



1 brief mention of WCPA business which was stated and understood to be the focus  
2 during the remainder of Theresa and Dale's visit.

3 6. Sunday, January 27, 2013, Long Beach, California: I met Dan, Chuck,  
4 Dale and Theresa at the Queen Mary hotel, and went to Lucille's restaurant for a  
5 BBQ lunch. Next, we sat on the ship's sunny side observation deck to discuss  
6 WCPA business. After a short break, we all met at Queen Mary Observation bar  
7 around sunset for drinks, snacks and to continue our conversation regarding  
8 WCPA. This time the WCPA focus was more upon the pirate ship's revenue  
9 generating potential, and comparing WCPA's ship location in Long Beach,  
10 California data to the "Black Dragon" ship that was located in South Padre Island,  
11 Texas. Chuck and I left shortly after dark as Dan, Theresa and Dale had made  
12 prior dinner arrangements with a couple they'd met in Las Vegas.

13 7. Monday, January 28, 2013 – Long Beach, California: All five of us met  
14 for breakfast in the Queen Mary Promenade Café then went to the Eisenhower  
15 Stateroom suite where Theresa and Dale were staying. This meeting was to  
16 discuss any remaining WCPA-related matters, determine if and to what degree  
17 Theresa and Dale wanted to participate, and if participation was the decision,  
18 enter into a written agreement reflective of the agreed upon terms and conditions.

19 8. I recall the conversation initially focused on a recap of the investment  
20 vs. partnership opportunities and benefits; reviewing and talking about the  
21 construction plans of the pirate ship and its intended uses, and to hopefully enter  
22 into the proposed WishCruise Pirate Adventures Limited Liability Company  
23 Investment or Partnership Agreement. Theresa's initial focus was on the ship's  
24 construction plans and related construction issues, e.g., time to build it, where it  
25 would be built, construction costs, materials and equipment costs, etc. With  
26 Theresa's attention initially focusing on boating materials and costs, I left the  
27 meeting for about an hour, and came back with retail and wholesale marine  
28 product/equipment catalogues.

1           9. Upon my return, the mood in the stateroom was noisy and jubilant, and  
2 as I entered the room, Chuck loudly proclaimed, “We have new partners!” He  
3 went on to explain that a partnership agreement had been signed whereby Theresa  
4 was to be WCPA’s president and responsible for “financial oversight;” and Dale  
5 would be a vice president. Chuck also explained that Theresa would be WCPA’s  
6 official or commemorative “artist/painter” and Dale would be an official or  
7 commemorative WCPA “photographer.” Shortly thereafter, Dale and I left the  
8 Eisenhower Stateroom, followed shortly thereafter by Chuck and Dan.

9           10. Chuck, Dan and I first went to Dan’s stateroom, left our notebooks and  
10 brief cases, then joined Theresa and Dale for lunch at the Queen Mary Promenade  
11 Café. Much of the lunch conversation was WCPA related with Theresa sharing  
12 some of the ideas in which her art/painting talents could be utilized. That evening,  
13 we celebrated and continued to discuss the new partnership during dinner with  
14 our “Angel Partners” at the Bottle Inn Restaurant’ in Hermosa Beach. In  
15 addition to WCPA and personal family matters, dinner conversation included  
16 Theresa and Dale talking about their upcoming trip to Zurich, a shipping port in  
17 Canada that they had recently purchased, and a Canadian airport they intended to  
18 buy.

19           11. It was late when Chuck and I returned to Huntington Beach which is  
20 when Chuck told me he “still had work to do,” explaining that Theresa told him,  
21 also Dan, that she wanted a revised agreement that included the additions and  
22 changes which had been discussed and made to the agreement document signed  
23 earlier that day.

24           12. Tuesday, January 29, 2013, Long Beach, California: Chuck, Dan,  
25 Theresa, Dale and I met for breakfast at the Queen Mary Promenade Café. The  
26 conversation mostly focused on the excitement of our new partnership. Theresa  
27 also said she was anxious to get home to start the process of getting done all that  
28 she had to do to uphold her end of the agreement. After breakfast, and away from

1 Dale's presence, I saw Chuck talking privately with Theresa and give her some  
2 papers which I concluded was the revised agreement Chuck had mentioned to me  
3 the night before.

4 13. A short while later, we all met at the check-out desk, walked to the hotel  
5 exit. Chuck, having had little, if any, sleep the night before, exchanged  
6 "goodbye" hugs and comments with Theresa and Dale, then returned to Dan's  
7 stateroom to rest. I accompanied Dan as he drove Theresa and Dale to the airport.  
8 During the drive to the airport, I sat in the back seat with Theresa and our  
9 conversation continued to be about the pirate ship, how thankful she was for  
10 Dan's introduction, her daughter's pregnancy, the upcoming trip to Switzerland  
11 and how cold it would be when she got back to Canada.

12 14. On the return trip to Huntington Beach, I was driving, and until Theresa  
13 called, Chuck had been napping. The volume on Chuck's cell phone was loud  
14 enough that I could hear Theresa apologizing for not returning the signed copy of  
15 the revised agreement, that she had read it, saw it was what she had requested,  
16 and signed it. She then explained that given all of the excitement, her being very  
17 tired, had a sore throat and was not feeling well, plus thinking about her pregnant  
18 daughter and everything that needed to be done when she got back to Canada, she  
19 "just forgot" to return it!?

20 15. In the weeks to follow, there were many times when I was included in  
21 the phone conversations, or where I just listened to all or some of the phone  
22 conversations, between Theresa, Dale, Chuck, and, on several occasions, Dan. I  
23 also believe the majority, perhaps all of the emails sent by Chuck to Theresa  
24 and/or Dale were proof-read by me before being sent.

25 16. February 10, 2013, Huntington Beach, CA: I also listened to the phone  
26 conversation when Theresa called from the Royal Bank of Canada requesting  
27 Chuck speak with the bank official to confirm the amount of money (\$1.4 MM as  
28 I recall) on deposit. During this conversation the bank official not only confirmed

1 the account balance, discussed wire-transfer details, she talked about “how  
2 amazing and wonderful” it was for Theresa to have “purchased, and was paying  
3 for the construction of a pirate ship that would be used to benefit a children’s  
4 wish charity.”

5 17. April 5, 2013, Huntington Beach, CA: Chuck Foster, Dan Howard and  
6 I had dinner at my home in Huntington Beach, California, and as Dan Howard  
7 was just about to leave for the airport, he received a phone call. Dan put his  
8 phone on speaker mode and I listened to Dale and Theresa yelling, cussing and  
9 making disparaging comments about Chuck, including she no longer trusted  
10 Chuck because “he lied about paying for the pirate ship construction plans” and  
11 that she “knew for a fact that Chuck got the boat plans for free, and kept the  
12 \$35,000 from the Canadian bank wire transfer for himself.” At one point,  
13 Theresa yelled she was not going to reimburse Chuck for his \$50,000 and there  
14 would be no more wire transfers. Dan asked her if she realized that would  
15 probably lead to a lawsuit. Theresa again yelled, “If he sues us fine, because I  
16 can delay this for seven years and I’ll do whatever it takes until Chuck goes  
17 bankrupt or quits.” She also emphasized “You know, Danny, that I have the  
18 money needed to win and Chuck doesn’t!”

19 18. I know and can state as an absolute certainty that Theresa falsely  
20 accused Chuck of not paying for the pirate ship’s construction plans because I  
21 saw the ship’s purchase invoice, read related emails, and listened to phone  
22 conversations between Chuck and the engineer/architect, Dan Avoures, who had  
23 created the pirate ship plans, and payment for Avoures’ copy-righted plans was  
24 “\$35,000 and non-negotiable.” I also saw the documents Chuck emailed to  
25 Theresa, which included the plans’ price and payment requirements. I also saw a  
26 copy of Avoures’ invoice, for \$35,000, and the WCPA Nevada bank wire transfer  
27 evidencing payment of the required \$35,000 that had been deposited into Dan  
28 Avoures and Associates’ bank account.

