IN THE CIRCUIT COURT, 19^{TH}
JUDICIAL CIRCUIT, IN AND FOR
MARTIN COUNTY, FLORIDA

CASE NO.:
DIVISION:

JAMES TODD WAGNER
Plaintiffs,
vs.

Warren B. Mosler, AVM, L.P., III Capital Management,

Defendants.

____/

AFFIDAVIT OF JAMES TODD WAGNER ON THE TOPIC OF TAX EVASION

I, James Todd Wagner, ('JAMES') am submitting this affidavit communicate my knowledge about Tax Evasion conducted by Warren B. Mosler ('MOSLER') that was conducted with the financial support of AVM, LP ('AVM') and III Capital Management, LP ('III-CM').

This Affidavit includes sworn testimony of MOSLER, and myself. This Affidavit also includes both snips and full exhibits of Production from MOSLER that was delivered over 5 years after it was initially requested; most of what is shown was admitted into evidence at the May 2023 trial ('2023-TRIAL') of the lawsuit that was initiated in 2012.

Everything contained in this Compound Exhibit "G" is sworn testimony from me. For ease of tracking, new testimony from me has a number next to each paragraph. Exhibits and Testimony associated with the 2023-TRIAL will have page and line numbers as appropriate, but not the Paragraph-Numbers of my new testimony and explanations within this Affidavit.

In this Affidavit, I will refer to myself interchangeably as JAMES, "I", "me", or "myself".

OVERVIEW

1. Warren Mosler ('MOSLER') earns approximately $200 million per year from his Hedge Fund, III Capital Management located in Boca Raton, FL. Mosler testified that he owns 30 companies, most of which are in St. Croix, U.S. Virgin Islands. In 2003, Mosler moved from Florida to St. Croix for the express purpose of avoiding Federal Taxes. Mosler's friend, Scott Ramsey, who also founded a Hedge Fund had moved to St. Croix earlier, and convinced Mosler to utilize the same tax loophole so that he only had to pay 03.5% instead of 35.0% federal tax.

2. **This affidavit is NOT about tax avoidance, but illegal tax <u>EVASION</u>.**

3. I mention MOSLER's tax-avoidance scheme to illustrate Warren Mosler's strong position that no one should be taxed. He has stated this to me and all other management at MACC – this fact also shows up in an email I wrote while trying to discern why Warren Mosler was defaming me (**DEF12,481**); snip below:

*****

Just as our prospective president pays his taxes that are required of him and "not a penny
darn thing wrong with that. Given your opinion on taxation, I would think you would agree.

*****

4. Savvas Savopoulos, whose father also lives St. Croix (near ‘Epstein Island’ in the Caribbean), also knows Mosler’s position on taxes (**DEF7453);** snip below:

From: "Savvas Savopoulos" <savvas@savopoulos.com>
To: "Warren Mosler" <warren.mosler@gmail.com>
CC:
Date: 10/3/2011 8:36:35 PM
Subject: FW: Weekly Investor Update

Warren,

I see how you got there. But there hasn't been, and probably will not be for years, with the other bad news, the value drops by the day.

Your proposal then becomes like those regressive taxes you hate so much ;-)

******

5. ***Mosler’s hobby-company, MACC, had the potential to be very profitable in 2011 (and/or 2012) via selling off its assets. I stood ready to be that buyer, having already put down a $100,000 deposit [to Warren Mosler, personally]. Warren Mosler HATES TAXES, and he didn’t want MACC to incur a tax liability (35%) in its wind-down year – so he GAVE AWAY the assets to his friends / family instead of letting me buy them….and then he stole my $100,000 deposit.***

6. It is entirely probable that Warren Mosler has become comfortable in his Tax-Avoidance scheme, that he has not entirely followed the rules. That is an unknown that might be discovered via the investigative process into the EVASION that will be detailed in this document.

7. Mosler Auto Care Center ('MACC') D/B/A Mosler Automotive was a Hobby-Company 100% owned by Warren Mosler. MACC served as a was technically a for-profit company, but was not operated as one.

8. MACC built VERY EXPENSIVE Supercars, multiple one-off custom vehicles, and other **toys for the personal consumption by Warren Mosler**, Jacob Mosler, Mosler's personal attorney (Alan Simon), and III Capital Management Principals including Thomas Olafsson, Rob Printz, and Mike Reger.

    a. The Alan Simon car was utilized for a $220,000 Insurance Fraud in addition to Tax Evasion.

9. MOSLER instructed his attorney, Alan Simon, **to not pay the required $1500/car gas guzzler taxes** on the illegally-built 2004 Mosler MT900s vehicles. For 2009 and onward, MACC used a higher 6th gear to avoid the Gas Guzzler taxes…but the 2004 taxes remain unpaid and are still owing.

10. MOSLER's personal cars (including a rare fiberglass-bodied Ferrari 308) were repaired and maintained by MACC at MACC's expense, then sent to St. Croix for **Mosler's personal use.**

11. MACC served as a mechanism for MOSLER to **write off $400,000/year Alimony** payments to his ex-wife, whom he divorced in approximately 2002.

12. Similarly, Jacob Mosler received an "allowance" and health insurance from MACC; even though the entire time I was with MACC (2004 – 2011), Jacob never set foot in the MACC facility nor contributed in any way.

13. MACC served MOSLER as a lure to **<u>con would-be purchasers of taxpayer-subsidized MACC assets out of deposits</u>**, that Mr. Mosler promised to return – but then simply refused to do so. *Stolen money unlikely reported as income*.

    b. I am victim #1 of this scam; theft of $100,000 (June 2011)

    c. MOSLER then collaborated with his son, Jacob Mosler to attempt to scam a second depositor out of money (after Christmas, 2011). Testimony on this shows the inner-workings of a **<u>skilled con-man stealing from people for the pure sport of it</u>**.

14. *<u>TAX EVASION</u>*: Mosler demanded that the deposits be paid to himself personally (not MACC) – furthermore that the deposit be paid into Enterprise National Bank, which Mosler owns and controls disclosures on. In other words, the $100,000 was not reported as 2011 income to MACC; which would have been taxed at Corporate Tax rates.

15. The MACC assets were subsidized by taxpayers – but then the sale of those assets didn't return money to taxpayers; but rather solely enriched MOSLER.

16. Typically someone running a hobby-company would lie about the nature of the company; in this case Warren Mosler has testified under oath about the "<u>hobby</u>" nature of MACC, and the **$55M** loss from creating the vehicles to **"<u>entertain himself</u>."**

<u>Trial Transcript, Warren Mosler testifying pg 624 ln 1-5</u>

Page 624

A I stopped producing cars and then I just -- I had the shop and -- you know, you might say I had a car disease, okay, and so I started building one-off cars just sort of to entertain myself. I liked to -- I had ideas I wanted to try out to see how they'd go. And

17. This document is one of nine such documents, which indicates that Warren Mosler is a man who has been cheating the system as a life-choice.   Positioning himself outside of mainland USA in a very corrupt locale of St. Croix with a very bribable justice system is equally a life-choice.

18. MOSLER invented "Modern Monetary Theory" ('MMT'), which was embraced by Joe Biden's administration to justify printing money for purposes that may or may not be in the best interests of the United States.

19. MOSLER was a "Liberal Elite" insider of the Joe Biden administration.

20. I am identifying myself as a Whistleblower on this Tax Evasion issue.

21. JAMES was aware that MOSLER would likely be protected by President Joe Biden, but nonetheless in mid-2023 delivered 9 documents outlining Tax Evasion and several other likely-crimes to Homeland Security.

22. References, such as in the proceeding paragraph reference the documents previously delivered to Homeland Security.

23. The Alan Simon car that is also discussed in the file "4 – Warren Mosler and attorney Insurance Fraud".

24. One of many of the **“entertainment” vehicles** is below, which Warren Mosler had MACC build to go over the numerous St. Croix speed bumps faster. There was never even an attempt to sell this “vehicle” to the public. Obviously, no one would buy it.

SWORN TESTIMONY REGARDING USING MACC AS A TAX EVASION TOOL

25. **TAX EVASION TACTIC #1:** Taxpayer-subsidized VERY expensive toys

Trial Tr. Warren Mosler testifying pg 623 ln 23 – pg 624 ln 11

Q Okay. Now after you stopped making the
Consulier, what was the next car design that you came up
with?
A I stopped producing cars and then I just -- I
had the shop and -- you know, **you might say I had a car**
disease, okay, and so I started building one-off cars
just sort of to entertain myself. I liked to -- I had
ideas I wanted to try out to see how they'd go. And
there were certain races you could enter that were --
that these cars would qualify for.
Q Okay.
A And so I was building one-off race cars, you
might say, one-off road cars and for the next four or
five years.

Trial Tr. James Todd Wagner testifying pg 1395 ln 17– 25

A That is incorrect. He put this money -- the
100,000 I did send -- *into his private jet*, so -- and at
this point in time the company was breakeven. It was
still selling cars and had very few employees.
And, you know, some of the employees -- like
one of them is getting -- I think **his ex-wife is getting**
400,000 a year. So I don't know if he's counting that
as far as the costs involved, but the company itself was
cash flow neutral.

26. *My testimony (above) touched a nerve, so Warren Mosler invented a* ***lie (below)*** *to cover up what HE KNEW to be an illegal act…even though the jury may not have realized tax evasion was going on. The lawsuit never insulated tax evasion in any form. My answer was to MOSLER's attorney's*

question that was intended to make MOSLER appear to be impoverished because his company, MACC, wasn’t profitable.

27. Below, Warren Mosler’s attorney attempts to “rehabilitate” his witness with the leading question about the $400,000/year tax evasion:

<u>Trial Tr. Warren Mosler testifying in response to his Attorney’s questions pg 1395 ln 17– 25</u>

Q Okay. So you remember when Mr. Wagner was testifying, ***he mentioned something about a $400,000 payment to your ex-wife?*** Do you remember something like that?

A Yes.

Q Okay. And he was testifying under oath when he gave his understanding of that payment, right?

A Yes.

Q And what did you think of that explanation?

A Well, it's typical of how his mind seems to work. If he -- he doesn't seem to understand the difference between speculation and knowledge, and **so he swears to things under oath that are obviously, to me at least, just speculation.**

Q To your understanding, was there anything improper regarding that payment?

A No, not at all.

Q What was the payment for?

A I was helping her out with payroll of the company that we had together. That was her company after the divorce and we would make the payroll to the employees, and then from time to time she would reimburse the money. **So it was just a payroll service.** It didn't have anything to do with taking the money in or out of the company or anything like that.

28. Con-Artists never, ever admit wrongdoing. They instead invent excuses; here the excuse that the personal payments to Mosler’s exwife were supposedly a “payroll service” for a company owned by his ex-wife. **It WAS taking money out of MACC expressly for non-MACC-"expenses", but writing off the expense as if it were a legitimate MACC expense.**

29. Mosler's attorney tried to spin it to the jury as a one-off $400,000 "payroll service", but it was $400,000 per year for all of the seven years I was Director of Engineering of MACC (at a minimum $2.8 million). When Mosler's ex-wife would (rarely) show up at the factory for a chat with Sylvia Klaker to see why her check was late, it was made clear to MACC management that it was monthly alimony payments. We knew this so well, that we discussed it openly with Savvas Savopoulos when he was doing due diligence for the purchase of MACC.

Trial Tr. Warren Mosler testifying pg 753 ln 14 - 17

Q Now, Mr. Mosler, who is Thomas Olofsson?
A He worked for me for my company at AVM.
Q Okay. AVM is what?
A It's a securities dealer.

Trial Tr. Warren Mosler testifying pg 755 ln 9 - 25

Q Okay. So here we have -- on May 6th you wrote and you attached this article, correct?
A Yeah.
Q Okay. And then Mr. Olofsson wrote back -- you wrote to him at 7:33 attaching the article. At 9:12 a.m. he wrote back "Do you have one for me."
A Right.
Q Okay. Indicating that he wanted to buy it, right?
A No. **I was going to give it to him.**
Q Oh, okay.
A He wasn't buying it.
Q Oh, okay. Just like ***you had given one to Alan Simon?***
A Yeah.
Q ***Did you give one to Ms. Klaker's husband?***
A Randy, yeah.

30. Above is sworn evidence that Warren Mosler gave away 3 Mosler MT900 Supercar with average build costs of $300,000 each. MACC bought parts, paid employees, and the vehicles weren't sold to buying customers, but were rather gifted. I never heard about any of these Supercar-Recipients paying gift-tax.

31. Gift to Thomas Olafsson (subsidized by taxpayers):

32. Alan Simon Gift (subsidized by taxpayers, ***then used for Insurance Fraud***):

33. Randal Klaker Gift (Subsidized by taxpayers):

34. Supercar gift to Jill Wagner, MACC co-officer with MOSLER (Subsidized by taxpayers):

<u>Trial Tr. Warren Mosler testifying pg 756 ln 1 - 2</u>

Q Did you give another car to Jill Wagner?
A I think Jill got a Consulier.

35. Jill Wagner was my ex-wife at the time of her gift from MACC.

36. Warren Mosler Gift to himself. ($489,000 Photon subsidized by taxpayers):

<u>Trial Tr. Warren Mosler testifying pg 693 ln 24 – pg 694 ln 12</u>

Q Does the first page refresh your recollection as to when that was -- that car was completed, the approximate timeframe?
A Let me take a look. Well, March 2009, so probably not long after that, a few months maybe. It looks like it was a couple of months away.
Q That car was -- that car became the Photon, correct?
A Yeah.
Q All right. And now the Photon was a car that was -- that you had championed and you wanted to be the face of the company, wasn't it?
A It's a car I wanted to build. **I actually <u>wanted to have it for myself</u>**.

37. Images of the illegally-constructed "2010" and "2011" Mosler Photon built for the pleasure of MOSLER follows:

38. Testimony and related images about the 2010/2011 Mosler Photon built for MOSLER follows:

Trial Tr. Warren Mosler testifying pg 693 ln 9– pg 694 ln 16

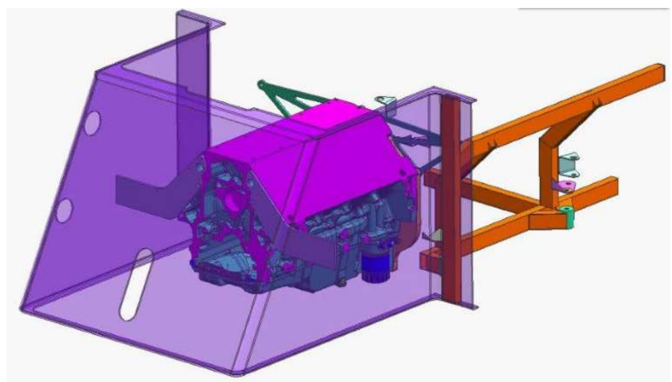
Q I'd like you to look at page 2 of that --

Well, first we have -- well, the first page of that exhibit shows a Hewland motor plate.

A Yeah.

Q Would you explain to the jury what is going on there, what that meant?

A This car had a Hewland crash box in it so it needed a motor plate.



Trial Tr. Warren Mosler testifying pg 697 ln 3 - 18

Q Okay. Now, ***do you know whether that car was built with the catalytic converter that was EPA-certified for the vehicle?***

MR. WEBER: Objection, relevance.

THE COURT: Overruled.

THE WITNESS: This vehicle hadn't -- you know, wasn't -- hadn't been certified yet.

BY MR. ZAPPOLO:

Q When it was sold was it ever certified?

A It was never sold as a certified vehicle.

Q Okay. This car was never driven on the street?

A I drove it on the street, yeah.

Q Okay. So you drove a noncertified vehicle on the street?

A I did.

<u>Trial Tr. Warren Mosler testifying pg 697 ln 19 - 21</u>

Q   Okay. And you mentioned earlier that ***you would have sold it if somebody wanted to buy it, right?***

<u>A</u>   **<u>No.</u>**

<u>Trial Tr. Warren Mosler testifying pg 698 ln 13 - 23</u>

THE WITNESS: Okay. Could you please read back the question that he asked me?

MR. ZAPPOLO: Ms. Court Reporter, can you read back that question, please?

THE COURT REPORTER: "Okay. And you mentioned earlier that you would have sold it if somebody wanted to buy it, right?"

THE WITNESS: Right. So, you misquoted me. The answer was -- what I said was that if somebody wanted to buy one, we would have built one for him or something like it.

39. Warren Mosler is making it DOUBLY-CERTAIN that the very custom build of the 2011 Mosler **<u>Photon was just for his personal consumption.</u>**

Trial Tr. Warren Mosler testifying pg 726 ln 13 - 18

Q So you're crystal clear that the ***Photon*** wasn't
going to be the new car of the company going forward,
right?
A I'm not crystal clear, I'm just telling you
now it wasn't. We never built any -- **that one was built**
for me and I still have it.

'/moslereconomics.com/2011/05/06/mosler-photon-in-automobile-magazine/

Mosler Economics / Modern Monetary Theory

The Site of Economist Warren Mosler

Home | About | Mandatory Readings | MMT White Paper | Policy Proposals | Media | Q&A

Posted on May 6, 2011 @ 9:17 am (Friday) by WARREN MOSLER

Mosler Photon in Automobile Magazine

40. Additional Taxpayer-Subsidized Toys for Warren Mosler's son, Jacob Mosler:

a. An *<u>8000-lb Supercharged Hemi drag Truck with a fully-custom Fiberglass body</u>* and 14" wide rear drag radials. It was build by MACC employees, and written off by Warren Mosler as a business expense. From an engineer's perspective, the vehicle cost $400,000 to design, build molds, and produce – ONLY ONE WAS BUILT for Jacob; therefore clearly not a business venture. This vehicle was built before my company was hired in 2004, but I had the opportunity to inspect the vehicle thoroughly. There was also a "sand rail" built by MACC for Jacob.

b. 2004 Mosler MT900 #001: Approximately $300,000 to build. No airbags, no certified catalysts, 600hp supercharged engine. Given to Jacob Mosler as a gift from Warren Mosler in 2011 per emails in Defendants' production to Plaintiffs.

41. Below is a snip of Defendants production, DEF9081-9085, wherein MOSLER confirms that he **<u>gifted a supercharged 2004 Mosler MT900S serial #001</u>** (Chassis 08) **<u>to his son</u>**, Jacob Mosler. Therefore, that car is no longer available for JAMES/SEI to purchase with the $100,000 deposit JAMES had put down 6 months earlier.

   a. MACC was contractually-required to build 3 finished Mosler Products for SEI to purchase through the Exclusive Distributorships in China and Thailand contract (Count-III). As MOSLER confirms below, not only did MACC not build the new vehicles per the contract, MOSLER instructed MACC to gift-away the 3 used Mosler Products that could have been substituted-in.

From: "Warren Mosler" <warren.mosler@gmail.com>
To: "James Todd Wagner" <j.todd.wagner@gmail.com>
CC:
Date: 1/13/2012 2:59:01 PM
Subject: Re: Draft Bill of Sale items

On Fri, Jan 13, 2012 at 2:50 PM, James Todd Wagner <j.todd.wagner@gmail.com> wrote:
> Okay, then putting whatever Savvas's offer was aside; I'm fine with substituting the Yellow photon in place of the blavk supercharged car.

No, neither car is included.

> - J. Todd Wagner
>
> On Jan 13, 2012 1:43 PM, "Warren Mosler" <warren.mosler@gmail.com> wrote:
>> no
>>
>> On Fri, Jan 13, 2012 at 2:26 PM, James Todd Wagner <j.todd.wagner@gmail.com> wrote:
>>> Can u send me the Savvas deal for review?
>>>
>>> - J. Todd Wagner
>>>
>>> On Jan 13, 2012 1:16 PM, "Warren Mosler" <warren.mosler@gmail.com> wrote:
>>>> I gave the black super charged car to Jacob, so it's not there.
>>>>
>>>> No finished MT's left in the sale.
>>>>
>>>> And I had other 'upside' considerations with Savvas.

42. Full Defendants Exhibit DEF9081-9085 follows:

From: "Warren Mosler" <warren.mosler@gmail.com>
To: "James Todd Wagner" <j.todd.wagner@gmail.com>
CC:
Date: 1/13/2012 2:59:01 PM
Subject: Re: Draft Bill of Sale items

On Fri, Jan 13, 2012 at 2:50 PM, James Todd Wagner <j.todd.wagner@gmail.com> wrote:

> Okay, then putting whatever Savvas's offer was aside; I'm fine with substituting the Yellow photon in place of the blavk supercharged car.

No, neither car is included.

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> > >
> > > > I gave the black super charged car to Jacob, so it's not there.
> > > >
> > > > No finished MT's left in the sale.
> > > >
> > > > And I had other 'upside' considerations with Savvas.
> > > >
> > > > On Fri, Jan 13, 2012 at 2:09 PM, James Todd Wagner <j.todd.wagner@gmail.com> wrote:

DEF009081

The black supercharged car is on the list.

I figured you would want to keep the original Photon for yourself, since that's part of your legacy; but if not it would be great to have that included.

Are there other finished cars? I was under the impression that they had all been sold off. Is there a used race car? I have some recollection of that, but not sure.

On Fri, Jan 13, 2012 at 1:00 PM, Warren Mosler <warren.mosler@gmail.com> wrote:

I see no finished cars in you list?

and the parts listed below should still be there, as we haven't sold anything like that.

On Fri, Jan 13, 2012 at 1:53 PM, James Todd Wagner <j.todd.wagner@gmail.com> wrote:

Hi Warren,

To get the ball rolling, below is a draft of the bill of sale items (not in 'bill of sale' format, just items that would be integrated into a formal bill of sale). I think the ideal way to handle this is for Jacob/Dan to spend a couple hours ensuring that the items listed are in place, then we can lock everything down. I'm expecting that there will be less of some items and more of others in some measure. I'm just going by rough memory.

SEI and its investors expects to be able to pay $450,000 (equal to Savva's accepted offer) for this set of items, provided the numbers are close to what I've put down below. If SFDM is able to purchase the company in early February, that is an acceptable outcome as well.

The words "Mosler", "Mosler Automotive", and "Mosler Auto Care Center" all refer to the organization that has been building the Mosler MT900s, MT900R, Photon, and RaptorGTR vehicles.

1) 5 Body/Chassis sets including Chassis 57, Chassis 62 and three others (please list the Chassis numbers) - I'm 99% sure there are 3 others, just can't remember the chassis numbers. A Body/Chassis set is defined as a full body, splitter assembly, center tub, and installed subframes with fluid & AC piping laid in and the wiring harness laid in.
2) 5 Windsheilds
3) 5 sets of control arms set with heim joints
4) 5 sets of uprights set machined
5) 5 Radiators
6) 5 UK A/C systems

DEF009082

7) 5 Steering racks and u-joint/spline connectors
8) 5 Steering columns (some may already be in the Chassis/Body sets)
9) 5 Center Consoles
10) 5 Carbon Dashes,
11) 5 Center Consoles
11) 6 seats & 6 sets of seat supports
12) 5 Subwoofer boxs
13) 5 Shifters (some may be installed on the Chassis/Body sets)
14) 5 Shifter cable sets
15) 5 Transmission adapter plate & bolts
16) 12 Transmissions (1 at the USA factory and 11 at the UK factory)
17) 5 Flywheels
18) 1 Clutch (if there is one, which I doubt)
19) 4 driveshafts and bolts
20) 8 titanium mufflers
21) 5 set of shocks
22) 4 Sets of OZ rims
23) 5 sets of headlight covers cut or uncut
24) 2 full sets of wiring harnesses
25) 3 LS7 oil coolers and mounting brackets (some may already be in the Chassis/Body sets)
26) 5 Airboxes
27) 3 sets Engine bay pod covers
28) 3 sets of carbon door inner panels
29) 5 sets of side windows & motors & small components
30) 3 A/C compressors and brackets
31) 5 loose carbon noses (these are in addition to the noses on with the Carbon/Body sets in #1)
32) 5 loose carbon hatches (these are in addition to the hatches on with the Carbon/Body sets in #1)
33) 3 loose carbon bumpers (these are in addition to the bumpers on with the Carbon/Body sets in #1)
34) 5 loose sets carbon doors (these are in addition to the doors on with the Carbon/Body sets in #1)
35) 25 chassis tubs
36) 2 carbon spiders
37) 3 sets of head lights
38) 2 SPA dashes
39) 3 Consuliers of SEI's choice
40) Use of the Mosler factory for 2 months rent-free. If a suitable location hasn't been found within 2 months, use of the Mosler facility for an additional 2 months at a rent rate of $10,000/month. SEI will pay the factory utilities during the time it is using the factory.
41) All furniture and MT900s-related framed photos in the factory

DEF009083

42) 8 computers and all data on the computers; including the 3 computers in the engineering office, 1 in Jill's office, 1 in Justin's office, 1 in the intern's office, and 2 in the front office. All of the data relevant to the Mosler operations, designs, and intellectual property must still be on the machines.
43) The Mosler servers and backup servers that contain the Mosler designs and intellectual property.
44) The Mosler Europe computers
45) The Mosler Europe designs and intellectual property relating to the Mosler street cars and race cars
46) The jigs and manufacturing fixtures for the Mosler street cars and race cars in both the USA factory and in the Mosler Europe facility
47) 2 Hewland transmissions in UK
48) 1 set of helical gears for Hewland transmission
49) 2004 supercharged black Mosler MT900s Chassis #008
50) Partially completed Mosler SuperGT race car in the Mosler Europe facility
51) All loose parts associated with the race cars and street cars that are in the Mosler Europe facility
52) All tooling required for producing MT900s, Photon, MT900R, SuperGT, and RaptorGTR vehicles
53) All intellectual property required for producing MT900s, Photon, MT900R, SuperGT, and RaptorGTR vehicles
54) All of the loose MT900s, Photon, MT900R, SuperGT, and RaptorGTR parts that are currently in stock at each of the Mosler USA factory and the Mosler Eupe factory. These parts are too numerous to list individually.
55) All build manuals associated with the MT900s, Photon, MT900R, SuperGT, and RaptorGTR vehicles.
56) Any and every element that is required to legally produce the MT900s, Photon, MT900R, SuperGT, and RaptorGTR vehicles.
57) Any other Mosler Automotive property that is relevant to production of MT900s, Photon, MT900R, SuperGT, and RaptorGTR.

vehicles.
Sincerely,
James Todd Wagner
President
Supercar Engineering, Inc.

--
Because we fear becoming the next Greece, we continue to turn ourselves into the next Japan

'The 7 Deadly Innocent Frauds'
http://www.moslereconomics.com/2009/12/10/7-deadly-innocent-frauds/
"The most important book ever written"- Elizabeth O'Tool, Jan 8, 2011

The 1998-2001 budget surplus was the longest surplus since the 1927-1930 surplus. Coincidence?

The financial sector is a lot more trouble than it's worth.

DEF009084

www.moslereconomics.com
http://twitter.com/wbmosler

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--
Cheers,
James Todd Wagner
Director of Engineering & Sales
Mosler Supercars

--
Because we fear becoming the next Greece, we continue to turn ourselves into the next Japan

'The 7 Deadly Innocent Frauds'
http://www.moslereconomics.com/2009/12/10/7-deadly-innocent-frauds/
"The most important book ever written"- Elizabeth O'Tool, Jan 8, 2011

DEF009085

43. **<u>TAX EVASION TACTIC #2</u>**: Direct refusal to pay Federal Gas Guzzler taxes on the 30 illegally-constructed 2004 Mosler MT900s. The $1500/car taxes remain unpaid as of the May 2023 trial (nearly 20 years late). Back when the [illegal] vehicles were being built in 2006-2008; I inquired about the Gas Guzzler taxes and Mr. Mosler confirmed that his attorney, Alan Simon, would pay them. Mr. Simon got direction to NOT pay the taxes (unbeknownst to me at the time).

44. I discovered the intentional tax evasion via Savvas Savopoulos, who was doing due diligence on the purchase of MACC. Thus, AGAIN Warren Mosler was "reminded" of the Evasion in 2010….and again since it was Mosler's intent to evade the taxes – he again refused to pay them.

45. In the 2023 Trial, I brought up the topic yet again – MOSLER didn't retort via stating he had now paid the taxes; thus it is reasonable to assume MOSLER wanted his tax-evasion benefits to stand.

<u>Trial Tr. James Todd Wagner in cross-examination pg 1310 ln 1 – 17</u>

Q And Mr. Mosler responded "Says he's moving forward, but no money yet and ***seems to have issues with compliance***, et cetera."

<u>A</u> **<u>Exactly.</u>**

Q You were the only person who was providing --

<u>A</u> **<u>That's the gas guzzler tax evasion.</u>**

Q Mr. Wagner --

A Mr. Savvas thinks what Mr. Mosler has been doing so far <u>is wrong</u> and he's questioned about getting into the middle of it --

Q We just saw --

A -- which is very reasonable.

Trial Tr. James Todd Wagner in cross-examination pg 1324 ln 6 - 14

So this is **2010**. This is one whole year before the events we were discussing with -- you know, up until now in the case. This is a whole year earlier.

So in 2011, so **Mr. Savopoulos** came back -- so Mr. Savopoulos left here. **He said he didn't want to buy MACC because of the tax evasion on the gas guzzler taxes, the fact that MACC had been building illegal cars** the whole time and whatever liability was attached to that, and -- I think those were the two main issues.

Trial Tr. James Todd Wagner in cross-examination pg 1310 ln 1 – 17

Q So **Mr. Savopoulos** had received what you sent him and he's asking you for more information, right?

A Yes, he is. The 2004 information was all held by Alan Simon, the fellow whose 2004 car burned to the ground, so I believe he got that information from him.

And in addition, what he **received from Mr. Alan Simon was the gas guzzler taxes that MACC was supposed to pay** and Alan -- Mr. Mosler told -- he told -- **Mr. Mosler told me that Alan Simon was going to pay the gas guzzler taxes, but Alan Simon never did, so that was tax evasion on behalf of MACC**.

Savvas Savopoulos found out about that and that's one thing that upset him and ***why he backed away*** from buying during this time, it was the tax evasion on the gas guzzler taxes for the 2004 Mosler MT900S vehicles.

Trial Tr. James Todd Wagner in cross-examination pg 1318 ln 2 – 10

Q Now you would be the one to answer these questions for MACC, right?

A No. Why would I be the one to answer -- I'm an independent contractor. The guy sitting right there, your client is the guy who answers these questions. He shoveled some of them to his lawyer, Alan Simon, who I think -- well, I talked to Alan Simon on some of them too, but the thing about the **gas guzzler tax** came from Alan Simon.

Trial Tr. James Todd Wagner in cross-examination pg 1324 ln 6 - 14

So this is **2010**. This is one whole year before the events we were discussing with -- you know, up until now in the case. This is a whole year earlier.

So in 2011, so **Mr. Savopoulos** came back -- so Mr. Savopoulos left here. **He said he didn't want to buy MACC because of the tax evasion on the gas guzzler taxes, the fact that MACC had been building illegal cars** the whole time and whatever liability was attached to that, and -- I think those were the two main issues.

46. **TAX EVASION TACTIC #3:** Taxpayer-subsidized repairs to rare collector cars in Warren Mosler's collection.

47. There isn't trial testimony about MOSLER's used of MACC as a "hobby company", thus this is new testimony. While I was director of Engineering, MACC spent over $20,000 of

MACC-money (written-off by Mosler) on repairs to his rare fiberglass-bodied Ferrari 308. There were several other such instances happening in the United Kingdom, with Martin Short (Warren Mosler's friend) benefitting. The most expensive benefit to Martin Short was subsidized repairs and upkeep of his personal race car.

48. TAX EVASION TACTIC #4: Phantom MACC Employees to write-off (tax-deduct) Alimony payments to Mainland-USA-based ex-wife and Allowance to his son, Jacob Mosler.

Trial Tr. James Wagner in cross-examination pg 1395 ln 8 - 25

Q Let's keep going up. And you wrote "Fully understood. Thanks."

And then you replied again with additional edits, and Mr. Mosler responded "It costs me a lot more than that to keep it open for you." And that's because MACC was losing money and the **reason that Mr. Mosler wanted a nonrefundable deposit** is because the money that would be given to keep the company open would go towards spending it on the company, **right?**

A **That is incorrect.** He put this money -- the 100,000 I did send -- into his private jet, so -- and at this point in time the company was breakeven. It was still selling cars and had very few employees.

And, you know, some of the employees -- like one of them is getting **-- I think his ex-wife is getting 400,000 a year.** So I don't know if he's counting that as far as the costs involved, but the company itself was cash flow neutral.

Trial Tr. Warren Mosler testifying to his atty's questions pg 2218 ln 5 - 25

Q   Okay. So you remember when Mr. Wagner was
testifying, he mentioned something about a
$400,000 payment to your ex-wife? Do you remember
something like that?
A   Yes.
Q   Okay. And he was testifying under oath when
he gave his understanding of that payment, right?
A   Yes.
Q   And what did you think of that explanation?
A   Well, it's typical of how his mind seems to
work. If he -- he doesn't seem to understand the
difference between speculation and knowledge, and so he
swears to things under oath that are obviously, to me at
least, just speculation.
Q   To your understanding, was there anything
improper regarding that payment?
A   No, not at all.
Q   What was the payment for?
A   I was helping her out with payroll of the
company that we had together. That was her company
after the divorce

49. Warren Mosler lied over and over again at trial (see Proof file "5 - Warren Mosler Perjury and Inducing Perjury"). Here Mr. Mosler is lying about the nature of the payments. In the next section he lied to claim "the money came back from time to time." I was at MACC for 7 years – no money every came back from MOSLER's ex-wife. It was only OUT; and it was consistent monthly payment that added up to $400,000/year. Jill Wagner, VP of MACC, was particularly upset about the payments; thus she wrote about them to Mr. Savopoulos for his due diligence.

50. Although it didn't come up at trial, **<u>Jacob Mosler</u>**, received a salary and health insurance through MACC even though he NEVER showed up at MACC; and Jacob didn't work remotely, either.

51. **Taken together, the Phantom MACC employees cost taxpayers at least $4 million in fraudulently written-off "salary expenses".**

52. **<u>TAX EVASION TACTIC #5:</u>**

Using **taxpayer-subsidized** MACC Assets to scam potential purchasers out of Deposits (***two*** known scams, there may be more). Once a con-artist has success with a con, they adopt it into their repertoire. **<u>The Scammed Money doesn't appear on MACC income statements.</u>**

<u>Trial Tr. Scott Zappolo Opening Statement pg 173 ln 22 - 24</u>

22 The fourth is whether Warren Mosler

23 **fraudulently induced** James Todd Wagner to make a

24 $100,000 deposit.

53. As previously stated, Judge Luis Delgado, granted MOSLER's wish to remove Count-IV from the jury MID-TRIAL after reams of evidence were submitted without objection. This action could not happen from a trained judge operating honestly.

54. **<u>Warren Mosler's Refundable-Deposit Scam #1: Successfully stole $100,000 from me.</u>**

55. The fraudulent inducement OFFER is captured in PL#57.

Trial Tr. Warren Mosler testifying pg 775 ln 8 - 17

Q "So I understand you fully, the 100k" -- 100,000k, which is redundancy -- "gives is 3 months of exclusivity as opposed to four months and ***becomes refundable upon the following circumstances."***

A Yeah.

Q "A, MSI does not close within the 3 months; B, **another party purchases the MACC assets after the three-month period.** Am I understanding correctly? Todd."

A Yeah.

56. SECOND Refundable-Deposit Scam: MOSLER training his son Jacob how to scam

57. This **second fraudulent inducement** is captured in PL#77.

Trial Tr. Warren Mosler testifying pg 951 ln 22 – pg 952 ln 22

Q Now, December 28, 2011, that's about six months after Wagner, Sr. wired $100,000 into your account, correct?

A Yeah.

Q Okay.

A It was June 29th.

Q And **Jacob Mosler**, your son, had come to you and talking about someone who was interested in purchasing the company. Do you recall that?

A I don't, but I see it now.

Q Okay. You don't recall -- do you recall -- does this refresh your recollection?

A No. I recognize the name Furman, but I forgot the details.

Q Okay. Can you recall your son Jacob telling you that after some Internet research, this person

appeared to be a pathological liar?
A I don't recall it, but I see it.
Q Okay. Now, and Jacob wrote to you that the guy was absolutely awful, et cetera, correct?
A Yeah.
Q And your response was "He's a total red flag, but <u>if he's talked someone out of money to give me in the next week, it's not my problem."</u>

<u>Trial Tr. Warren Mosler testifying pg 952 ln 25 – pg 953 ln 22</u>

MR. WEBER: Objection, mischaracterizes the facts -- assumes facts not in evidence.
THE COURT: Overruled.
THE WITNESS: I was making a hypothetical statement to make a point --
BY MR. ZAPPOLO:
Q Okay.
A -- you know.
Q And the point was you didn't care if someone else was getting fleeced as long as you got the money in your pocket, right?
A That was not the point I was trying to make.
Q Next, you asked -- he said -- your son responded very, very true, and then you told your son to ask that person for an immediate good faith deposit for you and to nurse it along for another week, right?
A That's what it says.
Q Was this just a scam to get people to give you deposits that you didn't think were going to be able to close?
<u>A I didn't say nonrefundable deposit.</u>

58. All Con-Artists have one thing in common: they put on disguises to ensure they don't get caught. Mosler rapidly inventing lies is part of his disguise.

59. Mosler knows that in the modern world nearly-no one goes to prison for perjury.

Trial Tr. James Todd Wagner testifying pg 1190 ln 9 – 21

So after the trade libel, the one thing I've learned -- and I've been scammed by other -- in another instance, but I've learned that con artists and criminals not just -- and it makes sense, they want to **do the dirty work and get away with it**. That's the key point. One thing that's consistent among any wrongdoer is they seem to **want to get away with it**.

In this case, Mr. Mosler did trade libel. He knew he was doing it. He knew the car was legitimate. He knew he was beating the daylights out of me by essentially taking away my nest egg and, like, setting it on fire. **But he wanted to get away with it**, so they concocted a plan.

FURTHER AFFIANT SAYETH NAUGHT.

____
James Todd Wagner, individually and
As Authorized Agent for Supercar Engineering, Inc.

STATE OF FLORIDA
COUNTY OF MARTIN

Before me, the undersigned authority, by means of □ physical presence or □ online notarization, on this day personally appeared JAMES TODD WAGNER, in his individual capacity an well as authorized agent of SUPERCAR ENGINEERING, INC. who is □ personally known to me or ◘ produced a Florida Drivers License who executed the foregoing instrument, attesting that the facts herein are true and who did take an oath.

SWORN TO and SUBSCRIBED before me this ________ day of January, 2025.

NOTARY PUBLIC, State of Florida

____

(SEAL)

____
(Print Name)
My Commission No: ________________________