·3· ·the twin-turbo conversion to the RaptorGTR Mosler 900S

·4· **will not pass emissions and is not certifiable for**

·5· **public sale, correct?**

·6· · · · A · That -- yeah · I mean, again, I don't recall

·7· ·some of the more specific details of that conversation,

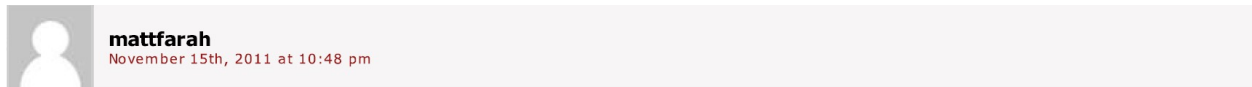
·8· ·but **if I wrote that, that's what he told me at the time.**

9. My memory would have been very fresh then, so I would
10. say that if I said that, then I would stand by it now.

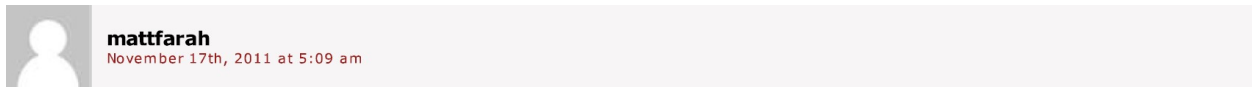
- Snip #1 of Plaintiffs Exhibit #40 online writings of Matt Farah follows:

So we'd been had, by a con-man trying to pass off his own homebrew tuner kit as a genuine Mosler product.

- Snip #2 of Plaintiffs Exhibit #40 online writings of Matt Farah follows:



- Snip #3 of Plaintiffs Exhibit #40 online writings of Matt Farah follows:



Trial testimony, car journalist Matt Farah testifying pg 1103 ln 19 – 22

19. . . . Q. Page 52. All right. Would you agree with me

20. that on or about November 15, 2011 at 6:10 p.m., ***you had***

21. ***reached the conclusion that Mr. Wagner was a con man?***

22. . . . **A. Yes.**

19 "At one point he did try to buy a controlling stake in
20 Mosler using his father's money, but it didn't go through.
21 The RaptorGTR thing is just a name he made up for this one
22 car, which isn't surprising considering a lack of
23 creativity."

24 Now, if we go back into Exhibit No. 35, we know that
25 the RaptorGTR is not something Mr. Wagner made up, it is
1 something that Mosler Automotive posted on its Certificate
2 of Origin as the name of the vehicle; correct?

3 A. Well, you know -- what's your question?

4 Q. Well, we know that what Mr. Farrah says, and I
5 just read, is not correct; right?

6 A. You can come to that conclusion, but that's --

7 Q. Can you reach any other conclusion?

8 A. It's not for me to speculate on what this guy
9 said. If you have a problem with him, go talk to him.

10 Q. Well, the problem is he reached that conclusion
11 after speaking with you; correct?

12 MR. REINBLATT: Objection.

13 BY MR. ZAPPOLO:

14 A. That's what he, you know -- you can -- I guess,
15 it doesn't mean, you know, what you just said is a true
16 statement. He reached that conclusion after speaking to
17 me.

- Snip of Plaintiffs' Exhibit #112 dated 2-days after launch of 2012 Mosler RaptorGTR follows:

From: ["Warren Mosler" <warren.mosler@gmail.com>](mailto:warren.mosler@gmail.com)
To: ["J. Todd Wagner" <j.todd.wagner@gmail.com>](mailto:j.todd.wagner@gmail.com)
CC: ["Sylvia Klaker" <sklaker@moslerauto.com>](mailto:sklaker@moslerauto.com)
Date: 11/17/2011 2:18:45 PM
Subject: Re: 2012 RaptorGTR certification

ok, point?

On Thu, Nov 17, 2011 at 2:16 PM, J. Todd Wagner <j.todd.wagner@gmail.com> wrote:
 This is your response to the successful certification that was done per your request.

----- Forwarded message -----

From: <warren.mosler@gmail.com>
 Date: Fri, Aug 12, 2011 at 3:31 PM
 Subject: Re: 2012 RaptorGTR certification
 To: "J. Todd Wagner" <j.todd.wagner@gmail.com>, Lew Lee <hdtv_1@mac.com>, J

Good job!!!

Jill will prepare a press release

Sent via BlackBerry by AT&T

Trial Testimony, James Todd Wagner testifying pg 1140 ln 25 – pg 1141 ln 6

25· **We had the highest power-to-weight ratio car**

·1· **on the planet.** And Mosler should have been thrilled,

·2· and he was. He said **"Good job"** with three exclamation

·3· points. And this is something that would have made his

·4· company profitable, like super profitable. From running

·5· at basically breakeven for years, **it would wind up**

·6· **making a profit, a big one.**

- MACC "Certificate" for the 2012 Mosler RaptorGTR to SEI, PL#73 follows:

CERTIFICATE OF ORIGIN FOR A VEHICLE				
MOSLER AUTOMOTIVE				
DATE	8/21/2011		INVOICE NO.	
VEHICLE IDENTIFICATION NO.	1M94236B4CC682001	YEAR	2012	MAKE
BODY TYPE	CP	SHIPPING WEIGHT	2450	
H.P. (S.A.E.)	838	G.V.W.R.	3004	NO. CYLS.
			08	SERIES OR MODEL
				RAPTORGTR
I, the undersigned authorized representative of the company, firm or corporation named below, hereby certify that the new vehicle described above is the property of the said company, firm or corporation and is transferred on the above date and under the Invoice Number indicated to the following distributor or dealer. NAME OF DISTRIBUTOR, DEALER, ETC. SUPERCAR ENGINEERING 2348 TREASURE ISLAND DR PALM BEACH GARDENS, FL 33410				
It is further certified that this was the first transfer of such new vehicle in ordinary trade and commerce. THIS VEHICLE HAS A CALIFORNIA EMMISSION SYSTEM				
		BY:  (AGENT) SIGNATURE OF AUTHORIZED REPRESENTATIVE		
0000087		RIVIERA BEACH, FL 33404 CITY-STATE		

Trial Testimony, Warren Mosler testifying pg 837 ln 16 – pg 838 ln 1

16 · · · Q · Now this document says that its effective date

17 · was August 12, 2011. Do you remember receiving an email

18 · from Mr. Wagner on or around that time informing you

19 · that he received this **Certificate of Conformity**?

20 · · · A · Yeah, I've seen it going through the

21 · documents.

22 · · · Q · Okay. Do you remember what your response was?

23 · · · A · I think I was very pleased when he received

24 · it.

25 · · · Q · Okay. Would the phrase "good job" --

· 1 · · · A · Yes, definitely. It was a huge effort.

- Snip of PL#62, 2012 Mosler RaptorGTR EPA Certificate of Conformity follows:



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2012 MODEL YEAR
CERTIFICATE OF CONFORMITY
WITH THE CLEAN AIR ACT OF 1970**

Certificate Issued To: Consulier Industries aka Mosler Automotive
(U.S. Manufacturer or Importer)

Certificate Number: CC3XV07.0086-001

Effective Date:
08/12/2011

Expiration Date:
12/31/2012

Test Group Name: CC3XV07.0086

Evaporative/Refueling Family Name: CC3XR0133880

Applicable Exhaust Emission Standards: Federal Tier 2 Bin 5

Applicable Evaporative/Refueling Standards: Federal Tier 2 Evap

Models Covered: Mosler Automotive / Consulier Industries: RaptorGTR

En
Ex
Fu
Fu

Trial Testimony, James Todd Wagner testifying pg 1209 ln 19 – pg 1210 ln 7

19· . . . Q· · Okay· Now did you ever have any exchange with

20· ·Mr. Mosler about trying to correct what was out there in

21· ·this, you know --

22· . . . **A· · Numerous times.**

23· . . . Q· · -- ***to try to mitigate the damage that was***

24· ·***being done?***

25· . . . A· · Yeah, I didn't know it was him. I thought for

·1· ·sure it wasn't him. I was actually talking to him and

·2· ·saying, **"Hey, let's fix this. Let's put a press release**

·3· ·**out there**. This is some misunderstanding."

·4· ·You know, he knew he did it, but he kept

·5· ·secretly -- you know, he was slyly trying to dissuade me

·6· ·from doing that because he wanted -- **he wanted the pain**

·7· ·**to stick.**

Trial Testimony, Warren Mosler testifying pg 943 ln 13 - 15

13· . . . Q· · Where's your email to Mr. Hardigree saying

14· ·"You misquoted me· I never called Mr. Wagner a pest"?

15· . . . **A· · There isn't one.**