UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISIN

Civil Action No. 25-mc-2083

****

ALERTE CONGOLAISE POUR L'ENVIRONNEMENT
ET LES DROITS DE 'HOMME; ACTIONS POUR
LA PROMOTION ET PROTECDTION DES PEUPLES
ET ESPECES MENANCES,

Plaintiffs,

v.

WINDS EXPLORATION AND PRODUCTOIN, LLC;
UNITE OIL AND GAS PRODCUTION, LLC;
FRANKLIN IHEKWOABA,

Defendants.

****

DEPOSITION OF: FRANKLIN IHEKWOABA

APPEARING REMOTELY FROM

HOUSTON, TEXAS

JUNE 17, 2026 9:08 a.m.

By Ellen M. Muir
Senior Guardian
APPEARING REMOTELY FROM PLYMOUTH COUNTY, MASSACHUSETTS

REMOTE APPEARANCES

Representing the Plaintiff:

EARTHRIGHTS INTERNATIONAL
1400 K ST NW, Suite 750
Washington, DC 20005
BY: LINDSAY BAILEY, ESQ.
202.466.5188 lindsay.bailey@earthrights.org

In attendance:
Angie Parker, Notary for the State of Texas
(out at 9:10 a.m.)
Richard Herz, EarthRights International
(out at 3:40 p.m.)
Johnathan Kaufman, EarthRights International
Precious Ekpoudom, Legal Associate at SLSP
(labeled as Nigerian Observer on Zoom)

INDEX

WITNESS: FRANKLIN IHEKWOABA

EXAMINATION BY:		PAGE:
Ms. Bailey		6

EXHIBIT:	DESCRIPTION	PAGE:
1.	Certificate of Amendment, filed 2024, for Winds name change	57
2.	Unite Registration	58
3.	Fergany Katende, LinkedIn	123
4.	Invitation to Tender	128
5.	Notification of winning bid	147
6.	Bid Framework	147
7.	Commercial Cover Letter	201
8.	Final Commercial Cover Letter	209
9.	Cover Letter for Technical Submission	211
10.	Order	223
11.	Response to Award Letter	228
12.	News Article	231
13.	Makalele Rejection	234
14.	Utah Rejection	242

EXHIBIT:	DESCRIPTION	PAGE:
15.	Negotiation Letter	252
16.	Order Granting the Relief Requested in the Division's Notice of Agency Action	265
17.	Iwuji Petition 2.16.23	281
18.	Motion to Vacate by Franklin 09.22.25	283

(Exhibits were marked and retained during the deposition by Attorney Bailey)

THE GUARDIAN: We are now on the record. This is the deposition of Franklin Ihekwoaba, appearing from Houston, Texas, taken on June 17, 2026, at 9:08 a.m., in the matter of Congolese Alert for the Environment of Human Rights, et al., v. Winds Exploration and Production, LLC, et al. Would each attorney please state your name, firm and whom you are representing?

MS. BAILEY: Hi. My name is Lindsay Bailey. I am part of EarthRights International, and I'm representing Alerte Congolaise Pour Les Droits De L'Homme Et'Environnement and Actions Pour La Promotion Et Protection Des Pueples Et Espèces Menaces.

THE GUARDIAN: Attorney Kaufman, can you introduce yourself?

MR. KAUFMAN: I am not on the record in this matter. I'm not on the papers in this matter. I'm here as an observer. But my name is Johnathan Kaufman.

THE GUARDIAN: Okay.

MR. KAUFMAN: I am -- yes.

THE GUARDIAN: Okay. And I'm going to ask that if anybody else enters, I ask that we pause the proceeding so we can -- they can be identified for the record if they come -- when they come in. It has been stipulated and all parties agree that this proceeding will be conducted remotely using Zoom technology, and the audio will be

recorded and may be used as the official record. As Guardian, I will oversee the production of the transcript and make a certified copy, which will be available to all parties. Are there any additional -- anything you would like to add, Attorney Bailey?

MS. BAILEY: No, thank you.

THE GUARDIAN: Okay. Angie, can you administer the oath, please?

THE NOTARY: Yes. Mr. Ihekwoaba, can you raise your right hand, please? Do you swear or affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

THE WITNESS: Yes.

THE NOTARY: Thank you.

THE GUARDIAN: Thank you, Angie. You may proceed, Attorney Bailey.

MS. BAILEY: Okay. Thank you.

EXAMINATION BY MS. BAILEY:

Q. Good morning, Mr. Ihekwoaba. Am I saying it right, Ihekwoaba?

A. Yes.

Q. Okay. Great. My name is Lindsay Bailey. I represent the applicants, and I will be taking your deposition today. Now, you've already stated your full

name for the record. I just want to go over some procedures for the deposition before we start. Are you represented by a lawyer today?

A. No.

Q. No? Okay. But are your Nigerian lawyers joining you by Zoom?

A. Yes.

Q. Okay. You have --

THE GUARDIAN: I'm sorry, Ms. -- Attorney Bailey, sorry. Can you do me a favor, if we can do it out a little bit so we can see his whole face --

MS. BAILEY: Yeah.

THE GUARDIAN: -- and also, if he could just speak up to the camera, get as close as he can to the audio? It's not --

MS. BAILEY: Yeah.

THE GUARDIAN: -- very loud. If he can speak up.

MS. BAILEY: This black box is the audio.

THE GUARDIAN: Okay.

MS. BAILEY: So --

THE GUARDIAN: Okay. Can you go over to the right? Yep, there you go. Thank you. At least we can see him now.

MR. KAUFMAN: Do you want to switch around towards me so that --

MS. BAILEY: Yeah.

MR. KAUFMAN: -- you're...

THE GUARDIAN: Okay. Perfect.

MS. BAILEY: How's that?

THE GUARDIAN: Perfect. Thank you.

Q. (By Ms. Bailey) Okay. So maybe I'll start then with a little bit of the technology. This is the microphone that we're going to be using today. So we have to talk towards this microphone, not the microphone on the computer. And because it's being recorded by voice, we just have to make sure that we're speaking instead of nodding or shaking our heads and that we don't speak at the same time.

A. Sure.

Q. Okay. So I'm going to do my best not to interrupt you, if you can agree not to do -- not to interrupt me, and then it'll go a little bit more smoothly.

A. That's fine.

Q. Okay. So you understand that you've chosen to appear at the deposition without a U.S. lawyer today?

A. Yes.

Q. Okay. And you understand that I represent the applicants, not you?

A. Yes.

Q. Okay. Have you ever been deposed before?

A. No.

Q. Okay.

THE GUARDIAN: I --

Q. So you --

THE GUARDIAN: Can I have him speak up? He's still not talking loud. I can hardly hear him.

THE WITNESS: Oh.

THE GUARDIAN: Yeah, put it right there. Maybe he speaks louder. Okay. Thank you.

Q. Okay. Let's try it one more time. Have you ever been deposed before?

A. No.

Q. Was that better?

THE GUARDIAN: No, I still -- he's not loud. I cannot hear him. For some reason, it's not picking him up loud enough.

MS. BAILEY: Hmm. Okay.

THE GUARDIAN: Do you want to just go off the record quick so I can figure this out?

MS. BAILEY: Yeah, can you just off the record for a minute?

THE GUARDIAN: The time is 9:12 a.m., and we are off the record.

(Off the record.)

THE GUARDIAN: The time is 9:12 a.m., and we are back on the record.

Q. You just took an oath. Do you understand that you're under oath?

A. Yes.

Q. What do you understand "being under oath" to mean?

A. Say things exactly as they are.

Q. Exactly. Do you understand that it means you must tell the truth, the whole truth and nothing but the truth?

A. Yes.

Q. Do you understand that if you lie under oath you could be prosecuted for perjury?

A. Yes.

Q. Your answers need to be truthful and complete. And if you realize that you thought of something else, just let me know. Can you agree to that?

A. Sure.

Q. So tell me if you don't understand a question. You can ask me to rephrase or for clarification. Sometimes it might seem like I'm asking you a question that you've already answered, but that's just because I'm

trying to make sure that we get everything clearly on the record for the court reporter.

A. Okay.

Q. So the court reporter is recording everything we'll say today. They're recording it by audio, and then they'll make a transcript of everything we say from the recording. You will have an opportunity after the deposition to review the transcript and make sure that they typed out everything you said accurately. Do you agree that you'll do that?

A. Yes.

Q. Okay. Is there anything affecting your ability to give truthful and accurate testimony today?

A. No.

Q. Are you on any medication that would affect your ability to give truthful and accurate testimony?

A. No.

Q. Okay. So the rules grant me several hours to ask you questions today. That does not include breaks and the times we go off the record, for example, if we're trying to fix the microphone. We will take breaks probably around the 1.5, 3.5 and 5-hour marks. But if you need a break at any point in time, please ask me. But I just ask that you try and answer my question before you take a break.

A. Okay.

Q. So as I said, I get seven hours of questions today. And failure to comply with the subpoena could lead to sanctions, including financial sanctions. So if you do decide to leave before the seven hours, I can file a motion to get you back. And if I have to do that, I will also file a motion for sanctions. Do you understand that?

A. Yes.

Q. Okay. Do you understand that your Nigerian lawyers cannot make objections on the record today, as they are not attorneys in Texas?

A. Yes.

Q. Okay. So the way objections work is that if you had a U.S. lawyer, they could object to a question but you normally must answer. Rule 30(c)2 says, "Only when necessary to preserve a privilege, enforce the limitation ordered by the court or to present a motion under Rule 30(d)3 can an attorney instruct their client not to answer." Do you know what a privilege is?

A. Yes.

Q. Okay. So we cannot give you advice on privilege. I know it's something that we've discussed before in this case. But I can't give you any advice about it because I'm not your lawyer. If you raise a privilege during the deposition, what's going to happen is

I can ask you more questions to determine whether your claim of privilege is likely valid. And if you do refuse to answer questions based on privilege and I ask those questions and I determine that I don't think your claim of privilege is valid, what I'm going to do is file a motion with the court; and I will seek fees and expenses if I determine the claim of privilege is not well founded.

A. Yes.

Q. Do you understand? Okay. Finally, since you did not move for a protective order, our position is that you cannot refuse to answer questions based on allegedly confidential material like trade secrets. And if you refuse to answer questions about trade secrets, again, I'll file a motion to compel with the court. Do you understand that?

A. Yes.

Q. Okay. So what did you do to prepare for the deposition today?

A. Just read through the document that I have in my possession.

Q. Did you -- what documents are those?

A. Ones that I presented to you, that I sent you.

Q. Were there any documents that you reviewed before to the deposition today that you did not present to us?

A. No.

Q. Did you speak with anyone about the deposition?

A. Just my lawyers.

Q. Your Nigerian lawyers?

A. Correct.

Q. Okay. Did you speak with anyone other than your Nigerian lawyers?

THE GUARDIAN: I didn't get that answer.

Q. Tell me about --

A. No.

THE GUARDIAN: Okay. Thank you.

MS. BAILEY: I think we can both try to slow down and speak slower and just interject if you don't have it on the record.

Q. Tell me about yourself.

A. A 61 year old, American and Nigerian. I'm married with five children, and I run my own business.

Q. How old are your children?

A. My children are 31, 25, 21, 15 and 5.

Q. That's a big age range. Where do your children live?

A. Some of them live in the U.S. -- they all live in the U.S. now.

Q. How long have you lived in the U.S.?

A. Since 1983.

Q. Where do you live right now?
A. In Cypress, Houston.
Q. How long have you lived in Cypress, Houston?
A. Since 2017.
Q. Where did you live before Cypress?
A. Nigeria.
Q. Where did you live in Nigeria?
A. Lagos, Nigeria.
Q. How long did you live in Lagos for?
A. From 2001-2017.
Q. Do you travel to Nigeria often now?
A. Yes.
Q. Why do you travel to Nigeria?
A. It's my second home.
Q. When do you next leave for Nigeria?
A. In about two weeks.
Q. How long will you stay there?
A. I don't know.
Q. Okay. Do you have any plan to return to the United States?
A. Yes. Of course. I always return, yes.
Q. So you just don't have a time, but you know you'll return eventually?
A. Yes, correct.
Q. About when do you think you might return?

A. I have no idea.

Q. Could you give me a guess, you know, two months, four months?

A. I cannot tell you that.

Q. Okay. What languages do you speak?

A. English, Igbo, Yoruba, some French.

Q. And Igbo and Yoruba are Nigerian languages, right?

A. Correct.

Q. How much French do you speak?

A. Tiny bit.

Q. Enough to get around in the DRC?

A. Enough to be able to understand a few things here and there.

Q. Where did you learn French?

A. Learned on my own.

Q. When did you learn it?

A. Since I was a kid.

Q. Okay. Can you describe your education for me?

A. Mechanical engineering starting in Nigeria, the University of Minnesota.

Q. What did you study at the University of Minnesota?

A. Accounting, International Finance --

Q. Is that --

A. -- South Kingston University; Master's, International Accounting and Finance, Computer Information Systems, two master's degrees.

Q. What is the title of those master's degrees? Is it an MBA?

A. MSC.

Q. MSC. Okay. When did you graduate with your MSC?

A. 1998, I believe.

Q. Do you have any professional licenses or accreditations such as a CFA or a CPA?

A. Yes.

Q. Okay. So I know you graduated in 1998, so that's a long period to describe your work experience. But if you could go back to 1998 and describe your work experience from then until now.

A. Howard Hughes Medical Institute, PricewaterhouseCoopers, United Bank, Oceanic Bank, Oando Oil & Gas, Eroton Exploration and Production.

Q. So let's start with PricewaterhouseCoopers. What did you do there?

A. I started as a senior associate, then as a manager, then a senior manager.

Q. Can you describe your work in a little bit more detail?

A. I worked in the government services office, and I worked with the federal agencies.

Q. Which federal agencies?

A. U.S. Marshall, the Secret Service, the Attorney General's Office, yeah, that's it.

Q. What did you do working with them?

A. I don't think I can discuss my work.

Q. Okay. It's confidential?

A. I think so.

Q. Was it financial services?

A. Some.

Q. Did you eventually go to PricewaterhouseCoopers in Nigeria?

A. Yes.

Q. Can you describe that work there?

A. Mostly private sector, oil and gas.

Q. Was that your first experience in oil and gas?

A. Yes.

Q. How long were you at PricewaterhouseCoopers in Nigeria?

A. Five years.

Q. What five years?

A. 2001 to 2005.

Q. Where did you go after PricewaterhouseCoopers, Nigeria?

A. Oando.

Q. Can you tell me more about your work at Oando?

A. I was a group head, strategy finance, the risk management, and basically put a platform together, indigenous oil and gas company.

Q. Sorry, that didn't come clearly for me. I don't know if it came clearly for the transcript.

A. My job was to put together an indigenous company, an oil and gas company, upstream, downstream and mainstream.

Q. What does it mean, "indigenous oil and gas company"?

A. Before then, Nigeria did not have a large oil and gas company that was integrated across the different sectors, upstream, downstream and mainstream.

Q. Why is that important?

A. The country needed one because up until then, it depended on the IOCs, Shell, Chevron, Total, and there was none in the country.

Q. So what exactly was your role in this company?

A. It was to put together such a company.

Q. And just walk me through what it means to "put together a company".

A. Strategy, planning, putting a team together, designing exactly what it is we wanted to achieve both

short-term and long-term.

Q. And can you spell Oando for us?

A. O-A-N-D-O.

Q. How long were you at Oando for?

A. Four years.

Q. What four years?

A. 2005 until 2009.

Q. What did you do after that?

A. I went to the bank, Oceanic Bank.

Q. Where was Oceanic Bank based?

A. In Nigeria.

Q. What did you do for the bank?

A. I ran the investment banking arm of Oceanic Bank.

Q. For Oceanic Bank.

A. Yeah.

Q. What does it entail to run the investment banking arm?

A. Insurance, the day-to-day review of transactions.

Q. What do you do when you're doing the day-to-day review of transactions?

A. Ethics, making sure that things are being done right.

Q. Compliance?

A. Risk management.

Q. And what laws were you ensuring that they complied with?

A. The local laws and any laws that are applicable to a transaction.

Q. What did you do after you worked at Oceanic Bank?

A. Worked on my own.

Q. Tell me more about that.

A. I worked with the banks and the oil and gas companies. The same thing I was doing while I was inside the -- those organizations.

Q. Which banks did you work with?

A. Oceanic Bank, SkyBank.

Q. What did you do working with them?

A. Reviewed their transactions, helped them to manage portfolios of debts and credits, making sure that there was compliance.

Q. And how long were you on your own doing this bank review work?

A. 2010 until 2014.

Q. Were you based in Nigeria during this time?

A. Correct. Yes.

Q. Working with Nigerian banks?

A. Yes.

Q. Did you ever work with U.S. banks during this time?

A. No.

Q. What did you do after 2014?

A. I moved, then, out to Eroton Exploration and Production to acquire OML 18 from Shell, an oil-producing asset.

Q. Tell me more about that.

A. Shell put out a bid about the sale of swamp and land assets, and I was called by an old colleague from Oando if I was interested in participating in acquiring an OML 18

Q. What did you do to acquire this asset?

A. Applied, walked through the process, and completed the acquisition.

Q. Who did you apply on behalf?

A. On behalf of Eroton.

Q. What's Eroton?

A. Eroton is the name of the company that we -- that was formed for the purpose.

Q. So the company was formed for the purpose specifically of acquiring this asset from Shell?

A. Right.

Q. Who formed the company?

A. There were shareholders, owners, the company.

Q. Were you one of the shareholders?

A. No.

Q. So the company hired you to assist them with the acquisition?

A. That's right.

Q. What special skills do you have in assisting companies with acquiring these kinds of assets?

A. Well, I got experience, strategy, and ability to raise funds.

Q. So when you're raising funds, how do you go about doing that?

A. Being able to put a case before the credit committee and the bank about the bankability of a project.

Q. And what do you do to assess the bankability of a project?

A. Again, it's about the vision for the project and what the project is headed for achieve.

Q. So during this acquisition, you were acquiring a project for a company that was not your company?

A. It wasn't my company.

Q. So you didn't have a financial stake in the company?

A. I didn't -- I did not want to.

Q. Why didn't you want to?

A. Did not want to. I had no interest in taking a

financial stake.

Q. Okay. What did you do after that acquisition?

A. Took on the post of a CFO.

Q. CFO where?

A. In the company.

Q. How long were you CFO?

A. 2014 until 2020.

Q. What did you do as CFO?

A. Manage the finances of the company.

Q. And just so we get it on the record clearly, could you spell the name of that company for us?

A. E-R-O-T-O-N.

Q. E-R-O-T-O-N. Where was Eroton based?

A. In Nigeria.

Q. In Lagos?

A. In Lagos, yes.

Q. Did you live in Lagos during this time period?

A. Yes.

Q. Did your family live in Lagos with you during this time period?

A. Yes.

Q. Were you the full-time CFO from 2014 till 2020?

A. Yes.

Q. Did you have any other jobs during 2014 to 2020?

A. No.

Q. Okay. What did you do after 2020?

A. Came back to the U.S.

Q. Why did you come back to the U.S.?

A. It's my second home.

Q. Okay. When you came back to the U.S., what did you do for work?

A. Wasn't really working. I was taking time off.

Q. Okay. Is there any other experience in the oil and gas industry for work that you have had?

A. Yeah. After -- when I was in the U.S., I was, again -- someone told me about an asset that was in Utah, a gas asset, that the owners had an interest in either bringing in partners or in selling.

Q. Who told you about that?

A. A friend, an engineer.

Q. What did you do when you heard about the asset in Utah?

A. I wanted to look into it. I was not doing anything.

Q. So what did you do to look into it?

A. I researched the assets. I spoke with some of the current owners, asked questions, the usual review for an asset.

Q. What's the usual review for an asset?

A. Just to know exactly what the asset was intended to achieve and where it is.

Q. So what was the Utah asset intended to achieve?

A. Coal bed methane gas, low risk, low production.

Q. What does "low risk" mean to you?

A. Volatility.

Q. What do you mean by "volatility"?

A. I'm -- talking about gas, right?

Q. Yeah.

A. So it just means the pressure at which gas is produced.

Q. "Volatility" means the pressure at which gas is produced. And why does low volatility mean low risk?

A. It just simply means the rate at which the gas is produced. If it's gas that -- you know, what are the things that you need to put in place in order to make sure that the gas is properly contained?

Q. So the project's low risk because there aren't a lot of things you need to put in place to ensure it's properly maintained?

A. It's lower investment, yes.

Q. Why would you want a low-investment project?

A. It's a personal project and whatever I -- what I could afford.

Q. So you could only afford a lower-investment

project?

A. No. At that time, it was what I felt I could -- the risk I could take at that time.

Q. And what did you mean about it being "low production"?

A. It wasn't a very high-producing field.

Q. Why do you want a low-producing field?

A. There was no reason for it, other than the fact that it was something I could manage at the time.

Q. So you thought you would be able to manage a field that was both low risk and low production?

A. No, that's not personally my capacity. It is just the qualities of the fields that I -- in terms of my assessment of the field.

Q. Who were the owners of the field?

A. I don't recall.

Q. Did you ultimately decide to invest in the field?

A. Yes.

Q. What did you do once you decided to invest in the field?

A. Negotiated with the owners.

Q. What do the negotiations entail?

A. Getting them some consultants in the technical side -- on the technical side, about the engineering side

of oil and gas, and getting advice from them and working with them and negotiating with the owners.

Q. And did you ultimately decide to buy that asset?

A. Yes.

Q. What financial structures did you use to buy the asset?

A. Personal financing.

Q. So you personally, Mr. Ihekwoaba, bought the asset in your own name?

A. Yes.

Q. So the lease or the ownership document in Utah would have your name on it?

A. Yes.

Q. Did you use an LLC or any other corporate structure to purchase the asset?

A. Winds LLC.

Q. And tell me more about what you did to create Winds LLC.

A. Just created it.

Q. Did you create it specifically to purchase the asset in Utah?

A. Just for the asset in Utah.

Q. Did you create it before Utah or you made it specifically for that purpose?

A. No, not specifically for that purpose. It was created before the asset in Utah.

Q. But why did you create it?

A. It's always good to have an operating member in a company to be used when opportunities present themselves.

Q. Okay. I'm going to come back to Winds LLC. I want to talk for a minute about the subpoena that you received. When did you receive a subpoena?

A. When my lawyers sent it to me. I don't know the date -- the exact date.

Q. Okay. Did you decide that you were going to produce documents in accordance with the subpoena?

A. Think I was going to produce documents, whatever was in my possession, based on what I -- the request that was made to me.

Q. Can you tell me more about how you searched for documents in response to the subpoena?

A. I went through my laptop, everything that I had available to me, and I went through my phone because most of the communication was through the phone, WhatsApp messages and things like that. And whatever I didn't have in my laptop saved, I would transfer it from my phone and to -- e-mail it to myself and then, you know -- and then printed it out or forwarded it to the lawyers.

Q. So let's talk first about your laptop. How do you store documents on your laptop?

A. I just create a folder.

Q. Do you have a folder specifically for the DRC bid?

A. I have -- yes, yes. I think I do, yes.

Q. And do you remember which documents were saved on your laptop?

A. Whatever document was available to me that was sent to me. You know, sometimes I will not remember to save it but -- because I have to transfer it from my phone to e-mail it to myself. And, naturally, I would, you know, not always remember to do that for all things that were sent to me.

Q. You don't receive documents in your e-mail on your computer?

A. I do.

Q. So were there some documents in your e-mail that you located?

A. No. The folks in DRC, they don't use e-mail. They simply just send stuff by WhatsApp.

Q. So did you check your WhatsApp?

A. Yes. And, unfortunately, last year, when I had a virus on my phone -- I think it was last year, sometime around April or May, when I completely lost my, you know,

lost the use of my phone for while in the virus and whatever it was. And I had to go to T-Mobile, and they said they couldn't recover -- that I have to, you know, clean it and start again. So I lost a whole lot of stuff.

Q. And when you lost the materials on your phone at that point in time, did you do anything to try to retrieve the documents that might've been stored on your phone?

A. There was no need because this project has been -- just been sitting there for a very long time. So the interest on it was -- it had been very low until questions started coming up, you know, because we had not heard anything. Protest has been made. I think your group filed them -- all kinds of things. And so it's been sitting there. No one is acting on it.

Q. So you didn't think you needed the bid documents because the bid was sort of on pause?

A. If I needed bid documents, the lawyers who own the process in DRC, I'm sure they would have something, you know, maybe, you know to...

Q. So the lawyers in the DRC "own the process." What do you mean by that?

A. They are the ones that manage the members of the consortium.

Q. So you think that if you needed the documents,

you could ask the lawyers and they would provide them to you?

A. No. They're not -- because they are -- if I ask for my documents, they will give -- if I ask for a document that I sent them, they will give it to me, you know, but not other people's documents. These projects are not individual. I don't own the entire project. There are different experts who bring in their own level of expertise as to how the project is going to run and what they are going to do. So they all own their documents.

Q. So who does own the project?

A. My job is to organize the project and bring in the required expertise; but, ultimately, it's to raise funding to make the project work.

Q. Okay. We're going to come back to that later. I want to stay on what you did to search for documents in response to the subpoena. So did you ask your lawyer to give you your documents that had been lost?

A. Part of my decision here is to ask, some of my own documents, if there was any communication I sent to them via WhatsApp that I don't have. So whatever was sent to me, those were things that I copied and sent to the lawyer.

Q. You previously said that your DRC lawyer is in

Belgium and wasn't able to give you documents. Is that true?

A. There was a point in time when -- during the course of this, the question was asked whether I could get additional documents, and I said "I will try. I will speak with the lawyer and see what I can get." I tried to reach a lawyer, and I was told that the lawyer was in Belgium; and I couldn't reach the lawyer at that time to see what other documents I could get. That was the whole idea -- I mean, that was the whole thing about the lawyer being in Belgium, yes.

Q. When was that?

A. At the time, I can't remember the date when this all happened. At the time that the question was asked whether I could -- I think a meeting I had with your team, I think that was in January or so in -- when I was in Nigeria.

Q. So have you asked her since then if she's still in Belgium?

A. No, I don't know where she -- whether she's in Belgium or whether she is back in DRC. When I tried to reaching her and I couldn't reach her, then that was it. I couldn't try again.

Q. So you didn't try again since you first asked her?

A. No.

Q. Okay. What documents do you think she has that she would produce to you that you haven't already produced to us?

A. Whatever I could lay my hands on based on what was being asked of me was what I was going to ask her, are there any documents that she could send to me that I could forward to the lawyers on this project.

Q. Your lawyers also stated that you would have to travel to the DRC to get more documents. Can you tell me more about that?

A. It was also on that same premise as to me trying to get additional documents to satisfy whatever your requests were. That's why the lawyer was saying that if you cannot reach her, maybe you have to go down to DRC to find if you could, you know, talk to the lawyers and get it done. So it was along those same lines.

Q. So can you tell me about who has given you documents that you then produced in this action?

A. Yes. Part of what was given was by the lawyer, gave me some document when I asked if there were things that I sent to her. And so because -- like I said, I didn't have those things on my WhatsApp anymore; so I asked if she could give me some and she sent back the things that I had sent to her. And Mr. Kantende, who

basically it's the person that runs the project in DRC, whatever it is that I could get from him.

Q. What's Mr. Katende's first name?

A. Fergany.

Q. Can you spell that for the court reporter, please?

A. F-E-R-G-A-N-Y.

Q. And what do you mean by he "runs the project in the DRC"?

A. He deals with the government and deals with all the parties involved in the project.

Q. You said earlier that you are managing the process. So what's the difference between your role and Mr. Katende's role?

A. He's one that is resident there. He's the one that deals with the government on a day-to-day basis.

Q. And who do you deal with in the project?

A. With everybody else in the project, bringing together the expertise.

Q. Have you asked other members of the bid team if they could give you documents?

A. They have absolutely refused to be -- to give me their personal documents.

Q. Did you search your e-mails and e-mails of your employees and consultants?

A. Did I search their e-mail?

Q. Or ask them to search their e-mail?

A. No.

Q. Just to go back, why did the members of the bid team refuse to give you documents?

A. Because the project has not -- the project is still -- is on hold. And the way it works is this: So say you have people who are coming in as gas -- they are the gas experts. They are in the project because of this particular role that they are going to play. I cannot go asking them to give me their documents because then I could use their document and go to somebody else. Or I could go around them and know -- and they would lose their place in the transaction. The reason why they are there is their expertise. And they are hoping that by the time -- when the project comes through, that they will be the one that will, you know, do that job. So I cannot go asking them to give me their document.

Q. When you say "they're hoping that they will be the one to do the job," is your team for the job not already guaranteed?

A. Nothing is guaranteed until the award is made. At the time that the award is done, everything will be reviewed.

Q. So you could change your team between now and

when the award is granted?

A. No. You can -- what is there to change?

Q. So why did they -- you said earlier that you were hoping that they would be part of the team. What's the concern with sharing the documents with us?

A. They cannot share it with me, not with you. It has nothing to do with you. They cannot even share it with me because it's their document. And when I say the word "hope," is that they have applied to be a part of this, you know, project with the expectation that they would be the ones that would do the job, like any other company that is putting up -- you know, that's part of a big process. So they cannot expose whatever their, you know, their expertise and their method is going to be until the project is awarded.

Q. So even though you're managing the process, you never had access to the documents that your team prepared to show the methodology?

A. We never have access to the other companies' process. It is theirs. They maintain theirs. They only share it with whoever is going to be the person that is going to present it to either win or not win.

Q. And who is the person --

A. It is the lawyer. The lawyers gather it from everyone they presented to the agency. The agency reviews

it and choose the winning consortium.

Q. So you don't know what the other members of your consortium plan to do?

A. I only know the parts that I have to play.

Q. Are there any documents that you have that you withheld from production?

A. No.

Q. Did you claim privilege to avoid producing the technical bid, financial bid and commercial bid?

A. I did not claim privilege. And I think that was another misunderstanding. The whole idea is this: The people that own the technical document, hold their technical document. If the person that, you know, owns any other side of the project, own it. So the privilege that came up -- I don't know how the word "privilege," you know, came up, was through an explanation that I do not own or have access to these people's document. And it is for them, their privileged document, not that it is my -- I'm claiming privilege. I cannot claim privilege on what is not mine or what I don't have.

Q. Okay. So the reason I'm just using the word "privilege" is because your privilege log, which is a document that your lawyers produced to us, indicates that these documents were sent from lawyers in the DRC to the DRC Government. Is that accurate?

A. It goes from the DRC lawyers to the DRC Government, yes.

Q. Who are the DRC lawyers that you work with?

A. It's a -- the name of the person I know is Mary. I don't remember Mary's last name. I just know Madam Mary something. I cannot remember her last name.

Q. Does she work for a law firm?

A. Yes. Yes.

Q. Do you remember the name of the law firm?

A. No.

Q. Who would know the name of the law firm?

A. I probably would be the one. I would know, but I just -- I can't remember what it is. Yeah.

Q. Is it something that would be in your e-mails or WhatsApp threads?

A. I only know Madam Mary. I -- but I'm sure that's something -- I'll check if that's how it is in here. WhatsApp from her maybe would have the name of the firm.

Q. It's okay. I think we can follow up with you later. But my question was what you would do to determine her last name. And I suppose the answer to that is look in your WhatsApp.

A. Yeah.

Q. Okay. If you want to look, go ahead.

A. No, I just looked at this and that; I didn't see her name. Yeah.

Q. So your privilege log indicates that you did not produce these documents due to trade secrets and confidential research development or commercial information and unretained expert's opinion. Can you tell me more about that?

A. You know what that means.

Q. Does this mean that you have access to the documents but chose not to produce them?

A. Absolutely not.

Q. How would producing these documents to NGOs like applicants affect your business?

A. We are not working with NGOs. This has nothing -- this has not -- this -- the project is -- it's a humanitarian project. It's not -- the project is not a money-making project in terms of the overall expectation of the project. So it's -- we were working with NGOs already on ground. We had contacted the NGOs that were in the Idjwi Island; some had reached out to us. We were already working with them. So we were not on opposite sides with some NGOs.

Q. Tell me more about what you mean "it's not a money-making project."

A. Because this was more of a humanitarian project

and what could possibly happen in that sector if there was -- because of the risk of limnic explosion. I read about this many years ago, and I knew it had happened before. I know when it happened in Cameroon -- what happened in Cameroon. People died. A lot of people died. Asphyxiation was something that nobody could prevent when the explosion would happen. It was imminent on the DRC side. Cameroon had taken care of the Cameroonian side. Rwanda had taken care of the Rwandan side. They are producing gas, 40 percent of the gas in Rwanda today is coming from them producing the gas out of the lake.

The only side that was left was DRC, and that was why the government wanted to do something about it. So it was more about making sure that that limnic explosion did not happen, and that was why when it came up for bid, I got a call from a friend who is aware of my project and raising financing to make this thing happen, and asked me to, you know, to look at the project.

There's only very little gas, useful gas, coming out of that lake in terms of quantity of gas. Most of it is bad gas, carbon dioxide. And the idea is to not flood into the atmosphere, but to find a way to retain -- to remove the carbon dioxide so it does not asphyxiate the people there in terms of a limnic explosion. And that was what the project is about.

The gas that is there that's a useful gas, methane gas, it's only about 18 to 20 percent of the gas. Technology can solve that problem easily. If it were in the U.S. or anywhere else, it would have been taken care of, exactly what we are proposing.

Q. So just to clarify, your position is that the gas project in the DRC will have humanitarian benefits?

A. Number one.

Q. Will it make money for the person or company?

A. Very little money is coming out of that. That was why when we were looking at the project, we were reaching out to organizations such as USAID. We looking at other -- we had talked to them. They were all interested in supporting the project.

Q. How much money is "very little money"?

A. I don't know. I mean, I couldn't put a money -- direct number. But what was clear was that it wasn't going to be a project that was going to be making a lot of money for the owners. It was more about reducing the carbon dioxide in the water.

Q. Could you give me an estimate about how much money it might make, tens of millions, hundreds of millions?

A. Can't tell you that.

Q. So you, as the manager of the bid, don't have a

good idea about how much money this asset might stand to make?

A. Studies had not been completed at this point. I mean, none of them had been completed --

Q. At this --

A. -- until after the bid.

Q. Until after -- when is "after the bid"?

A. When the award is made. That was when you were allowed to go in and do a study.

Q. So you bid on an asset that you had no idea about what the financial prospects of it were?

A. You are looking at the project in Rwanda. You are looking at that in Cameroon. And you are looking at all of the studies that have been done for years and years on the gas that is in the lake. You're looking at the fact that possibly the revenue coming from the sale of gas will be able to cover the cost of the entire project. It was not for the purpose of making money. That project is not a money -- if I were looking for a money-making opportunity, I would not be going to DRC -- you know, to the lake for that. It is not a money-making project.

Q. But you anticipate that the revenue from the project will cover the cost?

A. Hopefully.

Q. You hope that the revenue from the project will

cover --

A. After all the studies are done, we will know.

Q. You said that you're working with NGOs. Which NGOs?

A. The -- there were two NGOs that reached out to us from Idjwi Island, and I don't know their names. I mean, really, I can't recall the names. One of them works with some children and schools and things like that on the island, primary schools, building elementary schools. And we said we were definitely going to support them in terms of building their primary schools. They sent me pictures of what the conditions of the schools were and all that stuff. And I told them we were definitely going to support whatever way we could.

And another group was talking about the forestry and the preservation of the forestry and all of that in that area. And I spoke with them and I told them that I actually am a member of another forestry preservation agency here in the U.S., that would be happy to work with them.

Q. What's the forestry agency in the U.S.?

A. No, no, no. I said that I informed them that I was actually also a supporter of another forestry preservation, you know, NGO group in the U.S. that certainly I'll be happy to support them here.

Q. And what's that group?

A. I don't remember the name.

Q. Who would know the names of those NGOs?

A. I would probably be the one to know if I go back to my records to find out the name.

Q. And are these messages you lost when your phone was broken?

A. That was the problem, yeah, that -- a lot of this, I was trying to get back to, but I couldn't recover a lot of these things.

Q. How did the NGOs know to reach out to you?

A. I don't know how they got my number, but they reached out to me certainly.

Q. Was this before you submitted the bid or after?

A. After.

Q. After it was announced that you received the bid?

A. That's correct.

Q. And you committed --

A. We were all present, I believe, at -- during the sessions that were held. Sessions were held in Kinshasa where everyone was invited to participate; NGOs, government the World Bank was there. Everyone was involved during the process leading up to the bid.

Q. When did these sessions take place?

A. 2022, I believe. I was there for two of the sessions. The media was there. Lots of NGOs were there. Governments were there. And they were asked to put up any kind of issues that they might have. Everyone was asked to put up -- make presentations and to send them whatever issues that they might have to the Ministry of Hydrocarbon. I was there in two sessions.

Q. Did you make a presentation?

A. No, we were just there to listen to the process.

Q. Do you speak enough French to understand those sessions?

A. No, I have an interpreter.

Q. What did you learn at those sessions?

A. Exactly what it was. Because I met with the Minister of Hydrocarbon, and he made it clear to us that this was going to be a completely transparent process, that this was something that they were doing for the first time and that they needed the best that they could possibly get. And he told us -- he informed us directly, both in public and in private, "If anyone comes to you and tells you that they can help you to do anything in this process, they are lying to you. The only way to get around it is to make sure that you deliver a good package."

Q. When you say that "they can do anything for you in this process," what does that mean?

A. Anywhere you go. I mean, people saying, "I can help you with this, I can help you with that, I can talk to this person or talk to that person." So that's...

Q. When did you meet with the Minister of Hydrocarbons?

A. During the process.

Q. When during the process?

A. After the sessions that, you know, that we attended, we requested for a meeting with the minister and asked if we could have a discussion on the project.

Q. Who requested the meeting?

A. I did.

Q. How did you do that?

A. Through his people, you know, his -- the people that -- he had, his entourage.

Q. His entourage?

A. Yeah.

Q. Who was his entourage?

A. His secretaries, his -- you know, the legal counsel. I remember, you know, Alan, the legal counsel, I think that was one person I spoke to, Alain, A-L-A-I-N.

Q. You spoke directly to Alain?

A. To Alain, yes.

Q. Through an interpreter or does Alain speak English?

A. He speaks English.

Q. How did you choose Alain to reach out to?

A. He was one of the people that I saw was with the minister, so he -- and he happened to be the legal advisor.

Q. And was this before you submitted your bid?

A. No. No. This was during the process when we were getting information about how to -- you know, how this was going to work and all of those things. We wanted to sit down with the minister to find out, is this going to be a transparent process? How is it going to work? And the minister said, "It will be a complete transparent process, and you just have to submit the winning, you know, proposal. And that's -- and let no one fool you that they can help you with anything. It has to be your proposal that guides it." That was it.

Q. And so this meeting was before you submitted a proposal?

A. After we submitted our proposal, we wanted to talk to the minister to know that this was going to be a transparent process.

Q. So you'd already submitted the proposal?

A. I believe so. I'm not sure. I'm not really

sure whether that was before after. I'm not really sure. I know we met once.

Q. Why did you feel the need to approach the minister after submitting a proposal to ask if it would be transparent?

A. Whether before or after, what we needed to know was that this process was going to be transparent. As a team, we want it to be clear and to be assured by the minister that it would be a transparent process.

Q. Whose idea on your team was it to approach the minister?

A. My idea.

Q. So we've been talking about Idjwi Island. Could you spell Idjwi for the record?

A. I-D-J-W-I.

Q. Thank you. And you said that you committed to building primary schools on Idjwi Island.

A. Yes.

Q. What does that have to do with gas exploration?

A. It's just a CSR, that's all. It wasn't a -- has to do with gas or anything.

Q. Can you, sorry, just for the court reporter, explain what CSR is?

A. Corporate Social Responsibility.

Q. So how do you choose what Corporate Social

Responsibility projects you wanted to engage in?

A. I don't choose. It chooses us.

Q. How does it choose us?

A. When they approach us, and we think that it will help the community, we commit to it.

Q. So did your team have a plan for Corporate Social Responsibility in association with the bid?

A. I always have a plan for that in every project that I'm engaged in.

Q. How do you make the plan?

A. Making sure that part of whatever comes through on the project goes into -- back to the community.

Q. But it's your position that the entire project is a Corporate Social Responsibility project because it will prevent limnic?

A. On the overall -- the top level of the project is that -- it is to make sure that limnic explosion doesn't happen in that environment. Then, in dealing with the local community itself, doing what we can to also help to support. So it's not -- so the project itself, it's about making sure that this explosion doesn't take place. And then, of course, helping out whatever we could in the local environment.

Q. And you said that USAID was interested. What were they interested in?

A. Whatever support that they could give us. That was all.

Q. What kind of support?

A. USAID is already on ground there. They already know the environment. So when we were going through this, we went from place to place. We went to Shelter Afrique, went to USAID, we presented ourselves, we told them what we were trying to do. And each of them would say, "Yeah, whatever it is that you need for us to help you with, at the time that -- when you guys win the bid, let us know." That's it.

Q. Why would USAID help a U.S. company in gas exploration?

A. They have not specified what they could help us with. Like I said, at the time that we were going through the process, you set up meetings, you go from -- you know, you go to these agencies that are already in the environment, and you tell them what you are there to do. And they say, "Okay, fine. By the time you guys finish the bid, if you win the bid, let us know what we can do for you." That's it. That's all. It's not a commitment that they made that they would do any particular thing.

Q. If applicants agreed to keep the bid materials confidential and not share them publicly, would applicants, so the NGOs that we work for, having the

documents present any risk to you or your colleagues?

A. No.

Q. Okay. So to keep things clear moving forward, I will refer to the Company Winds Exploration and Production, LLC, as WindsUS, and STE, Winds Exploration and Production Limited, SARL, as WindsDRC. Is that --

THE GUARDIAN: Attorney Bailey? I'm sorry. I hate to --

MS. BAILEY: Yes.

THE GUARDIAN: -- I hate to interrupt. Okay. I didn't know if I got his answer. Did you say if -- your question was: "If applicants agreed to keep the bid materials confidential and not share them publicly, would applicants, so the NGOs that we work for, having the documents present any risk to you or your colleagues?" Did he say "no" to that? I didn't hear that answer.

Q. Mr. Ihekwoaba, I'm going to ask you the question again, but can I ask that we'll look at our phones during the break, and if you need a break, you can let me know. And if you need to consult with your attorneys, you can let me know? Okay.

A. Sure.

Q. So I'm going to ask you the question again. If the applicants had access to the bid documents but agreed to keep them confidential, would that pose a risk to your

company or your colleagues?

A. I don't know.

Q. You don't know?

A. I don't know that. I don't know if it will.

Q. Do you have any reason to believe that it will?

A. No, I don't. I don't know.

Q. So to keep things clear, I'm going to refer to Winds Exploration and Production, LLC, as WindsUS and STE, Winds Exploration and Production Limited, SARL, S-A-R-L, as WindsDRC. Does that make sense to you?

A. Yes.

Q. Can you do the same?

A. Sure.

Q. So did you search WindsUS' or WindsDRC's files?

A. Both.

Q. Describe what you did to search those files.

A. Everything that was made available to me.

Q. What do you mean by "made available to me"?

A. Everything that was sent to me, all communication that I had, whatever I sent -- document that I sent, whatever was sent to me.

Q. Okay. So I'm going to start with some background about WindsUS. And we touched on this earlier. Tell me about WindsUS.

A. WindsUS produces gas in Utah -- produce gas in

Utah.

Q. Do they have any other projects?

A. No.

Q. Why was WindsUS founded?

A. I already answered that.

Q. Why was WindsUS founded?

A. It was just founded for -- to seek opportunities in the oil and gas sector.

Q. Who founded WindsUS?

A. I did.

Q. Anybody else?

A. I brought in Alfred Iwuji.

Q. Could you spell Alfred Iwuji for the record?

A. A-L-F-R-E-D I-W-U-J-I.

Q. Who's Mr. Iwuji?

A. A partner. I mean, he was a partner.

Q. How did you know him?

A. We met over the years, you know, in the course of me working in oil and gas sector. He is also in that sector.

Q. Why did you choose him to be your partner?

A. The time that I was in Nigeria, he was mostly -- he was going back and forth between Nigeria and Houston just like I was and he was present here. So there was a fit as to him being resident here in Houston.

Q. Okay. When did you found WindsUS?

A. I think about 2018 or 2019, maybe.

Q. And when you founded WindsUS, the Utah opportunity was not present?

A. Yes.

Q. What kind of corporation is WindsUS?

A. It's an LLC.

Q. And what, if anything, was your involvement at -- in WindsUS at the founding?

A. At the founding? It was just founded and for the purpose, like I said, of seeking opportunities in oil and gas sector here in the U.S.

Q. Has your involvement changed since the founding of WindsUS?

A. It's changed because, at the time that I was in DRC when I was working all of that stuff, Alfred was running the Winds, you know, here in the U.S. until recently when I came back and, you know, it's changed -- the name changed. I think changed the name about a year ago or something. I think about a year ago, you know, to Unite.

Q. Why did you change the name to Unite?

A. Issues had come up between the main -- you know, between partners and all that and, of course, the events leading up to that, you know, going to court and

all of those things. And the idea was separate myself from Winds and founded, you know, Unite.

Q. Okay. Let's start with the issues that came up. What were those issues?

A. I found out things about my partner that I wasn't aware, that he didn't, you know, disclose to me. He had issues. He had a record -- some criminal record. He had -- you know, he -- there were issues that had to do with, you know, his residency in the U.S. and his legality in the U.S. So those were things that I didn't want to be a part of.

Q. Why not?

A. Why should I?

Q. How did changing Wind's name separate you from Alfred?

A. I wanted a permanent separation.

Q. But how did changing the name do that?

A. Because then Winds would always be associated with him somehow and that resonated with me.

Q. So it was a rebrand?

A. Yeah, just a rebrand. Just moved away from that.

Q. And did Alfred remain a part of the new Unite?

A. Absolutely not.

Q. How did you go about removing him from Unite?

A. It's a new company that was founded and he wasn't a part of it.

Q. But is there a distinction between changing a company's name and founding a new company?

A. Associating and -- how do you say, deleting the Wind's registration and all that. It means it's no longer -- it doesn't exist anymore.

Q. Okay. So walk me through the steps of what you did to change the name and delete the Wind's registration.

A. Requested the Secretary of State, no longer wanted -- wanted to delist the Wind's name and then formed Unite. That was the process.

Q. Mr. Ihekwoaba, I'm going to introduce to you a document that I'm going to mark as Exhibit 1. So marking Exhibit 1. I'm just going to hand it to my colleague and he'll hand it to you. Do you recognize what has been marked as Exhibit 1?

(Exhibit 1, introduced)

A. Yes.

Q. What is it?

A. It's Executive Amendment.

Q. How do you recognize it?

A. It's a Secretary of State's document.

Q. Is this a true and correct copy of the document that you submitted to the Texas Secretary of State?

A. I believe it is, yes.

Q. And this document states that you changed Winds' name to Unite?

A. Right.

Q. So you didn't create a new company, you changed Winds' name?

A. That was everything I was saying. If Unite is a new name, the new company and not Winds, delist Winds and created Unite.

Q. Okay. And I'm going to mark a document now as Exhibit 2, and hand that to my colleague that he'll hand to you. Do you recognize what has been marked as Exhibit 2?

(Exhibit 2, introduced)

A. Yes.

Q. What is Exhibit 2?

A. Executive Information.

Q. How do you recognize it?

A. Secretary of State.

Q. Is this a true and correct copy of the document that you submitted to the Texas Secretary of State?

A. Yes.

Q. So what is this document?

A. It's the formation of a company.

Q. And what company is that?

A. Winds E&P.

Q. And when did you file this? I'll direct your attention to the top right of the document that has a date.

A. I don't see the date.

Q. Did you file this --

A. 9/10/2024.

Q. So why did you create new Winds?

A. Because I wanted to keep that name.

Q. Is that consistent with changing the other Winds' name to Unite?

A. Correct.

Q. So why did you change one Winds' name to Unite while creating a new Winds?

A. Because it was to make sure that I no longer dealt with certain upsetting characters. I wanted to walk away from that -- from the Winds that we had together.

Q. But you wanted to keep the Winds' name.

A. The name, yes.

Q. Okay. So for the court reporter, and for us so that we're clear, when we're talking about "Winds," which

company are we talking about?

A. What is the Winds' relevance to this issue? I'm looking at relevance here, and I'm wondering why you're asking me about Unite and Winds. Is it in relation to DRC? What has this got to do with DRC? I'm confused.

Q. I'm just going to ask you again, if we're talking about WindsUS, are we talking about Unite or are we talking about the new Winds?

A. We're talking about Unite.

Q. Okay. So when we're talking about the Winds that applied for the Utah gas, that's Unite?

A. That's correct.

Q. So for our purposes moving forward, when I'm talking about Winds 1, I'll say Unite, and when I'm talking about the new Winds, I can say Winds 2?

A. Yes.

Q. Okay. So where is Unite, Incorporated?

A. Texas.

Q. Does Unite have an office?

A. My personal office -- my personal address.

Q. Has Unite ever used any other office?

A. No.

Q. Did Unite ever have an office in Utah?

A. No.

Q. Where is Unite headquartered?

A. Do you speak about Unite in terms of Winds 1 or Unite as newly formed?

Q. I think that's why I was trying to distinguish between them. When I'm talking about Unite, I mean Winds 1, the Unite that was formed in 2018.

A. So it had an office, 5700, somewhere in Houston here, had off -- yeah, it had an office here in Houston.

Q. Why did it have an office?

A. That was Alfred's office.

Q. What business was conducted at that office?

A. Meetings, stored documents and, you know, the company documents were stored -- were in that office, you know.

Q. Are they still stored in that office?

A. Maybe some. I don't know if they're still there.

Q. Do you know if Unite still uses that office?

A. No.

Q. Does Unite, slash, Winds 1 have any employees?

A. Now?

Q. Now.

A. No.

Q. Did Unite ever have any employees?

A. At the time that Winds was formed?

Q. Yes.

A. Yes.

Q. Tell me about the employees.

A. There were two engineers that managed the asset. They were the overall managers of the asset. There were pumpers who worked the shift. Their role also was to manage the asset on a day-to-day basis. There was the admin person that handled the administrative issues and payroll and the insurance and all kinds of things. And there was myself and there was Alfred.

Q. Were you saying there were "pumpers"? Is that the word you used?

A. Yeah, pumpers.

Q. Okay. What is a pumper?

A. Pumpers are people that actually manage the gas field on a day-to-day basis. They manage the wells.

Q. So the engineers and the pumpers were associated with the Utah project?

A. Right.

Q. What about the administrative staff? Were they associated with the Utah project?

A. One person, yeah.

Q. Were there more than one administrative staff?

A. There was just one.

Q. Did they all reside in Utah?

A. No.

Q. Where did they reside?

A. She was actually working out of London.

Q. London, England?

A. Yeah.

Q. Not London, Canada?

A. No.

Q. Okay. What is your current role at WindsUS -- Unite?

A. Same as always been. It's just, you know, it's a company that is -- that will invest in oil and gas assets.

Q. But what is your role at Winds Unite?

A. Always is the coordinator.

Q. Earlier you mentioned that Alfred was mostly running the company and then you came back. Can you tell me about why that change happened and how it happened?

A. I've already explained that. When I learned about certain things, I came back specifically to dissociate myself.

Q. So before you learned about Alfred's criminal history, what kind of association did you have with Unite, slash, Winds?

A. What did I have? I was a member.

Q. What does being a "member" entail?

A. Being a member of the company. I was a member.

I participated in the running of the asset.

Q. What does "participating in the running of the asset" entail?

A. Getting financing on it, you know, making sure that the asset was being, you know, was being well run, making sure that, you know, there was -- if any risk came up, we were able to mitigate any risk that -- issue, you know, that might come up or something comes up. Just the daily management of a business.

Q. So it was your responsibility to manage the risks that came out of the Utah project?

A. Not -- it's not -- it wasn't my personal -- my own -- my job description. I was a part of this when I was here.

Q. What was your job description?

A. It was just a member.

Q. Did you report to anyone as a member of Winds?

A. No, we would have meetings every now and then. I think we had biweekly meetings where the people who were running the assets would, you know, tell us what was going on and would participate. If there was any challenges that we could do anything about, we would -- you know, we would help and support them. So that was it. So my distinct with them was, you know, those meetings that were held and, you know, I was able to, you know, give my

opinion.

Q. Who's "we" in these meetings?

A. Myself, Alfred, Victor that was running the asset on a day-to-day basis as the manager and the other guys and the pumpers. So the meeting was held between everybody that was involved in the project, the pumpers about two or three at any point in time; Victor, who was the general manager in charge of the assets, and those of us who were not there on a day-to-day basis, Alfred, myself and the lady who is in London who -- you know, the admin lady.

Q. What's Victor's last name?

A. O-G-O-K-E.

Q. Ogoke. Are you an employee of Winds, slash, Unite?

A. Member of, you know, the ownership of the company. So an employee, I guess I am.

Q. What's the distinction between being a member and being an employee?

A. Members are the owners of the LLC, and employees are people who are on the payroll of the LLC.

Q. Could someone be both a member and an employee?

A. It's possible, I guess, yes.

Q. Were you on the payroll of the LLC?

A. I wasn't on a monthly -- a salaried position,

yes, but I get benefits --

Q. How many --

A. -- that members get. Quarterly benefits, biannual benefits or whatever was agreed, you know, in terms of what benefits would go to members.

Q. So what was agreed about the membership, the benefits that went to members of Winds?

A. Why is it relevant to DRC?

Q. What was agreed about the benefits that went to the members of Winds?

A. What has Winds benefit got to do with the DRC project?

Q. I'm just going to ask that question again. What was the benefit that went to the members of Winds?

A. I think it's irrelevant to the issue.

Q. I'm just going to ask the question again. What was the benefit that went to the members of Winds?

A. Whatever was -- whatever came out of the production and that, you know, revenue over expenses and it was agreed, okay, this is distribution to members.

Q. How was that agreed upon?

A. At any point in time, based on the amount what was available.

Q. Who did the agreeing?

A. The members.

Q. Who were the members?

A. Alfred, myself.

Q. Was there anyone else?

A. Victor was involved in deciding.

Q. Was he a member?

A. Not a member, but he was the general manager.

Q. So what was his role in helping decide?

A. He was the one that made -- that told us what was available.

Q. Were there shareholders of Winds?

A. Just other members.

Q. So the shareholders and the members the same?

A. Yes.

Q. Can you tell me more about Winds Unites financing?

A. I don't understand.

Q. Where did the capital to start Winds Unite come from?

A. It came from me.

Q. Did it come from anyone else?

A. Some from Alfred.

Q. So you and Alfred were the only people who contributed capital to Winds US?

A. Yes.

Q. Did you also seek capital from banks or other

finance institutions? How much capital did WindsUS have at its starting?

A. $750,000.

Q. And how much came from you?

A. It's irrelevant to this.

Q. How much of the capital came from you?

A. That's my personal business.

Q. Okay. I'll put on the record that typically what would happen if you had a lawyer is they could object as to relevance but --

A. I'm objecting to -- as to relevance.

Q. -- but we would still ask that you answer. And then later, if the material was not relevant, it could be stricken out at a trial. But unless you wanted to file a motion saying that this was harassing, for example, you would typically still answer the question?

A. I don't see my personal finance as relevant to the situation.

Q. Are the finances of WindsUS your personal finances?

A. My personal financing is what you're asking. You're not asking about Winds. You're asking me how much did I contribute personally.

Q. But once money is contributed to an LLC, is that still your personal money?

A. This is for the acquisition, not to the LLC.

Q. "For the acquisition"?

A. Of an asset.

Q. What's the difference between putting money into an LLC and putting money for the acquisition of an asset?

A. A bank put money into the LLC. I put money into the acquisition. The LLC has nothing to do with the acquisition.

Q. What assets does Winds Unite own today?

A. None.

Q. How has that changed since Winds Unite was incorporated? When Winds Unite was incorporated, what assets did they have?

A. None.

Q. In 2019, what assets did Winds Unite have?

A. None.

Q. In 2020, what assets did Winds Unite have?

A. Castle Gate in Utah.

Q. Has Winds Unite ever owned assets other than Castle Gate in Utah?

A. No.

Q. What was Winds' annual revenue in 2025?

A. 2025, zero.

Q. What about 2024, what was the annual revenue of

Winds Unite?

A. Zero.

Q. Has that annual revenue changed at all since Winds Unite was founded in 2018?

A. It changed since 2018?

Q. Yes.

A. When it was operating the asset?

Q. Yes.

A. Yeah. It had revenue when it was operating the asset.

Q. What was that revenue?

A. Between $4 million to $6 million.

Q. Okay. And that is revenue after the expenses of running the asset in --

A. I don't know.

Q. What is the value of Winds Unite's market capitalization?

A. I don't know.

Q. How would I find that out?

A. I don't know.

Q. How would you find that out as a member of Winds Unite?

A. Same way you would go through about the process of trying to discover companies and assets.

Q. And what's that process?

A. Research.

Q. Does Winds Unite have an operating agreement?

A. Winds?

Q. Winds Unite.

A. Have an operating agreement?

Q. Yes.

A. Yes, I believe it did.

Q. You say "it did." Does it still have an operating agreement today?

A. I believe it did have an operating agreement. I don't know about how -- whether it's time-bound or anything like that.

Q. Who were the Winds Unite members at founding?

A. Myself and Alfred.

Q. Is Alfred still a member?

A. Of Unite?

Q. Winds Unite.

A. Unite? No.

Q. Okay. How did you remove Alfred as a member of Winds Unite?

A. How do you remove someone from being a participating member.

Q. How do you do that?

A. To remove the person from being a participating member.

Q. And what does that process look like?

A. It's who deletes the person's name from being the member of the company.

Q. Did Mr. Alfred have to agree to being removed from the company?

A. He did not have to agree. He's a minority member.

Q. So how do you remove a minority member?

A. Delete the person's name from membership.

Q. Did you have to give Mr. Alfred any of his investment back when you deleted him?

A. It was fully paid off.

Q. How much was that pay off?

A. That's his personal business to say.

Q. How much was that pay off?

A. It's for him to say. That's his personal business.

Q. Do you recall how much it was?

A. No, I don't.

Q. Does Winds, slash, Unite have a parent company?

A. No.

Q. Did it ever have a parent company?

A. No.

Q. What is Royal Rock?

A. That's a company that we formed, I think, it

was in 2018 or 2019 also, I believe.

Q. Does Royal Rock have a relationship with Winds, slash, Unite?

A. It may have in the sense that it provided some services to, you know, to Winds at the time that we're operating the asset.

Q. What kind of services?

A. I think that Royal Rock was provided a plant -- a water plant that produced distilled water for the Utah gas plant.

Q. But Royal Rock's a Texas company?

A. Yes, I believe it is.

Q. That you formed?

A. I believe so.

Q. With whom?

A. I can't remember.

Q. Do you know how many people it was that you formed it with?

A. I don't remember.

Q. How would you determine who you formed Royal Rock with?

A. I have to check.

Q. Were they friends, family, business associates?

A. I don't remember. I don't remember.

Q. Do you form a lot of LLCs?

A. Do I form a lot of companies?

Q. Yes.

A. That is -- well, that's my job. That's what I do. That's my job.

Q. So about how many LLCs, have you formed in Texas?

A. Just three, I believe.

Q. Just three. Royal Rock, Winds, slash, Unite --

A. Yes.

Q. -- and the new Winds?

A. That's it.

Q. But you don't remember who you formed Royal Rock with?

A. I can't remember exactly who was -- whose name was there other than mine. I can't remember.

Q. Okay. Could you guess about who you might've formed a company with?

A. I don't want to guess. I have to just go look at the company records.

Q. Okay. When was Alfred removed from Winds Unite?

A. When the exchange was done.

Q. When was that?

A. 2024, I believe. Is it? 2024.

Q. So when you changed Winds' name to Unite, you

also removed Alfred as a member?

A. That's correct.

Q. Is Alfred a member of the new Winds?

A. No.

Q. Does Winds Unite have any members other than yourself today?

A. Winds Unite, no.

Q. Was the operating agreement that Winds Unite started with in effect at the time that you removed Alfred from Winds Unite?

A. Sorry?

Q. Winds Unite had an operating agreement.

A. Yes.

Q. Was that operating agreement in effect when you removed Alfred from Winds Unite?

A. Yeah, it should have been, yeah.

Q. Does Winds Unite have any subsidiaries?

A. No.

Q. What percentage of Winds Unite did you own?

A. At the time of formation?

Q. The time of formation.

A. I believe 70 percent.

Q. Seventy, seven-zero?

A. Seven-zero, yes.

Q. Did that change?

A. No, I don't think it changed, no.

Q. Does Winds Unite have a policy to retain business records?

A. Yes, I believe so.

Q. What's that policy?

A. Everything was in the operating agreement.

Q. Does Winds Unite typically keep records of the bids they make?

A. They've not made any bids.

Q. Does Winds Unite typically keep records of the assets they acquire?

A. Not acquired any assets.

Q. What about the Utah asset?

A. That's the only asset that Winds owns.

Q. Does Winds Unite keep records related to the Utah asset?

A. Yes.

Q. Where do they keep them?

A. Like I said, Alfred's office.

Q. But Alfred is no longer part of Winds Unite?

A. Right.

Q. So did you do anything to retrieve Winds Unite's business records from Alfred when you removed him from the company?

A. No.

Q. Why not?

A. I have no need to.

Q. Why don't you have need to have records of the asset that your company owns?

A. I've not had any needs, at least at this time.

Q. So the only project that Winds Unite has been involved in is this project in Utah?

A. Yes.

Q. There are no other projects that Winds Unite has been involved in?

A. Yes.

Q. Okay. So now I'm going to switch, just so we're crystal clear, to talking about the new Winds. Okay. I'm going to either call it New Winds or Winds 2. And I would appreciate if you could do the same just so that the record is clear about what company we're talking about. Why was Winds 2 founded?

A. For the same vision that I had when I formed the Winds in 2018.

Q. So why did you form Winds 2 and change first Winds' name to Unite when you could simply remove Alfred from Unite?

A. The company has assets and liabilities. Whether -- it is important that all actions of the company shows good faith at all times. When the name was changed,

it was intended that whatever assets and liabilities that belong to the old Winds were transferred to Unite. The intention is not to run away from whatever assets or liabilities that belongs to Winds, the old Winds.

Q. So all of the assets and liabilities of old Winds were transferred to Unite during the name change?

A. Correct.

Q. And all of those assets and liabilities remain with Unite today?

A. Correct.

Q. So new Winds did not take any of the assets or liabilities of Unite?

A. Correct.

Q. What about the DRC project?

A. Because we are -- is not a part of Winds.

Q. DRC project is not a part of Winds. So neither Winds Unite or New Winds has any right to the DRC project?

A. The Winds LLC -- you know, the DRC project has an entity that was formed in DRC for the purpose of the DRC project.

Q. So neither Winds 2 nor Unite has any rights or interests in the DRC project?

A. Right.

Q. Who founded Winds 2?

A. I did.

Q. Are there any other members of Winds 2?

A. I have two other persons.

Q. Who are the other members?

A. Jason is one, and I think my son and, you know, another partner, yeah.

Q. Who is the other partner?

A. I can't remember. Yeah. I can't -- I have to look at the, you know, document, yeah.

Q. So you don't remember who was a partner in an LLC that you formed two years ago?

A. I have to look at the document really. I have to look at it.

Q. What percentage of Winds 2 do you own?

A. There's no percentages assigned.

Q. There are no percentages?

A. No.

Q. Why not?

THE GUARDIAN: Excuse me, Ms. -- Attorney Bailey, I did not get that. He shook his head when you asked the last question.

Q. All right. Let me ask again. What percentage of Winds 2 do you own?

A. There are none, if I recall. But I don't think that we have assigned percentages of ownership yet to Winds.

Q. You said you haven't assigned percentages of ownership yet?

A. I don't think so, yeah. I don't think we've assigned, yeah.

Q. Is it typical to not assign percentages of ownership in a corporation?

A. Sure.

Q. What assets does Winds 2 have?

A. Nothing at this time.

Q. Does Winds 2 have any projects?

A. Hopefully in the future, yes.

Q. So hopefully, in the future. Does Winds 2 currently have any projects? Has Winds 2 ever had any projects?

A. No.

Q. Where did the capital to start Winds 2 come from?

A. So concession has not taken place.

Q. Okay. Did you contribute any financing to Winds 2?

A. No financing has taken place.

Q. Is that why there's no percentage shares for the members?

A. Right.

Q. Okay. Does Winds 2 have an office?

A. My personal address.

Q. Does Winds 2 have any employees?

A. No.

Q. So Winds 2 doesn't have assets, employees, financing or projects?

A. Not at this time.

Q. But you anticipate it might in the future?

A. Yes.

Q. So at this point in time, Winds 2 is just serving to preserve the Winds name in case you want to use it in the future?

A. Correct.

Q. Did Winds 2 receive any assets or debts from Unite?

A. No.

Q. What is the relationship between Unite and Winds 2?

A. Just me.

Q. The relationship is that both Winds 2 and Unite have you as a member?

A. Right.

Q. Are there any other overlapping members between Winds 2 and Unite?

A. No.

Q. I think that if you need a break, now would be

a good time to take a break, but otherwise we can keep going.

A. I'd like to make a call if you don't mind.

Q. Okay.

MS. BAILEY: Can we go off the record, please?

THE GUARDIAN: Sure. The time is 10:41 a.m., and we are off the record.

(Off the record)

THE GUARDIAN: The time is 10:48 a.m., and we are back on the record.

Q. Okay. So tell me about WindsDRC.

A. When I went to DRC for the first time to review whether to participate in the concession, part of the finding at that time was that the ownership of the asset, if one -- if we were to win as a consortium, was that it was going to be by a local DRC company. So after I met with the other lawyers and -- in DRC, the process was put in place to register a company in DRC.

Then my job was to bring together the team of experts in the various areas that were going to participate in the concession. So I went looking for, based on my -- in terms of my knowledge of the oil and gas sector, people I have worked with in the past whom I thought were capable

of being able to participate in unconventional drilling and as well as scientists who have done any research with regards to the limnic explosion threat in the lake.

So when I put together that to my team, as well as the financing team, we met and we both agreed that we'll use whatever name that I felt comfortable with to register the company in DRC for the ownership of the asset if the consortium wins the concession. And that was how I just -- I used what was -- you know, a name that was familiar to me and that I feel comfortable with, which was Winds.

Q. Where does the "Winds" name come from?

A. It was a name that I -- came from the Book of Ecclesiastes. I prayed over it and decided that that was the name that -- everything goes into the Winds. Nothing is permanent, it's all ephemeral. And always a reminder that nothing is that important.

Q. So the "Winds" name has a special meaning to you?

A. Correct.

Q. And that's why you wanted to --

A. That's why I want to keep it. That's all.

Q. So who was the person that registered WindsDRC?

A. The lawyers in DRC.

Q. The lawyers filled out the paperwork?

A. They did all -- yeah. All I did was give the name and all that, yeah.

Q. And you said you would register it if you win the asset. Did they register the company before you submitted the bid or after you submitted the bid?

A. Way before the bid submission, as it was -- the name was registered.

Q. When was that?

A. As soon as I got to DRC and, you know, trying to understand how does the law work there, what are the rules and things like that. It was -- what came across was that the participation -- in the past -- what they had done in the past, how it works, is that the ownership of assets and whatever needs to be done there has to be with a local -- or it has to be with a company registered in DRC.

And I think that they have a regional -- you know, I can't remember the name of that. But there's a regional -- like, you know, like having ECOWAS in the -- in West Africa, they have another regional rule by which they play. And every -- and, like, the issue of arbitration and all of that stuff is submitted to that particular agency in that sector.

So you cannot, for instance, take something that happens there and take it to, you know, Paris as they used

to or to Belgium or outside of the region. So all of that is at -- you know, it's all local.

Q. So arbitration in the DRC is governed by a regional body?

A. Yeah, that's a regional body. That's -- yeah.

Q. And it's that regional body that required you to create a DRC entity to make the application?

A. No, no, no, no. I mean, like I said -- I'm just saying that my findings, my research in that area, yeah, everything that was there. But it was never intended that this was anything other than a local company that was involved in the participation of these assets.

Q. So WindsDRC was created specifically for the gas option?

A. Was for that option and any opportunities that comes around the oil and gas sector, you know, in that area, yes.

Q. By "in that area," do you mean in the Democratic Republic of Congo?

A. The DRC, yes.

Q. And could you give me an estimate of the month and year in which WindsDRC was created?

A. Specific dates, I don't know. I think it was 2022 or 2023. I'm not sure that I remember the exact date. I don't, yeah.

Q. But you know that it was before you submitted your bid?

A. It was before the bid submission, yes.

Q. What kind of corporation is WindsDRC?

A. SARL. So a limited liability company, I believe.

Q. So it would be the DRC equivalent of an LLC?

A. Maybe it's the same rules or the same things apply. I don't...

Q. Does WindsDRC have members?

A. I believe it has -- yes, it has members, yeah.

Q. Who are the members?

A. Myself and a few other people, members of the other parts of the consortium; we are members.

Q. Who are the other members?

A. Myself and other members of the consortium.

Q. What are their names?

A. I believe E-M -- Emval is there.

Q. Could you spell that?

A. E-M-V-A-L is there. The local person, I think Joseph Muona also is there. Yeah, I mean, I can't remember those, you know. Yeah, Joseph Muona, Emval, myself, I think that should be -- that should possibly be the members of...

Q. So there are four members?

A. There should be one more. I'm trying to recall the name. Joseph -- I think Victor was also there. Yeah, Victor.

Q. Okay. Let's start with Emval. Who is Emval?

A. Gas experts.

Q. Is he an individual?

A. It's a company.

Q. It's a company. Is Emval a DRC company?

A. No, they are a Nigerian company.

Q. Had you worked previously with Emval?

A. In other projects ab- -- yes.

Q. Is it a publicly registered company in Nigeria?

A. No.

Q. Who is Joseph Muona?

A. Joseph Muona was the person that invited me to DRC, an old friend from South Africa.

Q. Is he South African?

A. No, he's from DRC, but we met in South Africa at the oil and gas conference.

Q. So you met him at a conference and developed a friendship?

A. Over the years.

Q. When did you meet?

A. Maybe 2017 or 2016, thereabouts.

Q. And Joseph Muona, does he have his own DRC

company?

A. I believe so.

Q. So why did you choose to make a new company instead of using this existing company?

A. His company was nothing to do with this.

Q. Did Joseph Muona become a member as an individual or his company a member of Winds?

A. An individual.

THE GUARDIAN: I didn't hear the answer.

A. An individual.

THE GUARDIAN: Thank you.

Q. Who is Frank?

A. Me.

Q. You're Frank, right. Sorry. Who is Victor?

A. A engineer.

Q. What's his last name?

A. O-G-O-K-E.

Q. Is he Nigerian?

A. Yes, he is.

Q. Does he reside in Nigeria?

A. Yes, he does.

Q. Was he a member as an individual or through another company?

A. He's an individual.

Q. So there are five members and you're struggling

to remember the name of a fifth member?

A. Yeah, I'm trying to. I'm not sure.

Q. How would you determine the name of the fifth member?

A. I can ask the lawyer if, you know, who is -- who else is on the name.

Q. What was your involvement in WindsDRC at its founding?

A. My involvement was in bringing together the consortium for the concession, for the application for the bid.

Q. Does WindsDRC have an office?

A. The lawyers'.

Q. The lawyers' office is WindsDRC's office? Where is that?

A. In DRC, in Kinshasa.

Q. Kinshasa, K-I-N-S-H-A-S-A. Is that the only office?

A. Yes.

Q. Is that also the headquarters?

A. What headquarters?

Q. Of WindsDRC?

A. You don't create entities -- I mean, you don't create a structure when there is nothing. The process is still ongoing. There is absolutely no need for offices

and structures when you are still going through a bid process. So I don't know the relevance of asking for offices and all that stuff. We're still going through a process. We have not completed the process, so we cannot set up any structure.

Q. So there are members, but no office other than the lawyers' office, and no other structures?

A. I don't understand.

Q. Does WindsDRC have employees?

A. WindsDRC would have persons who are involved in a process of winning a concession. There is an interpreter who has been there. There is Joseph. There is Fergany Katende. There is -- I can't remember his name, one other guy. And then, of course, there is the lawyers.

Q. Are these people who are on Winds payroll?

A. These people are all persons who have an interest in being a part of the concession. Yeah. And they are there at their own cost until the concession is completed.

Q. So they're not being paid?

A. Not any salary. They are spending.

Q. They're spending their own funds?

A. Yes. And sometimes I contribute to some things. We all contribute towards things that we need to

contribute in our form.

Q. Is there an expectation that you would recoup those funds if the project moves forward?

A. The DRC? It's not -- that's not the primary thing.

Q. It's not the primary thing, but is there an expectation that the expenses that you and the others are outlaying at this point in time would be repaid from the project eventually?

A. There is absolutely no expectation. And everyone involved in this is involved in it knowing fully well that we are doing this without expecting that we are going to get rich off of it. And I don't know how else I can explain it other than that.

Q. But there --

A. There's no expectation of a financial reward from this project in DRC. When I was called to this project, it was for that purpose. When Joseph called me, it was for that purpose. "Frank, come and do in DRC what you've done elsewhere to see what you can do about this explosion not taking place." It was not about there is an opportunity to make money in DRC. It never was.

Q. But there's a distinction between having your expenses paid back and getting rich, right? So I'm just asking, do you expect that your expenses would be paid

back?

A. If I put expenses since 2022 and this is 2026, five years later I would have invested that money here in the U.S. if it was a matter of financial rewards. I have put in over $300,000 in DRC, and I have not done it because I expect financial rewards.

Q. Thank you. I'm just trying to understand the way the structures of WindsDRC work.

A. Everyone involved in this project is not in it for financial reward in DRC on this project.

Q. So who is the interpreter in your project?

A. Oh, yes, that's the -- that's Bilolo. Sorry, I forgot. Yeah, Bilolo. That was the other person that I forgot. Bilolo.

Q. Can you spell that?

A. B-I-L-O-L-O. Bilolo Adonis.

Q. Can you spell Adonis?

A. A-D-O-N-I-S.

Q. Thank you. Is Bilolo also a member of WindsDRC?

A. He's not a member. He's an interpreter.

Q. Who does he interpret for?

A. For me.

Q. Are there other members of WindsDRC that need interpretation services?

A. If, at the time of the concession, if anybody needs that, yeah, he's available.

Q. Okay. Who's Fergany Katende?

A. That's the gentleman that represents all of us in DRC.

Q. What do you mean by "represents all of us"?

A. He carries documents for the consortium members back and forth between the government and the lawyers and things like that.

Q. And he's a member of WindsDRC?

A. No, he's not a member of WindsDRC. Joseph is.

Q. Can you describe WindsDRC's financing for me?

A. Financing?

Q. Does WindsDRC have any capital?

A. WindsDRC had to open bank account, and the law in DRC requires you to have a minimum of $15,000 in the bank account for a company at the time of you open a bank account.

Q. Five-zero or one-five?

A. One-five.

Q. U.S. dollars?

A. U.S. dollars. So it was open, and the amount was placed as requested by law, and every money -- everything that we spend in DRC goes into that account and gets spent from there. But that minimum amount remains in

the bank account through the concession.

Q. And whose $15,000 was it?

A. Mine.

Q. Did anyone else contribute money to the WindsDRC bank account?

A. No, I don't think so.

Q. So Emval did not contribute any funds to WindsDRC?

A. Emval contributed their own part of the cost expenses, their travel and everything else that they had to do in DRC. But I opened a bank account, so I put in the money there.

Q. When you say "Emval contributed their costs and expenses and the travel they had to do in the DRC," what was that all for?

A. When they come in and they need to -- I mean, all of the expenses and everything -- the cost of being in DRC, you know, that's all it was for.

Q. So did you and the other members contribute any funding to WindsDRC as founding members?

A. We have not gotten to that yet.

Q. Do you have a division of what percentage of WindsDRC each of you own?

A. We have not gotten to that yet.

Q. What are you waiting for?

A. Concession --

Q. Do --

A. -- it's called. And we have -- and it's called "counting your eggs before they hatch."

Q. Has WindsDRC earned any revenue at any point in time?

A. No.

Q. What assets does WindsDRC own?

A. I already answered that. It's just a registered company for the purpose of the concession.

Q. Does WindsDRC own any assets?

A. No.

Q. How does WindsDRC make decisions?

A. Consortium.

Q. How does the consortium make decisions?

A. Whatever comes through from the government, whoever it's supposed to be directed to, direct to them by the lawyers. If a query comes in or some -- a need to clarify something, it goes to the relevant party.

Q. How do you determine who the relevant party is?

A. The lawyers do.

Q. But let's say there was a decision about the direction to make with the concession. How would the consortium make a decision?

A. They say there's what?

Q. A decision about the direction to take with the concession. How would the consortium make a decision?

A. If there's a decision to be taken, the lawyers will inform everyone that, you know, what needs to be done and, you know, the consortium would decide. Each person would add their own voice to it.

Q. Is there a voting procedure?

A. No.

Q. Because earlier you said, you know, you're the 70-percent owner of Winds that's now Unite, so you were able to remove your co-owner.

A. Right.

Q. Is there any such procedure for WindsDRC?

A. WindsDRC is still at the stage where we are dealing with a bid process. That's all.

Q. Is there an agreement between the members of WindsDRC about how you make decisions?

A. Yes.

Q. Does the consortium mean the same thing as the members of WindsDRC?

A. You know, as the people who are -- the companies involved or individuals who are involved in the concession.

Q. But I asked you, who were the members of WindsDRC? You said, Emval, Joseph, Frank, Victor and one

individual whose name --

A. There are other people -- other entities involved in the consortium that are not registered in the ownership of the company or in the company document. This is just a registration. By the time the consortium completes this here, discussions and negotiations will take place in terms of the full ownership of the assets.

And I think your time, the registration with the ownership of the asset, the asset ownership would be, you know, has to do with the government is involved in the asset ownership. And a government entity, by law, is also a member of the ownership of the asset.

Q. So there's three different things we're talking about. Who are the members of WindsDRC?

A. Yes.

Q. Who are the members of the consortium?

A. Yes, ma'am.

Q. And who are the owners of the asset?

A. Yes.

Q. Those three things are different?

A. They can be different or they can be the same, depends on what happens at the end of the process.

Q. So it's not determined yet who is a member of WindsDRC?

A. That is already in the registration.

Q. Is it determined who is a member of the consortium?

A. No, not completed.

Q. Okay. Who is a member of the consortium right now?

A. The gas experts, the finance team, the team that is working locally in terms of working with the government and -- yeah, and myself.

Q. Do the members of the consortium have an ownership interest in the gas block, or are these individuals that would help operate the consortium but don't have an ownership interest?

A. At the time that the consortium has finished, that is determined.

Q. What is the relationship between new Winds, Winds Unite and WindsDRC?

A. No relationship between Winds in the U.S. and WindsDRC? None.

Q. Do WindsUS, Winds Unite and WindsDRC share officers?

A. Well, I guess yes. You guys -- I guess I would be the person that you would say it's the relationship that the two might have, yes.

Q. You're an officer in WindsUS?

A. Yes, yes. Yeah, WindsUS.

Q. You're an officer in WindsDRC?

A. Yes.

Q. What's your title in WindsDRC?

A. I have no title. We are still in the process of trying to win the bid. The bid is still ongoing.

Q. Do WindsUS and WindsDRC share any directors?

A. I am the only person that is steering -- that is between WindsUS and WindsDRC.

Q. Do WindsUS and WindsDRC share any owners?

A. I think I'm still the person.

Q. Do WindsUS and WindsDRC use the same address?

A. My address, but the address of WindsDRC is in DRC, not my address. WindsUS, I mean.

Q. Does WindsDRC have sources of finance that are independent of WindsUS?

A. Sources of finance? WindsDRC has its own source of finance that has nothing to do with the U.S.

Q. What are those sources of finance?

A. When the time comes for that, we have not gotten there. We are still in the bidding process.

Q. So the DRC Government gave WindsDRC this award without having WindsDRC's sources of financing guaranteed?

A. It is not a part of the process.

Q. Financing is not a part of the process?

A. Proving how you are going to be able to finance

this in DRC is a part of the process. Has nothing to do with DRC -- has nothing to do with WindsUS. Being able to provide how and where you are going to provide the financing for the project is part of the process in DRC.

Q. Okay. We'll come back to that later. And I'm sorry if it seems like my questions are repeating themselves.

A. Oh, there's nothing -- yes.

Q. Yeah.

A. Thank you.

Q. Do you have the ability to enter into contracts on behalf of WindsDRC?

A. I don't know.

Q. How would you find that out?

A. When the concession is completed or when the lawyers say -- the lawyers will have to determine that for us, so...

Q. So WindsDRC -- has WindsDRC entered into any contracts at this point in time?

A. WindsDRC will enter the contract when the concession is -- when the process is completed. Like I said, there's a government entity that, by law, has to be a part of the ownership of any asset. And I think that is when all of that will take place. I'm aware that that is going to -- it will happen in the future if Winds is

named.

Q. But WindsDRC could enter into contracts other than the concession that we're talking about in the DRC?

A. I don't know what you mean.

Q. I mean, WindsDRC could enter into a contract to agree to pay someone for translation services, for example.

A. We are still in the process. We -- of course, I mean, if it becomes an entity, it will go into -- it will have contracts.

Q. But WindsDRC is already an entity.

A. I mean, if it becomes an owner of the asset and you now have to manage an asset.

Q. But WindsDRC could enter into totally different contracts, right? They're an LLC that has the power to create contracts.

A. Any business can enter into contracts. I'm not sure if I understand your question.

Q. So who at WindsDRC has the power to create contracts for WindsDRC?

A. That has not -- we have not gotten there. The lawyers, right now, have custody of WindsDRC until the concession is assigned to WindsDRC.

Q. So the members of WindsDRC don't have custody?

A. Custody of what?

Q. Of WindsDRC?

A. Your use of the word "custody," I don't understand. I don't know. I mean, we all have participated in the process and are hoping to win the concession. That's what we are all a part of.

Q. So what do you mean when you say "the lawyers have custody of WindsDRC right now"?

A. Because, at this point, it is only the lawyers that are dealing with the government back and forth until the concession is complete.

Q. So let's say that WindsDRC, hypothetically, came across another opportunity in the DRC that they wanted to bid for. Who at WindsDRC could decide we should go in for this bid?

A. It's not possible at this time because this process is still the only process that Winds is involved in. We are not looking for -- I mean, Winds cannot start looking for opportunities when the purpose of which it's there, it's still not materialized yet. I mean, I'm not -- I can't answer you -- that question. I don't see how, you know...

Q. So you don't know who has the ability to enter into a contract on behalf of WindsDRC?

A. We do not know what it means to enter into a contract in DRC. We are in the process of putting up a

bid. That's all I know.

Q. Who has access to the WindsDRC bank accounts?

A. My Nigerian lawyers, actually.

Q. But your money is in the bank account?

A. Mine was just to fulfill what the law requires at the time that we were putting up -- we were opening the bank account.

Q. So if you wanted to withdraw money from the WindsDRC bank account --

A. I cannot withdraw money from the DRC bank account.

Q. -- how would you go about doing that?

A. I cannot.

Q. Could you if the lawyers approved it?

A. Not until the process is complete. The lawyers cannot approve me taking money that the law requires to be there until the process is completed.

Q. Who will eventually sign paychecks for WindsDRC employees?

A. I hope I do.

Q. I hope so too.

A. Thank you.

Q. And who would sign letters for WindsDRC?

A. I don't know.

Q. Is it you don't know because WindsDRC doesn't

have an agreement about this?

A. It has not -- we're still in the process.

Q. If you want to take a break, now could be a good time to take a break or we could keep going.

A. I would appreciate taking a small break to use the loo.

MS. BAILEY: Off the record, please.

THE GUARDIAN: The time is 11:18 a.m., and we are off the record.

(Off the record)

THE GUARDIAN: The time is 11:23 a.m., and we are back on the record.

Q. When did you learn that the DRC Government intended to auction off methane gas in Lake Kivu?

A. It was 2022 or so. I think that was when the process started.

Q. How long before the official process started did you learn about it?

A. When it was advertised.

Q. How did you learn about the advertisements?

A. From Joseph.

Q. What did Joseph tell you?

A. I believe I was in Guyana when I got a call

from Joseph that DRC had announced concessions for the gas at Lake Kivu. And we had discussed generally, this, you know, the risk in Lake Kivu and all of that stuff in the past in relation to Cameroon and in relation to Rwanda and all that stuff. So when it came up -- concession came up, he called me.

Q. So Joseph knew you had a special interest in the limnic gas?

A. He knew I had a special interest in participating in projects in Africa because the funding for projects in Africa have -- are always different. And he also knew that I had an interest in doing whatever I could to try to build some of these companies and build these structures in Africa that doesn't -- you know, doesn't exist, or poorly exist. So, you know, from our general discussions, so he knew I had an interest.

Q. What do you mean "build these companies in Africa"?

A. In Nigeria, when I arrived there, what I found out was that here was an oil and gas country, did not have its own indigenous oil and gas structure. The government dealt with the IOCs and the IOCs did all the work. But there was no local company that was building any capacity to build expertise in that sector. That's why we formed Oando. And Oando today owns all of the upstream and

downstream assets of Agip that they never had before. That is the only company that has started that process of transferring expertise and ownership of assets to local companies. I did the same thing in Uganda. I did it in Kenya. I did it in Tanzania. And so this was known to Joseph.

Q. When did you work in Uganda?

A. 2000, when I was in Pricewaterhouse.

Q. What about Kenya?

A. Same time.

Q. Tanzania?

A. Same time.

Q. What do you mean when you say projects -- "funding for projects in Africa is different"?

A. It's different because the credit facilities are not generally available as they are in other parts of the world. And the profile is usually different as it is in other parts of the world. So there are nuances that are required. Bankability is different in Africa as it is in other places.

Q. When you did the projects in Uganda, Kenya and Tanzania, were you responsible for financial oversight or the technical side of projects?

A. Financial oversight.

Q. So were you involved in the technical part of

those projects?

A. Would I be involved in the financial? Would I be involved in technical?

Q. In the auction, did you think that no one else would bid on the assets?

A. Of course not. I mean, it was thrown out to the whole world, just everyone to participate. So why would I think that other people would not be involved?

Q. But you said earlier that it wasn't a money-making venture. So why --

A. For me. For me, it was not a money-making venture. For me, it was not about the fact that there was going to be money made from these projects. For me, it was about limnic explosion.

Q. Do you think other people who participated - - participated because they thought it would be a money-making venture?

A. The people that I met -- as far as I knew, the people that I met in the concession, everybody was aware of what the limnic explosion was and their participation was based on whatever their strategy was or their -- I don't know. Can't speak for them.

Q. Did you think that this was a risky project to engage in?

A. Nope.

Q. Why not?

A. Because degassing the lake, the technology is there to degas the lake safely. There is absolutely nothing there other than to find a way to degas the lake in a safe manner. The only risk that exists in that project is not to flare the gas as has been done in Cameroon, that is, the carbon dioxide part of it, being able to sequester it. That is the only thing that it's -- you call "a risk" in that project. But in terms of the lake itself, degassing the lake, there's a stratification on that lake that is very well known. It's been studied for many years. And it's a matter of just having -- knowing what to do and having the will to do it. It is not about complexity. There is nothing complex about degassing the lake. It's not any different from getting gas out of a coal bed.

Q. Coal bed?

A. As it is in Utah, I mean. It does not require high-capacity pressure to degas the lake. That is why it's unconventional drilling. So there's no risk of explosion in degassing the lake. The risk is in allowing it to stay and to keep building up. That is the only risk there is in the lake.

Q. So you don't think it's a complex project?

A. It is complex to the extent that it has to be

planned properly. It has to be planned in such a way that you understand, you know, the way in which you extract the gas and don't mix them and there's different stratification that exists. That's all. You don't want to mix the gas so that it doesn't, you know, create a reaction that is unexpected. That is all.

Q. And I understand that's beyond my technical capacity, but do you think that's within the technical capacity of most gas companies?

A. Most gas companies will not want to deal with it. That's exactly why we are doing it. It is not profitable for most gas companies. It is not something that they will go into because there's not much money to be made there. That was why we are in it. Shell and Chevron and all the rest of them would not need -- the gas content that is marketable in the lake, it's a very small percentage, as I said, 18 to 20 percent, from studies that we have looked at. Eighty-two percent of that gas is not marketable. Maybe you have them at the bottling companies that will use the CO2. How many of them exist in the region? All right. So it is not big enough in terms of being able to be marketable for most of these companies to participate.

So it's not a complexity that is stopping Shell and Chevron from doing it. The same way that it wasn't a risk

-- I mean, you know, that it wasn't a complex thing for them to produce the same gas in Nigeria in OML 18 at Alakiri Gas Station, which Shell had for 40 years and didn't produce the gas. And we did it in six months, and it's been running from then till now and producing gas to produce fertilizer, which they were never able to do. But they had all kinds of excuses for not doing it. So it's not the complexity of it. It's the will to do it because it's not big enough for them and it's not profitable enough for them.

Q. So WindsDRC and your coalition is willing to engage in a project that's not profitable that companies like Shell would see as not worth their time?

A. A small company making a million dollars is satisfied to make a million dollars compared to a shell for which a million dollars would not even cover the cost of their hotel.

Q. Do you think there are other small companies that also have the technical expertise to do this project?

A. Many, many.

Q. Do you know how many companies applied for the option?

A. I'm not aware of how many.

Q. Do you have an estimate?

A. No, I don't.

Q. Did you go to meetings with the government where other applicants were attending?

A. Many, yes.

Q. And how many other applicants did you meet?

A. I met maybe eight, ten companies that were a part of the process.

Q. You said 82 percent of the gas is not marketable.

A. From studies.

Q. And what is the 18 percent? How will it be marketed?

A. The 18 percent, the extraction is the -- that's the methane which you will use -- because this is a closed environment. Lake Kivu does not have an entrance into the sea, so you are not going to be able to transport the gas out of the Lake Kivu, except if you do it by boat by sea, by -- through the lake and then by the road.

Again, that makes it not very profitable for the big companies because if they produce the gas, there's nowhere to take it to. So it's only if you're producing it for the express purpose of using it to generate electricity for the local environment or to be able to build a small fertilizer plant for, you know, all of those things. So those are the things that we have put in place in terms of what we were going to do with the gas. So for the big

companies, it's not a project that is attractive to them.

Q. Are the big companies also not interested in working in a conflict zone?

A. Conflict zone? Created by who?

Q. That's a good question.

A. So the conflict is there because somebody created a conflict for other reasons.

Q. How will the conflict affect the project?

A. It won't affect the project.

Q. Why not?

A. We don't see the effect of a conflict as long as the project is there for the purpose that it's designed for, which is to degas the lake.

Q. What --

A. There's another one already operating around the same lake in the same area, the one that's upper part of the lake above Makelele. They are there -- through the conflict, they are operating. The people involved in the conflict, they know those who are there for them and those who are there for other reasons. We're not there to mine gold or mine diamonds or whatever.

Q. So if the DRC Government granted you the concession tomorrow, you would begin operating even though the conflict's ongoing?

A. I don't think that the conflict will have any -

- of course, it will have some effect in terms of, you know, the movement that one has to make, but I think it can be managed.

Q. So I want to go back to the auction process. We might come back to these details about the project. Did anyone from the government contact you or any of the consortium members regarding the auction prior to your application?

A. No.

Q. What did you do after your friend, Joseph, called you to tell you about the auction?

A. What did I do? I went to DRC. That's what I did.

Q. Was that your first time in the DRC?

A. Yes.

Q. What did you do in the DRC?

A. Environmental scan. Make sure it's safe to be there and all of that stuff. Met with as many people as I could meet. Get there, foster an idea. That's why I said you go to the agencies to get information from them to see what's the environment like, what should we be worried about, what should we know. Just do an environmental scan.

Q. So an environmental scan is talking to people and groups in the DRC?

A. To get their experience and -- yeah, sharing their experience with us.

Q. Does it have anything to do with the physical environment?

A. Physical and social environment, physical environment, yeah.

Q. Who did you talk to?

A. I don't remember. I talked to dozens and dozens of people.

Q. What kind of questions did you ask them?

A. How safe is it to operate here? What is the politics? What is the real thing compared to what we hear on the news? General information.

Q. So when you say, "How safe is it to operate," what kind of safety are you talking about?

A. Physical safety.

Q. What kind of risks were you worried about?

A. You hear things about how safe or unsafe an environment is. You want to get it first hand from the people who live there.

Q. What relationships or connections did you have in the DRC prior to traveling there?

A. I did have connections or relationship, personal with the people that I know. You know, two or three people that I know. One of the guys that worked for

me in the past was managing a -- I think, it's -- managing a plant that produces, I believe it's zinc or something like that, you know. So -- and I have other people that I worked with in the past, you know, who operates there.

Q. So what did you specifically need to know before you decided to stay in the auction?

A. Specifically. It's the usual environmental scan, as I've explained. How safe is it to bring people here so that you don't bring people there and anything happens to them.

Q. So you talked to me about four other members of WindsDRC. Can you tell me what skills and capacities those people brought to your bid team?

A. One of them has worked with Shell for 35 years, working specifically in gas for more than half of that period in Oman, in Canada, in the UAE, in Nigeria, in Russia. His skill, particularly in high-volatility gas and low-temperature gas, was key to the technical side and in making sure that through him or with him, we're bringing other experts in the gas area.

Then I got another team that was focused on the research. A team from Saudi Arabia, whose job was to find out all the information that is available on the gas in this sector. And then, of course, I had the finance and the banking team whose role was to try to find out what

types of funding should we be looking at, what type of financing is available for this type of project. And then the local team whose job would be to liaise with the government people, whose job would be to get information back and forth to the lawyers and keep us all up to date.

Q. Okay. Let's go through each of those teams. So you started with the individual who worked with Shell. Who was that person?

A. Victor.

Q. Victor. Victor Ogoke?

A. Yes.

Q. And then you had the Saudi Arabia team. Who was on the Saudi Arabia team?

A. I don't remember the name. Asam Abdullahi, who is a professor in the university. So I only talked to him once, so...

Q. So you talk to him once. Is he a member of your team?

A. He will be a member if the concession goes through.

Q. What about Victor, is he already a member of your team or a potential member?

A. Each person is a potential member, including myself. I am the coordinator. Each of these persons have agreed to bring their expertise to be a part of the team

if the concession is awarded.

Q. Are all the members of the concession team part of WindsDRC?

A. They will be.

Q. They will be. Are the members of the concession team all going to be members of WindsDRC?

A. Possibly, yes.

Q. Possibly but not definitely?

A. Unless they wish not to be.

Q. Are there members of the concession team -- sorry, scratch that. Earlier you said that there were members of the coalition who were not members of WindsDRC.

A. It's the registration.

Q. Yeah.

A. Not the registration. When you register, you only have just a few people to register and then -- until the team -- until the whole team comes together. The registration has nothing to do with the ownership, as I said earlier.

Q. The registration has nothing to do with the ownership of the concession?

A. Exactly.

Q. But the registration does indicate who the current owners of WindsDRC are?

A. It does for the registration of the -- yes,

WindsDRC.

Q. So tell me who will be the owners of the concession?

A. All of the people that are going to participate, people. All of the entities that will participate in the concession.

Q. Who was on your finance and banking team?

A. Tony.

Q. Can you spell that?

A. I call Tony, Tony Onwu, O-N-W-U, Tony.

Q. Tell me about Tony.

A. He's from a -- he's an MD of a bank. He's an old friend. We worked together for many years.

Q. Where does he reside?

A. In Nigeria.

Q. What bank did he work for?

A. He was the MD of Liberty Bank, and he was the -- also the MD of Diamond Capital, the investment bank and arm of Diamond Bank.

Q. Is it accurate to say that most of the WindsDRC team and most of the conception team are either from Nigeria or the DRC?

A. Yeah.

Q. Are there any other countries represented?

A. DRC, Nigeria, there's the guys from Saudi

Arabia and -- anybody else from anywhere else? We have a gentleman from Ghana, I believe. Yeah.

Q. Who's the gentleman from Ghana?

A. He was my advisor. He was the guy that advised me on several things. Yeah.

Q. What kind of advice?

A. Financing advice. Access to finance.

Q. What was his name?

A. Itso.

Q. Can you spell that for the --

A. I-T-S-O.

Q. So you've listed the local team who had liaised with the government, the finance and banking team, yourself as the coordinator, the individual who worked with Shell, which is Victor, the Saudi Arabia team, Emval --

A. And, of course, your local team.

Q. The local team. Who was on the local team?

A. Local team is Fergany, it's Joseph, it's Alex. I forgot that was the person I was trying to remember his name earlier. Alex is on the finance team as well as on the legal team. So Alex -- yes, Alex.

Q. Do you know Alex's last name?

A. I don't remember Alex's last name.

Q. Is Alex a member of WindsDRC?

A. Not in the registration, but he's a member of the team in DRC.

Q. Are Mr. Katende and Alex employees of WindsDRC?

A. They are no employees of WindsDRC now, as I said.

Q. Do they receive payments for their work?

A. For some expenses, was covered by WindsDRC, yeah.

Q. WindsDRC covered their expenses but didn't --

A. Some --

Q. -- pay back their time?

A. No. Nobody's paid for their time at this time.

Q. WindsDRC has not paid a single member of the bid team or anyone else who's involved in the bid for their time?

A. WindsDRC is only paying for expenses related to the concession.

Q. How will you divide the labor in running the concession?

A. The bid. It's all based on expertise. I'm not sure what you mean by division -- "dividing the labor." I don't understand.

Q. So what will your role be once the concession is up and running?

A. I don't know.

Q. When you submitted the application, did you have to submit information about a plan about running the concession?

A. You submit plan on the technical side on what it is you are going to do. You submit a financial plan. You don't submit an administrative plan because, you know, that comes down the road. You're asking me for administration.

Q. Is there a formal agreement between you and the other co-applicants?

A. There are discussions. No formal agreements about the members of the consortium.

Q. So you applied for an $80 million asset without having a formal agreement with your co-applicants?

A. I didn't say it was $80 million.

Q. So you applied for the DRC gas concession without having a formal agreement with your co-applicants?

A. Formal agreement. Each person is coming with an expertise in their own area, which the lawyers have each person's expertise and contribution. At the end of the process, these discussions will be held as to how you partition off, you know, interests to the different parties. That is the discussion that will take place when the concession is awarded.

Q. What happens if you all disagree about how to

divide up the work and divide up the process and divide up the profits, but the concession's already been awarded?

A. Never happened before. I'm not aware. I don't know.

Q. In calls and e-mails, you and your attorneys had stated that Winds hired consultants for the bids. Who were the consultants?

A. Consultants for the bids. The only consultant I know, it's some the guys, they're local guys. There's no external person that was involved, other than the people that I've mentioned who are all involved. Maybe that's what they consider to be consultants, but it's all the people who have come there to be a part of the concession. I'm not aware of any external consultant outside of this group.

Q. Did you have agreements with any of the consultants?

A. There are no consultants, apart from the members of the consortium. That's -- I don't know what you mean by -- are you talking about members of the consortium as consultants or...

Q. Well, let's take, for example, Victor Ogoke.

A. Yes.

Q. Is he a member of WindsDRC?

A. Not in the registration, a member of the

consortium.

Q. So as a member of the consortium, was he paid for his time?

A. No.

Q. So he donated his time to the consortium for free?

A. It's not a donation. It's being a part of a bid process.

Q. It will --

A. Each person is putting in their time and their effort, their expertise towards the bid.

Q. And what expertise did he contribute towards the bid?

A. I already explained. He has -- he's an expert in gas.

Q. Does he work for any specific company?

A. To date, now? I don't know where he is.

Q. All right. I'm now going to mark a document as Applicant's Exhibit No. 3. And I'm going to hand it to my colleague, who will hand it to you.

THE WITNESS: Thank you.

(Exhibit 3, introduced)

Q. Do you recognize what is marked as Exhibit 3?

A. Do I recognize it? I don't recognize it, but I'm looking at this.

Q. What does it appear to be?

A. KGPE. This could be Katende, I believe, maybe Fergany. It could be. It looks like it could be -- okay, Fergany Katende, yeah, or Joseph or anyone else, yeah.

Q. So to begin with, what is Winds of Change, LLC?

A. Winds what?

Q. Winds of Change, LLC.

A. I don't know what that is. I think it's maybe an interpretation or whatever, French to English.

Q. French to English of what?

A. I don't know. I'm seeing that Winds of Change, LLC. I don't know what that is.

Q. Fergany Katende, who's he?

A. The guy that represents all of us in DRC.

Q. And this is his LinkedIn profile?

A. Yeah.

Q. Does it represent that he presently works for Winds of Change LLC?

A. I don't know what Winds of Change LLC is.

Q. Do you know what KGPE SARL is?

A. That is the entity that I know of. That is one that the local guys formed for the purpose of participating in the concession. The local guys being

Fergany, Joseph and Alex, they formed a company called KGPE SARL.

Q. Why did they need a separate company when there's already WindsDRC?

A. Because it does not represent them. Each of these entities are all going to be a part of the ownership of the asset, which I've explained over and over again. Here is Winds that is a leading in terms of being able to -- you know, for the concession. And here are all of these members of this consortium who are all, you know, submitted to Winds to lead the concession.

Q. So KGPE SARL is a member of the consortium?

A. KGPE SARL is entity that was formed by these three gentlemen. At the end of the transaction, that this is what they will use as their vehicle to take their ownership in the asset.

Q. So KGPE SARL is anticipated to have a share in the ownership of the asset?

A. That's their plan, yes.

Q. Okay. Does this LinkedIn also state that Mr. Katende works for Winds E&P, LLC?

A. He represents us and so many other people, so I'm not sure whether, you know, you have considered bank control in Congo. I think one of the consultants -- so, yes, I mean, he -- I'm saying it's -- I don't know.

Q. So Mr. Katende was a local representative for WindsDRC?

A. WindsDRC, yes.

Q. Did he contact government agencies for WindsDRC?

A. That's his role.

Q. What else did he do for WindsDRC?

A. His job is to deal with government agencies, get -- you know, he contacts them, he gets -- he picks up letters, takes them to the lawyers and deals with any issues that might come up.

Q. Did you ask him for documents for this data?

A. Those are the documents that I gave you were from -- what I got from -- primarily what I got from him.

Q. And he didn't have any issue with sharing documents with you to produce his data?

A. At the time that you made this request of me, there was absolutely nothing for me to hold back on because this was a concession, as I have explained what it was. So I called him, Fergany, and I said, "Send me everything you can send me on the concession." And he forwarded a bunch of things to me and I forwarded them to the lawyer.

Q. Okay. So I want to move forward to talking about the application process. So you decide you're going

to participate in the auction. What happened next?

A. We go through the documents that is required. No, I think we paid -- I think there was a fee that was supposed to be paid. I think there was a fee that was in the announcement. We paid a fee for us to get access to the bid document, and we paid that fee. Then we were given the bid document and we started putting together -- so from there, we realized what was needed, what sort of expertise was needed and all of that and what financial requirements were expected.

Q. And who's "we" in this scenario?

A. Myself, Joseph, Fergany, whom we had brought on board at the time; Bilolo, the interpreter; Alex, who was my finance guy. That's "we" at the time we started.

Q. Okay. So at the beginning there were five of you and then over the bid process, you pulled in more experts?

A. Pulled in more experts, yes.

Q. Okay. So I understand there to be sort of three phases to the auction. There was a preselection phase, the bidding phase and then a negotiation phase. Is that accurate?

A. I mean, that's -- that could be your decision here -- I guess I can't dispute that.

Q. How would you describe the phases of the

auction?

A. Pre-bid and the bid stage, simple.

Q. Okay. So let's start with the pre-bid. Did you pay the fee before the pre-bid?

A. No, the fee was paid to the agency based on the advertisement that was done. Yeah, that was -- I think that was how the fee was paid, yeah.

Q. Before you submitted a pre-bid?

A. Before I submitted a pre-bid? Yeah. I mean, the fee for you to get access to the bid document, I think there was a fee to be paid for -- you know, to do that, yes. That was when that fee was paid.

(Exhibit 4, introduced)

Q. Okay. I'm going to mark a document as Exhibit 4. And my colleague will show you the document. Do you recognize what is marked as Exhibit 4?

A. Yeah, Expression of Interest. Yeah.

Q. I think if you could just speak up a little bit.

A. Expression of Interest, yes. This is it, yes.

Q. What is the Expression of Interest?

A. It's an interest in participating in the concession.

Q. Did you produce this document to applicants?

A. Did I? No, I didn't produce the document.

Q. Sorry. Did you give the document to my clients as part of the subpoena?

A. I gave all the documents in my possession to the lawyers and I don't know what's the -- and, you know, maybe this is one of the documents that I sent out.

Q. Do you recognize this as one of the documents that you sent out?

A. I believe it is -- yeah, it's one of the documents in my possession.

Q. When did you first see this document?

A. At the time that it was made available to, you know, to us.

Q. Was that July 2022?

A. It was -- yeah. I mean, that's when it -- that's when this was published. I don't know when we received it.

Q. Were you aware of the option before July 2022?

A. No, it's not possible.

Q. Was this document publicly available?

A. From my understanding, yes.

Q. How did it come into your possession?

A. When -- I think there was a fee required for us to get the full -- I'm not sure if this is what it is,

but -- oh, it was. Oh.

Q. So you're not sure if you paid the full fee for access to this document?

A. I'm not sure when but I know that it was a fee to get access to the bid book.

Q. So, Mr. Ihekwoaba, I'll represent that there is another bid document that's much longer and this is the shorter one.

A. I don't know. I mean, this is the instruction as to how the bid was going to be conducted, I believe it is.

Q. Did you pay the fee to receive the instructions for how the bid would be conducted?

A. I'm not sure when that was. I remember that there was a fee that was paid to get access to the full bid document. I'm not sure if it's this one or not.

Q. Why is this document in English?

A. I -- this is something that either the lawyers would do or that I would do on my laptop, you know, when they would come to me. If I -- if they couldn't do it and they sent to me in French, then I would do a translation on my laptop and get -- you know, so I can read it in English.

Q. What software do you use to do the translations.

A. Microsoft Word.

Q. Do you know where the French version of this document is?

A. I know -- no, I don't. Because usually Fergany would either send it to me and I would say, "Fergany, could you translate this? Because I can't," you know, or he would send it to me; I would translate it.

Q. Did someone send this document to you or to WindsDRC?

A. Did someone send it? It was sent to me by Fergany, I'm sure.

Q. How did Fergany access it?

A. How? Because we made an expression to be a part of the bid.

Q. What did you do to make the expression to be part of the bid?

A. What did we do? By expressing an interest.

Q. How did you express your interest?

A. The process was outlined as to how you express your interest, and we followed that process.

Q. Do you recall what that process was?

A. I don't recall.

Q. Did you ultimately submit an application in this preselection phase?

A. I believe we submitted an application, yes.

Q. Do you recall what the instructions directed you to do to apply?

A. I do not recall specifically.

Q. Do you recall what materials you submitted as part of the preselection application?

A. What was expected. We spent time making sure we had all those required.

Q. Did the preselection ask you to select a specific block that you wanted to apply for?

A. No.

Q. So you applied for all three blocks?

A. You were -- yeah. I mean, nobody knew exactly where these things were, except for -- we went through the, you know, the public meetings and all of that stuff, and they put up all of this on the board, on the screen. Everybody was looking at it in the public forum and by the time -- and they had literature available for you to go and study this. And they had literature where everybody was given opportunity to understand the gas composition and all of those things and all that, yeah. So we all went through that process.

Q. So there were public meetings where this --

A. Several.

Q. When did these public meetings take place?

A. It was after this expression of interest --

after the -- after that expression of interest was, I think, made public, then they scheduled several public meetings asking for organizations, news organizations and NGOs and experts to participate.

Q. How many public meetings did you attend?

A. I know I went to two. I think I missed maybe one or two others.

Q. Did anyone else from WindsDRC go to the meetings that you missed?

A. Victor was with me. I needed him on the technical side, and the members of the Winds team in DRC and the lawyers.

Q. What did you learn at these meetings?

A. One, particularly, was that I thought it was exemplary that they gave opportunities for everyone to participate, which is why I was surprised when these NGOs stepped up and went out. And because the opportunity was given there, I attended these meetings and everyone was given opportunity to participate. State exactly what your position is on this. I remember the director from the Hydrocarbon, this thing here, making it very clear, "We want to hear from our NGOs. We want to hear from our -- everybody. We want to hear from our experts, if anyone has any opinion to state." And I met several of those experts, who were local, who approached us during the

process here. And so everyone was given opportunity to participate in. So that was very impressive, and we saw that happen.

And then, of course, the fact that, at no time, did any government person approach us to make any kind of statement as to what can be done outside of the process. Just exactly as the minister had said. No one has a right or should approach anyone to make any representation outside of the process. So anytime you heard a rumor, and I know that there was a time when -- which is why we set up the meeting to clarify from the minister. There's a rumor that some people might think, you know, might be able to help you and all that stuff. And he said to us, "It is not true. No one can help you in this process except what you deliver."

Q. Did you hear anyone express opposition to the gas extraction during these meetings?

A. I heard -- you know, the only thing -- you know, what came to our attention was the fact that people had expressed what was -- what would be the interest of the community in the concession. There was the -- you know, the issue, yes. I mean, I think that was what really came, you know, clearly to us, that the community had not been well covered in terms of the concession.

And we brought it up to the attention of the director

at some point, it appeared -- because we know what the community issues can be from operating in other countries. And that was when he referred us to the -- you know, to a particular document that was going to come as a part of the process, which is that the community's component of it would be in two different parts of this process, where the community would have this and community would have that and so that the community part would be covered later on and not where we were at that point.

So -- and as far as, you know, going through the process, we noted that there was a percentage of revenue that was assigned to the community. Then there was some local content that was supposed to be a part of the community, and it's in here. And then, of course, we made aware of the local content law and all that, as far as the community was concerned. So the community was covered in the process, yeah.

Q. You said the community part would be covered later in the process?

A. That -- when the negotiations are taking place, that we will find that the community is fully covered. That where we were now in this matter of interest, that has nothing to do with the community. That when the discussions take place, when they begin to do the issue of taxes and fees and all of that stuff from the concession,

that the community will be a part of that. And that was exactly what it was.

Q. So it happened that you later negotiated taxes and fees and the community was part of that negotiation?

A. Yeah. When the discussion was taking place on taxes and fees and all of those things and who was going to be involved, the government agency, Sonahydroc, was going to represent that whole component.

Q. So in negotiations the government agency represented the interests of the community?

A. The interests, exactly.

Q. It wasn't that the community had their own representatives separate from the government agency in the meetings?

A. No. See, each one will be a block. They will deal with the community. They would make sure that, okay, if a percentage is assigned to the community, it is for them to discuss with the community and make the community aware what is coming to them on -- from the transaction. That was -- we split roles. Okay. This is what we as concessionaires are supposed to do and what the government agency is supposed to do.

We cannot go to speak with the community because we have not won the bid. All right. So it was for them to go and meet with the community and discuss with the

community and let them know that they have not been forgotten in this process. So that was the government agency's role.

Q. So WindsDRC in your consortium, at this point in time, today, haven't had any role in dealing directly with communities?

A. We have not. We don't have a concession.

Q. Do you have plans eventually to deal directly with the communities?

A. Absolutely.

Q. What percentage of the revenue is reserved for community members?

A. I don't remember exactly what it was.

Q. Could you give me an estimate?

A. I really -- I can't remember. I'm sorry. I don't have those documents. Those documents were not made available -- were not given to us. We were shown the documents. We went through the -- this entire thing, each person signed off and they took it all back.

Q. But you said earlier that this isn't really a profit-making endeavor. So when you're saying a percentage of the revenue would be reserved for the community, is that inherently a small amount because the project's not expected to make very much money?

A. Yeah. I mean, it's supposed to be whatever

comes through from this, whatever comes from -- this is what will -- no, there is nothing there that -- it was put in percentages. Okay. This percentage will go to community, definitely will be for Sonahydroc, but it will go for this, and the taxes will be this rate and all that. So that's -- all of that was, yeah, discussed.

Q. Okay. I might come back to the communities later, but for now I want to focus on the document we have right here. If I could direct you to page 5 of the document. The numbers are at the top of the document.

A. Page 5.

Q. So this says, "Presentation of the Company." What companies did you present as part of this application?

A. Winds SARL.

Q. Did you present any other companies?

A. No. It's a Winds -- you know, covers everyone in the consortium.

Q. So when you had to present the notarial status and incorporation, you only presented documents for WindsDRC?

A. Winds SARL. Yeah.

Q. When you had to present the financial statements in -- the last three financial statements, did you present those for Winds SARL? That's Bullet B, No. 1.

A. I don't recall because at that point, you know, Winds SARL was just -- this in here. I believe that -- I don't recall. I don't -- I'm not sure. I can't recall.

Q. Because at that point, there weren't three years of financial statements --

A. Yeah.

Q. -- for WindsDRC. So it would be impossible for you to present three years of financial statements for WindsDRC?

A. Well, you were allowed, if I recall from this in here, from wherever you were coming from because the requirement for the ownership of the asset, as I said, is different from some of this -- you know, from some of this requirement. So the ownership of the asset, WindsDRC, Winds SARL and where you were coming from -- so your personal financial statement -- if I remember this, was accepted. Your current company's financial statement was accepted to show where you're coming from and who you are. I think, you know, that was made all -- that was explained during that period. So I remember that I even gave my own personal financial statement as a part of this process, so I'm not sure exactly where it fits in this. I didn't put this in here.

Q. So under presentation of the company, you also presented information about your personal finances?

A. Yes.

Q. And you also presented information about --

A. Whatever company -- for instance -- I don't know. Maybe -- I think in my Winds LLC. I'm not sure if it Winds LLC, but I do remember that you were to demonstrate capacity from wherever you're coming from, who you are and what it is that you can do.

Q. And it would be impossible to demonstrate that capacity just based on WindsDRC alone because it was a newly created company?

A. WindsDRC is a newly created company, yes.

Q. So you had to rely on --

A. It's required by law, yeah.

Q. -- the members of WindsDRC?

A. Correct.

Q. So you might have submitted information about WindsUS?

A. Maybe. Yes, maybe. Maybe, you know, in the WindsUS -- I remember that my personal -- this thing here was submitted, Emval submitted, Victor Ogoke submitted. Everyone submitted their personal net worth financials towards this process.

Q. Okay. Did anyone else submit their personal or corporate information?

A. Yeah, Victor did. Emval did. I did.

Q. Victor, Emval, you --

A. Yeah.

Q. -- Joseph?

A. No, Joseph did not. I don't recall Joseph submitting. Maybe -- he may have. He may have because everything was going to the lawyers at this time. It wasn't coming through me.

Q. So when you submitted your personal financial statement, what did that entail?

A. Your statement of net worth, assessed liabilities.

Q. Would you have put something like the Utah gas plant on your personal statement of net worth?

A. It is part of my net worth, I think.

Q. But it's an asset of WindsUS LLC.

A. No, my own personal net worth. My net worth would be whatever it is that I own, it would be all of my assets less my liabilities, and it would be one of my assets, I -- yeah.

Q. So you consider WindsUS one of your assets?

A. I'm a member, so not consider it as one of my assets. I'm a member. So whatever interest I have, so -- would be my asset.

Q. So this lists administrative requirements, financial requirements and experience in the field of gas

exploitation. WindsDRC, on its own, couldn't meet the administrative requirements, financial requirements and experience requirements.

A. No, it does fully, met them. Because, see, WindsDRC is the company as it's formed for this purpose here. Who owns and who are the people that formed it. It is -- you know, just as you are asking me question, you have a company, and then who are the owners? So who are the owners of WindsDRC, and what do they bring? And so each of these things here is not on WindsDRC as a name. WindsDRC is the owner, but that the owner behind that owner are these experiences. How would you apply for concession? It's not -- the concession is not on Winds. The concession is on the experience that the people who have formed Winds, you know, bring to bear, 35 years of gas exploitation, you know, myself about 25 at the -- you know, at that period, you know, in gas and oil. So that is -- it's not Winds. It's the experience behind Winds that is the qualification.

They are not looking at the company, Winds, as a company profile for WindsDRC as what will qualify you. It's who -- what experience does Winds bring to bear. As companies here, we say, oh, this company has 100 years of experience among its members. That is what qualifies the company. It is not that the company itself that was

formed five years ago does not qualify. It's what is behind -- the experience behind the company.

Q. At this point, did Winds have a bank account?

A. Yes. At this point, we opened a bank account, and it was part of the requirements, and showing the evidence that the amount that is supposed to be there has been deposited.

Q. And that amount was $15,000?

A. Yes.

Q. How did you know the amount was $15,000?

A. That was what we were told by the lawyers. The lawyers advised us, yes.

Q. Did you provide proof of accessing facilities for obtaining credit from a bank?

A. Yes.

Q. Whose name was on those credit applications?

A. Me.

Q. Your personal name?

A. Yes.

Q. Was WindsDRC on any of those credit applications?

A. Yes, it was just formed in DRC. It was about the people behind this in here. I had access to credit. I had $50 million access to credit in Nigeria, which I presented, I recall. Yeah.

Q. Fifty or fifteen?

A. Fifty, five-zero.

Q. In Nigeria?

A. Yes.

Q. From what bank?

A. Zenith Bank.

Q. Zenith. Can you spell that?

A. Z-E-N-I-T-H.

Q. And that was credit that you personally had access to?

A. Yeah.

Q. Did any of the other members of the coalition present access to credit?

A. We had presented this to the lawyer directly.

Q. So you didn't have an understanding of what others' credit was?

A. It would have been discussed in the meetings, and everyone would go out and get their -- just as members of the consortium will all go out -- we all have this in front of us, you go out and get all the information that pertains to you and you send it to the lawyers and everyone's -- and the lawyers will package all of it. If anyone's information is missing, they will reach out to that person.

Q. Did you discuss in advance how much credit

other members of the consortium would be offering up?

A. It was -- there was no requirement for us to have a minimum or a maximum financial capacity.

Q. What did you have to provide to secure a commitment for such a large amount of credit?

A. What do I have?

Q. What did you have to provide to Zenith Bank to secure a commitment for $50 million?

A. I have assets, and I have experience. I've gotten more than that from them.

Q. So you provided your personal assets to secure this line of credit?

A. Assets that will provide me with that. But most importantly, I have gotten credit at about five times that and paid both from them and other banks. And I had a track record.

Q. Can you tell me more about the track record you have of getting 250,000 -- or $250 million of credit and repaying it?

A. There's the financing, bankable projects. I raised it from several banks: Afriexmin Bank, from the Ajose Bank, from Zenith Bank as a consortium of banks, for OML 18, 400 -- $760 million for OML 18 acquisition.

Q. And was that individually or as part of another corporation?

A. Part of Eroton.

Q. I just want to direct you to the last page of this document, page 7.

A. Yes, ma'am.

Q. So this indicates that after the submissions went in on October 12th, there was a public solicitation of offers.

A. You said that this is what?

Q. Did you attend a public solicitation of offers on October 12th, in the DRC, 2022?

A. I don't think so. I'm not sure if I did.

Q. Did someone from WindsDRC --

A. Yeah, I believe Joseph and Fergany and Bilolo and the lawyers attended. Is this -- this is the bid opening?

Q. The bid opening, yeah.

A. Yeah, I think they attended the bid opening.

Q. What happened at the bid opening?

A. Just for the announcement.

Q. What did they announce?

A. They announced the three companies that had -- bid for the concession.

Q. But was there a point before they announced the three companies for the concession where they announced that you were moving to the next phase of the application?

A. I think that there were -- if I recall, I mean, there were -- you know, there was a submission and then there was a public -- I mean, the forum for the people that had put up the bid, you know, opportunity to ask questions, get any answers before and after the submission, you know, to get clarity, if you need to add to your submission and stuff like that. There was a process towards that. I wasn't there.

(Exhibit 5, introduced)

Q. Okay. I'm going to hand you -- I'm marking this as Exhibit No. 5, and my colleague will hand you Exhibit 5. Do you recognize what has been marked as Exhibit 5?

A. Yeah.

Q. What is it?

A. I believe this is the announcement for the debate for the Idjwi block.

Q. For the Idjwi block?

A. Yeah, the block, yeah, Idjwi.

Q. How do you recognize it?

A. I see the Idjwi block, and this is my (said in French). And this is the "and we're happy to inform you."

Q. So --

A. There's a candidate for this.

Q. Your French is good enough to read this kind of letter.

A. My French is good enough for me to scan this thing here.

Q. Yeah. Did you produce this document to applicants?

A. Did I produce it?

Q. Did you give this document to my clients in your document production?

A. I believe this is -- I mean, I was asked to produce the document -- the announcement.

Q. Is this a true and correct copy of the announcement of winning bid?

A. This is the original, I think -- document, I believe.

Q. Okay. I want to direct your attention to page 2. I represent that this is a true and correct translation of the document that you provided to them. We translated the documents to English because I don't speak French, and we thought you didn't either. So can you tell me, who is this letter addressed to?

A. It was addressed to me.

Q. Are you the chief executive officer of the company?

A. Yeah, for -- yes, I was, yes.

Q. Is this addressed to Winds Exploration and Production LLC?

A. Yes.

Q. Is it addressed to a Cypress, Texas address?

A. Yeah, my personal address.

Q. That's your personal address?

A. Yes.

Q. Whose phone number is this?

A. That is my -- the lawyer's address and their phone number, I believe, in -- either the lawyer or Fergany in DRC.

Q. And it's Fergany's e-mail?

A. Yeah, Fergany's e-mail.

Q. So the letter is addressed to you personally using the WindsUS Company name, the Texas address --

A. My personal address.

Q. -- your personal address?

A. It was not -- this is -- this should be Winds, you know, SARL. This is at the time when, you know, there was still that my -- the SARL name had not yet been taken on by the government. We asked several times, and the lawyer said they were working on it, that these things take time, that the corrections would be made and all that stuff. So this was my initial -- this is my title and my

initial application at the time that we made -- that we were starting on this process. That's why it kept coming back as Winds Exploration and Production LLC, when it should be Winds Exploration and Production SARL.

Q. Why do you think the government was making that mistake?

A. It wasn't a mistake. My original application, at the time that we started, we didn't have Winds Exploration and Production, SARL. We -- I only had Winds E&P, LLC, was where I was coming from when I did the initial thing here. So it kept coming back to me -- when I gave my card, it was Winds E&P, LLC. So it kept coming back to that. And I think it's been corrected since then, I'm sure, you know, I think.

Q. Did you put Winds LLC, on any of the materials you submitted to the DRC Government?

A. I may have, because that is what I was a part of at the time that this process started. I may have.

Q. But in advance of this letter --

A. But it was my personnel that's in here. In my personal capacity being involved in it, that is why, clearly, separation between Winds LLC, the U.S. -- at no time was Winds LLC, U.S. -- the experience for non-conventional drilling, extraction of gas may have it from Winds LLC. I've extracted gas unconventionally from Winds

LLC, from Oando, from all of the places where I have been at.

So when I'm coming from -- if I'm representing PricewaterhouseCoopers or if I am an employee of PricewaterhouseCoopers, my card will read PricewaterhouseCoopers, and the project I get is for the basis of PricewaterhouseCoopers as an employee. If I'm going in as an individual, I'm coming from somewhere, and that somewhere is that my card that shows that I'm coming from Winds E&P, LLC, who has experience in this. And it was coming to me from me as an individual at the time that we started this process, and then we followed the process of registering the company in DRC. And so some of these things came to me as Winds E&P.

I remember it was a bit annoying. I would call the lawyers and say that this isn't Winds E&P because then it's as if it's the U.S. company that was this, and they would assure me that it would be corrected. But it was coming to my personal address and not to the Winds office address here in Texas. So it was coming to me.

Q. Does Winds have a separate address?

A. Yeah. Here. Yeah. It's in my -- our official address was 5700 something, you know, here in Texas, yeah.

Q. Why are other consortium members not named in the letter?

A. The application under Winds. That was why this in here should have been Wind E&P SARL, because it is under Winds. It was not under my -- under WindsUS.

Q. What does the letter mean when it --

A. Oh, and by the way, Alfred went to court about this. It was litigated. And his case was thrown out because the documents showed that this was not a Winds LLC transaction. He came to court here. He filed a claim and we went to court, and it was proven that this is not a Winds LLC transaction.

Q. I think we'll come back to the Alfred case later.

A. Oh, okay.

Q. But I want to stick to this document now. In the end of the first paragraph, it says that "Winds Exploration and Production LLC is provisionally preselected."

A. Yes.

Q. What does that mean?

A. No idea.

Q. It says in the next paragraph that "A mission for verification of technical and financial capacity will be dispatched to your company."

A. Right.

Q. Did that take place?

A. I got -- I received a visit from the team here. They wanted to know and see our -- you know, see my experience base. They went and I believe that they met with Emval to see what Emval -- what assets Emval was -- you know, were producing and the experience base. Victor came in -- into Houston on that trip. They went to Utah. They spent two days in Utah looking at the conventional drilling in Utah and the process it works and about the low risk involved in terms of the gas volatility and the technology that we were using, which was going to be a similar technology for extracting gas out of the lake. They came back here and we took them through -- you know, two days of meetings that we had with them, taking them through the drilling, you know, process in Nigeria. And, yes, I think in Nigeria and then in -- I believe Victor took them through the drilling process in Kazakhstan and stuff like that.

Q. Who's "they"?

A. The people that came. I think there were three experts that came from -- one financial -- one finance person and two experts in gas -- in oil and gas.

Q. Were they representatives from the DRC Government?

A. I believe they were, yeah. Yeah, they were, yeah.

Q. They came to Houston?

A. Yeah, they were here in Houston, yes.

Q. Where did they meet with you in Houston?

A. At some hotel just somewhere around here in this Galleria area.

Q. But if WindsUS wasn't the applicant, why did they come to Houston to --

A. They came for another thing here. They were here on some -- or what do you call it? The minister was here. We never met with him. But they had these experts with them. They were on a road show. They were doing a road show. So they called and asked, and I said, "I will be in Houston and I'm in Houston," you know, at that time, yes. They were on a road show here. They were here. They were in Canada. They were in several other places.

Q. So they didn't come to Houston because they were meeting with WindsUS, it was because they had other --

A. No, no. They were here. They were here on the road show, yeah. They were on the road show for this, you know, for this project.

Q. Did they meet with Emval in Nigeria?

A. They met with Emval -- I'm not sure where they -- whether Emval went to them or they went to Emval.

Q. Did you go with them to Utah?

A. No, I didn't.

Q. Did you ever go to the gas fields in Utah?

A. Absolutely.

Q. How often?

A. Regularly.

Q. Did you do anything to prepare for their visit?

A. Presentations. That was it, you know.

Q. Did you put together PowerPoint presentations?

A. No, I was to discuss with them and all of that stuff. You know, Victor and I just, you know, made sure that we had, you know, the areas of the technical and all of that stuff covered.

Q. So they were investigating the operations and experience that the individual members of the consortium had?

A. They wanted to make sure that the individual members had the experience, yes.

Q. The team was aware of each member of the consortium and considered all of their expertise separately?

A. From what I understand, yeah, they considered everyone's expertise, yes.

Q. Did anyone prepare a report on the site visit?

A. They prepared their report. We didn't have to prepare reports on the site visit. They were the ones

that prepared their report and took, you know, with them, yeah.

Q. Do you have access to that report?

A. No, I mean, I never asked for it. They did whatever they did and they, you know, they left, you know, and would present their reports to their office.

Q. So to go back to this document, you don't know what "provisionally preselected" means?

A. Provisionally preselected.

Q. Yeah, what does it mean to be "provisionally preselected"?

A. Provisionally preselected. I don't know. Provisionally preselected. I mean, I don't know.

Q. This says you were selected for the Idjwi block. Were you preselected for any other blocks?

A. No. I mean, yeah, I don't know. I mean, I think -- I mean, we applied for the three blocks. We received a provisional preselection for the Idjwi. We were rejected for the Makelele and we were rejected for the Lwandjofu, I believe.

Q. Okay.

MS. BAILEY: Can we go off the record for a minute?

THE GUARDIAN: We can. The time is 12:36 p.m., and we are off the record.

(Off the record)

THE GUARDIAN: The time is 12:44 p.m., and we are back on the record.

Q. Okay. Do you understand that you're still under oath?

A. Yes.

Q. What did you do during the break?

A. Went to the bathroom, and then I went to speak to my wife.

Q. Okay. Perfect. So what happened after the notification of being shortlisted?

A. What happened, what?

Q. Scratch that. I'm going to mark a document as Exhibit 6. I'm going to hand that document to you. Do you recognize what has been marked as Exhibit 6?

(Exhibit 6, introduced)

A. I believe, this appears to be the full -- yeah, I think this is what I was talking about earlier, the full requirement for the bid. Yeah.

Q. How do you recognize the bid requirements?

A. I believe, these are the documents that we had to -- I mean, these are the instructions we had to follow.

Q. Was this one of the documents that you gave my clients?

A. Should be. It's one of the things that you asked for, so has to be, yes.

Q. Okay. I want to direct your attention to page 5. So this is a letter of invitation?

A. I don't see page 5.

Q. The pages are at the top -- the page number's in the middle.

A. Page 5.

Q. This is a letter of invitation?

A. Yes.

Q. It's dated 17 October, 2022.

A. Yes.

Q. And if I could direct you back to Exhibit 5, which I think is just under there for you. Is that also a letter of invitation?

A. This is notification. There's a notification here.

Q. What's the date on the notification?

A. October 2022.

Q. Do you know what day?

A. What day?

Q. Yeah, what day in October?

A. This is not clear. I think this is a --

Q. Okay.

A. -- translation issue. It doesn't say.

Q. So can you explain to me sort of how these two letters might be related to each other or how they fit into the process?

A. I'm not sure I understand what you're asking. How they relate to each other and how they fit? This is an invitation, and this is notification.

Q. The invitation is for the Makelele block, M-A-K-E-L-E-L-E?

A. Yes.

Q. So you were specifically invited to bid for the Makelele block?

A. All three blocks: Makelele, Lwandjofu, Idjwi.

Q. You were invited to bid after you submitted your pre-application materials?

A. When you submit your application, you state whether you want to apply for particular one or all three.

Q. And then you were invited to bid for all three after that?

A. On that. Exactly, yeah.

Q. And this document is also addressed to Winds Exploration and Production LLC?

A. Yes.

Q. It's also addressed to you as the chief

executive officer?

A. Mm-hmm. To my home address.

Q. And other consortium partners are also not named in this letter.

A. Because this was supposed to be for Winds SARL, and it was sent to me to my home address. And again, I believe that you are continuing to try to tie -- I don't know if that's what you are trying to do, but it's as if -- looks like you're trying to tie Winds E&P, LLC to this. So I'm not sure if that is your intention, but I'm just saying that this is Winds E&P, SARL, sent to me to my personal address, and that is supposed to represent as a coordinator for the consortium. So if the Winds E&P, LLC was still being used here, then I think the LLC is the confusion here and not SARL.

Q. Okay. When did you receive this document?

A. This is 2022, October.

Q. How did you receive the document?

A. It was through Fergany. Fergany -- from the -- Fergany and the lawyers in DRC.

Q. And there's a footnote, KGPE SARL, is that Mr. Fergany?

A. That's Mr. Fergany, yeah.

Q. Do you know why he put the footnote on here?

A. Seeing it for the first time.

Q. Is he --

A. I think this must be the one that they, you know, that they sent -- you know, he said it was sent by him to us, so...

Q. Did he translate this for you?

A. Maybe he did.

Q. Did the other Nigerians on your team also require translation?

A. Yes.

Q. So what is a cahier des charges? Or what is this document?

A. This one?

Q. Yes.

A. This document is an invitation to bid.

Q. Does it contain instructions for the bid?

A. I'm not sure if it does. It tells you it's an invitation to bid and maybe the instructions on what is required. Yeah, on how to -- and all the different forms. Yeah, this is the technical form that you have to fill and the financial forms you have to fill.

Q. Do you recall if the instructions in the forms were the same for the Idjwi and Lwandjofu block?

A. Same.

Q. The exact same application materials?

A. They all -- same application material. Same

documents.

Q. And were your applications for the Lwandjofu, Idjwi and Makelele blocks the same?

A. They were the same, yeah. You just -- you applied to have an opportunity to hopefully get one of them. Your financials, your technical, the same. They're all the same thing.

Q. Did you have a preference for which block the Winds consortium would be awarded?

A. No, not really. There wasn't any preference. If one were to have a preference, you would want to have the block at the top because then you would expect that, you know, that the gas -- it's more concentrated in the Makelele as opposed to the middle one, which is Idjwi, and then you have the Lwandjofu at the bottom part. If it were oil, certainly you want to be at the bottom, and if it's gas, you want to be at the top.

Q. Who received the top block, Makelele?

A. That's a company out of New York.

Q. Which company?

A. I don't remember their name.

Q. So I'm going to walk through the application materials with you now. And I understand that these give you directions for the Makelele block. But because you ultimately won the bid on the Idjwi block, I would ask you

to give me answers about your application for the Idjwi block.

A. Yep.

Q. But to confirm, you said the applications across the three blocks were identical.

A. Yeah, that we submitted, yes, was identical, yeah.

Q. Okay. I'm going to use the page numbers that are at the top of the pages. They're normally correct, but sometimes it skips a little, oddly. So page 6, can you flip --

A. Oh. Sorry.

Q. That's okay.

A. Yeah.

Q. Do you want to go off --

A. I'll put it on silent mode. Sorry about that.

Q. It's okay. I had to also tell Johnathan to put his phone on silent.

A. Mm-hmm.

Q. Okay. Can we go to page 6? So Paragraph 3 of page 6 states that the envelope should have the names and address of the bidder. Do you know what names and address was placed on the envelope of your bid?

A. For the -- for our submission?

Q. Yes.

A. Yeah, it's the lawyers.

Q. The lawyers' name?

A. Yeah, the lawyers were the ones -- the custodians of everything in terms of the -- you know, the DRC project, yeah.

Q. Okay. I'm going to direct your attention to page 10 now. We discussed this before, but point C says, "Bidders must become familiar with local conditions and take into account in the preparation of their offers."

A. Mm-hmm.

Q. What did you do to become familiar with local conditions?

A. It's a full environmental scan, and besides having a clear understanding as to the way and manner in which these, you know, these bids and this -- and all of these things are done in the sort of the legal side of it, the social side of things, the environmental side of it. Members of the team, I think, also went -- two members of the team went to Idjwi and -- to get familiar with the environment in Idjwi and to clearly understand what it is that we'll be dealing with over there.

Q. Who went to Idjwi?

A. I believe it was Victor and Joseph that went to Idjwi.

Q. Did they consult with local community members

while they were there?

A. Fergany was -- had ongoing discussions with the -- and I think he was the one that was giving some people my number to call me to confirm, you know, whatever, to have the discussions with them. Yes, there was -- yeah, I think they might have met with people in that area, in Idjwi -- on Idjwi Island.

Q. What environmental risks did you consider?

A. Environmental risk. The insecurity in regards, comes from the war and the -- that's on the social side. On the technical side, it's of course, the technical risk, the risk of limnic explosion and making sure that our activities were not seen to exacerbate the risk that -- which we were there to try to ensure didn't happen.

It was easy to misunderstand it if people are not aware of the technical of -- the lake is there. The lake is being used every day. People are fishing on the lake. People are living on that lake. The risk that is on the lake is deeper down, and that risk is deeper down. The idea is to make sure that it doesn't bubble up into the surface. So it's not the Dead Sea or anything like that. This lake is being used. But the thing is, the fear is, at any point in time, let's say there is an earthquake or a tsunami or any such thing that happens, you know, deep down, then it has the potential of being -- of causing --

or forcing the methane gas, you know, upwards.

And the idea is to put, like, a pipe, all the way straight down, map the bottom of the lake, secure it, make sure it's stable, and then at every single stratification, have a pipe -- a separate pipe that sucks the gas out from each level of the stratification so that they are not mixing, you know. So it's -- first of all, you have, you know, something like a drone that goes in there and clearly identifies all the stratifications in the lake clearly and what type of gas is at every level.

And then the pipe that is directed -- and I'm using a very simple, straightforward -- this thing here. I'm not the -- but this is what I've had to practice over and over again with some of the -- you know, the technical people. You know what I'm saying? And at every time that you hit a different type of gas, the pipe is there that filters that gas out so that it's all separate. So for those that have mapped it, for those that have looked at it, the engineering solution, it's not rocket science.

Q. And this engineering solution is already being used in other --

A. It's being used in Rwanda. We have studied what they are doing in Rwanda, the exact same thing. It's the same lake. Nothing different from what -- where we are. And today, Rwanda is no longer worrying about limnic

explosion. It's being used to a lesser extent in Cameroon. The company in Cameroon is flaring the CO2 into the atmosphere, which we object to, but that's the solution that's been applied there. So that is what they're doing. But at least it has secured the environment where they don't have to worry about limnic explosion. And that's exactly -- so the only difference here is that, in Rwanda, they are capturing the gas, sequestering the bad gas and capturing the good gas. In Cameroon, they are capturing the good gas and flaring the bad gas.

Q. And you're going to sequester the bad gas?

A. And the idea is to sequester bad gas so that it's not being flared into the atmosphere. And whatever is useful there is given to -- I mean, it's sold to the people that, like I said, the bottling plants use CO2 -- fizz -- and that's -- that is CO2. That is the only use for the CO2, for the -- you know, for the bottling plants.

Q. Did any of the Rwandan companies apply for --

A. Yes, yes, yes. The company in New York, you know, is operating already the plant in Rwanda.

Q. Is that Symbion?

A. No, not Symbion.

Q. Not Symbion?

A. No, that's not the company. The -- Symbion is

a company -- it's a Canadian company.

Q. Is the Canadian company Alphajiri?

A. Alphajiri is a Canadian company. I'm sorry. Symbion, I think -- yeah, Symbion, I think, yeah that's a company in New York, yes. Yeah. Symbion.

Q. Okay. So I want to return to the document we have before us.

A. Yes, ma'am.

Q. So let's look together at point H, which says, "The bidder may request clarification on the documents. Did you or your consortium ever request clarification from the DRC government about the application materials"?

A. It was always public. That means you request, other people request and then they schedule a date so that the answers are given with everybody in the room. So that other people will also benefit from whatever questions that you have, other people have. So they -- you know, they will get all the questions and then they will schedule a public meeting where everybody showed up and they put on the board the questions that this company had and what is -- so they didn't do it individually to the different companies, yeah.

Q. And those meetings took place?

A. Those meetings took place, yeah.

Q. How often?

A. I think about -- I can remember, maybe two or three of them that took place.

Q. Did you attend?

A. No, no, no. Fergany and the guys there attended.

Q. Did they send you notes or any other materials from those meetings?

A. If I recall, they would just simply -- if they had any questions and they answer the questions. When we would normally have our meetings once every week, and they would discuss with us on the meeting whatever issues that have happened. If they had a meeting with the government people and all of that stuff, they share with us. The documents would go to the lawyers who were responsible for keeping all of these things, yeah.

There was no need for them to come to me. There was really no need. My role will come to play after the concession is won and then we were now operational and we now have to raise financing. So I was busy making contact with the bank that we are going to use. I had contacted two banks in the DRC area. I had gotten in touch with several -- with the Afriexmin Bank and tried to sell the project and all of that. So that was what we were preparing for, so that whenever it comes through, we're able to conduct the operation.

Q. So your speech about the pipeline and the lake is so that you can sell the project to banks, that's the speech you used?

A. Sorry?

Q. Scratch that. Okay. Let's go to page 11, point A.

A. Yeah.

Q. Eleven. So this directs you to submit the technical offer in the French language.

A. Yes.

Q. Did you submit all the materials to the DRC Government in French language?

A. All submissions were sent to the lawyers and then they would interpret it. They would -- if it's English, they would convert it to French and submit.

Q. So you submitted information to your lawyers in English?

A. I submitted -- I always submit in English, yes.

Q. And the lawyers translated it?

A. They would translate, yeah.

Q. And the lawyers would occasionally send you information in both English and French?

A. Sometimes they would just simply forward whatever they received and if it's in French, then I would try to convert it.

Q. So when it was in French, you would convert it yourself?

A. I would translate it myself, yeah.

Q. Or Mr. Fergany would translate it for you?

A. Mr. Fergany would sometimes do it for me.

Q. I want to direct you to point C1 on this that says, "The tenderer may associate with other preselected candidates."

A. On page 11?

Q. Yes, on page 11.

A. C1?

Q. C1. "The tenderer may associate with the other preselected candidates." Did you associate with any other preselected candidates?

A. Associate? No, we didn't associate with anyone.

Q. Let's go to point 2. This suggests that you should submit a list of permanent and stable employees, but WindsDRC doesn't have any permanent employees?

A. It is what is proposed. They proposed -- I mean, you had a personnel -- a proposed personnel. You submitted an organogram. This is the place where you submit an organogram that basically will state who are going to be the -- you know, the -- how you are going to fill the organogram and what responsibilities each of them

will carry.

Q. Who was listed on the organogram for WindsDRC?

A. Each of the entities that were part of the consortium. Technical, you had Emval, administrative is your technical, your finance and all of that stuff, yeah.

Q. So can you give me again the list of who would've been on that organogram?

A. Again?

Q. Yes.

A. Myself, Emval, Fergany, Victor, Joseph, Bilolo, Alex. We were all there.

Q. Who was the team leader?

A. I am the team leader.

Q. Who was the deputy team leader?

A. Victor was.

Q. Who was on the technical team?

A. Victor led the technical team.

Q. Who was the production engineer?

A. Katende.

Q. Who was the industrial chemical engineer?

A. Emval.

Q. Who was the geologist?

A. Emval.

Q. Who was the systems engineer?

A. Emval.

Q. Who was the engineer mechanic?
A. Emval.
Q. Who was the maintenance engineer?
A. Emval.
Q. Who was on the administrative team?
A. Would be Joseph and Fergany.
Q. Who was on the finance team?
A. I am --
Q. Okay.
A. And Alex.
Q. And who was on the environmental team?
A. Emval and Victor.
Q. So I want to direct your attention to 3.2.1.1 on this page.
A. 3.2.1. Yes.
Q. Under that, there's a point A.
A. Yeah.
Q. And it says to submit a brief description of the tenderer.
A. That's -- (a) is "The bidder is invited to submit technical offer in French language." 3.2.1.1. Okay. (a) "The tenderer and an overview of his recent experience." Yes.
Q. Who was the tenderer?
A. Winds.

Q. Which Winds?

A. Winds SARL.

Q. And what recent experience would you have submitted here?

A. It's the experience of the people that own -- that have used Winds to develop a tenderer. It's not the entity, it is the persons behind the entity.

Q. Did you submit any comments or suggestions on the terms of reference?

A. We made -- if it was needed. If we were not sure about something, we would -- I will ask questions and would make suggestions, but I can't recall any specific thing.

Q. Did you submit CVs?

A. Absolutely.

Q. Do you have a copy of your CV that was submitted?

A. I mean, I have my CV that was submitted, yeah, at the time.

Q. But you didn't produce it as part of the document production to respondents?

A. I don't know, you asked me for my CV. I'll give you my CV -- that's my personal here.

Q. Did the CV list you as an employee of WindsDRC?

A. It lists me as CEO of Winds LLC.

Q. Okay. Can we go to page 12, the next page? So 3.2.2 says, "Instructions on financial offer." What was the cost of the project in U.S. dollars?

A. Oh, okay. It would be -- it was between about 70 to $80 million, if I recall.

Q. How did you come up with that cost?

A. I sat down. It's primarily based on equipment that would be needed to -- the equipment that would be needed for the gas extraction itself is not that expensive. The equipment that was going to be needed for electricity generation and gas plant was where a lot of the cost was at. But yeah, it was based on our knowledge of the equipment that would be required to execute. And then, of course, there is going to be a barge we're sitting on top of the lake that would be operating there 24/7.

Q. So one line item in this cost is equipment costs. Did you also include a line item that was how much it would cost to run the equipment?

A. Yeah. I mean, you know, the cost -- the operational cost, it's amount of equipment, the operational, the administrative. I think all of that is there.

Q. And how long did you calculate those costs for? So you're going to run the project. How long would you

say you're running the project to make it cost $80 million?

A. $80 million is clearly the capital that needs to be raised for the project to -- you know, for the project to be fully capitalized. You project what would be required at the time. We had -- you know, we had projected a certain amount of money, about 8 to $15 million so for certain equipment. By the time we went out into the market, it was there for 3 million available. So we went out, we did market research and all kinds of things. So some of the projections will be exactly -- you know, close to what it is and then some of them will change. I'm not sure if I'm answering your question. But the cost is based on market survey, speaking to vendors about equipment that would be needed to get the job done, essentially.

Q. Does the cost include personnel time?

A. Personnel? Yeah, yeah, yeah. I mean, there'll be personnel that will be involved. That's part of the administrative cost.

Q. How do you plan for sequestration of the CO2?

A. Have to -- also the equipment that will be purchased for sequestration. And that was -- also the technology is still evolving for sequesting CO2. And it's better today than it was three years ago, from what I have

read. And so, yes, planning for sequestration is being able to gather the CO2, secure the CO2 and use it for what it needs to be used for. And then, of course, there is the re-injection -- the injection of CO2 into the ground as opposed to the atmosphere in terms of what science is available.

Q. Is the sequestration of CO2 a significant portion of the cost?

A. Not any more than the other things that have to be done.

Q. How will Winds finance the $80 million?

A. It's in the financing.

Q. You mentioned earlier you had financing from a Nigerian bank.

A. You are to show your capacity to raise financing. You are to show your capacity to be able to deliver. That is all you are expected to do. You are not coming there to say, "I have the money on the table, I have it in my back pocket," no. Are you capable of raising the money when it's -- you show your history of raising money. And I have a history of raising financing for projects going back many years.

Q. So the current status of the financing arrangement is not settled?

A. It cannot be settled until, you know, there's

indication that the award is going to be made.

Q. Do you anticipate you'll need to finance the whole $80 million?

A. Absolutely not. What you have done is to identify what is needed. You finance to the extent that is -- really is required. That's what is needed and then what is required. So if we go in, the very first thing you want to do is to finance the very basic things that is supposed to be in place. The next phase is to finance the extraction. So at every point in time, it is what is required. So it's not that we need $80 million, you know, as we go in, no.

Q. How much money do you think you'll need for the first phase?

A. Maybe 5 to $10 million.

Q. Are you the only person in the WindsDRC coalition who's seeking financing?

A. Absolutely not.

Q. Who else is seeking financing?

A. Every member of the consortium is bringing in their own financing partners.

Q. So how will that work? Will you finance your own part of the project and they'll finance --

A. Oh, it will all be them. I won't finance them. It's not that each one will bring their own separate

financing and it will all be separate, no.

Q. So what happens if one of your co-applicants defaults on their financing?

A. Oh, it's not that way. The structure is, you know -- financing a consortium, it's not about somebody bringing in their independent -- each person's financing has an effect on the overall financing. No one is going to finance just one aspect of it when there are about four other aspects that they have no control over. So every single -- every financing that takes place is going to be on the project, not on the consortium member only. So each person who has capacity to bring in finance, there is vendor financing, you know, I mean, which we have. You know, which basically it's a vendor that provides, which we have used several. A vendor provides a gas plant and says, "I will provide a gas plant in return for which you give me this, and this is what I will take. I will have 2 percent of whatever comes through from this gas plant and you pay it to me over the next four years or five years." So we're seeking all kinds of financing that will make the project cheaper.

Q. So who will be legally liable for the financing?

A. The entity.

Q. DRC Winds?

A. Yes.

Q. Does that put any liability onto you as an individual?

A. Maybe. There may be issues of personal guarantees that will be required. I don't know. But oftentimes, you want to avoid the issue of personal guarantees, right, business?

Q. Do you anticipate you might personally guarantee the financing in Nigeria?

A. Financing in Nigeria?

Q. Yeah.

A. Personally guarantee? If I believe in the project and I know that this is going to -- and this is what is going to be done and that's how it's going to be used and there's a need for me to provide some personal guarantee, the issues is always discussed and where it's necessary and where it makes sense. It's prudent to look at all of those things. What is the risk? Who is handling the money? I don't know. I cannot, you know, say something that I don't know will happen in the future.

Q. But you'll have oversight of the money at WindsDRC. That's kind of your role on the team?

A. Having oversight of the money, yes.

Q. Is there anything else about financing that you want to share?

A. No.

Q. Okay. Let's go to page 13 then, next page.

Q. So point A of this, again, says that the technical and financial officers must be initialed and signed. Who signed WindsDRC's technical and financial offers.

A. It's all submitted to the lawyers and they signed -- it's -- I think there's a notation at the bottom of each of the listings here that you have to do for each page.

Q. Did you sign them?

A. I don't recall having to sign some -- I think we just submit it and it was taken care of by the lawyers.

Q. Did you sign anything for the Winds bids?

A. I will sign certain correspondences and all that stuff that will come to me every now and then and, you know, making a request. Yes, I signed things.

Q. So how did the consortium decide who was going to sign which materials?

A. It was that -- if it was something that I needed to address, it would be sent to me as a coordinator. Otherwise, it -- you know, the -- if it would come to the lawyers, they would send it to me and say, "Hey, Frank, you need to get us this or do this letter, sign it and send to us."

Q. So can we look at point B here? And it refers to the authorized representative of the bidder.

A. Okay.

Q. Who was the authorized representative for WindsDRC?

A. A lawyer. The lawyers, yeah.

Q. And it states here that they must submit a written and notarized proxy. Are you aware of whether WindsDRC submitted such a document?

A. No.

Q. Okay. Let's go to point -- page 14. Under point 3.3.1 --

A. 3.3.1

Q. -- it says, "The opening of the folds will be 48 hours after the end of the deposits of the offers."

A. Mm-hmm.

Q. Did someone from WindsDRC attend the opening of the folds?

A. Yes.

Q. What's an opening of the folds?

A. Everybody shows up at the bid process, like, any bid process, and -- I wasn't there but I asked Fergany to describe to me. I recall we had a meeting. How did it go? Every person there would -- they bring up the envelope, it's closed. Everybody's envelope is closed or

something like that. It's not opened. And they open in the presence of everyone, and they brought out the financial and technical. I think that's the process.

Q. What's the purpose of that opening of the folds?

A. Make sure that everybody's in there, that what they submitted is intact and not -- nobody's document has been opened, I don't know, something like that.

Q. But these are hundreds of pages of documents, so you don't --

A. They are submitted in big packages and stuff like that, and you seal it. And at the time you submit -- from what the description to me, you submit, you sign off of -- at the seal, you sign across the seal and then they will put -- the government agency will put their seal on it. So at the bid opening, they will bring it, show you that it hasn't been opened, it hasn't been tampered with, everybody -- for everyone, so that once you -- then that's when it's opened.

Q. Is the idea of that to prevent corruption?

A. Wherever I have done government bid process, it usually is like that. It's just to show that it's transparent, it's open, and no one's -- there's always a concern that my bid has been opened and what is in there has been shared with somebody else. That's really to

prevent the fact that your bid is yours and nobody inside our organization has opened it and shared a copy of your financials, a copy of your technical with, you know, to anyone.

Q. What happened after the opening of the folds?

A. Then the technical team and the financial team in the government will now take the different copies and go and begin their work of deciding, you know, who met the requirements and who did not and stuff like that.

Q. Okay. I want to direct your attention to 3.3.2.E, which says, "Financial offers must be publicly opened."

A. That's the process I just described.

Q. That's the same process?

A. Yes.

Q. Okay. Did any -- strike that. Okay. We can turn now to page 17.

A. Seventeen.

Q. Do you see the large bold stamps that say, "More details, refer to page 16 in original document"?

A. Mm-hmm.

Q. What's the original document?

A. "More details, refer to page 16." I don't know what it means.

Q. Sorry, I know we're approaching lunch, but can

you try to speak up for the court reporter?

A. Okay. Yeah. I don't know what that means. "More details, refer to page 16 in original document." I don't know.

Q. Okay. Let's turn to page 22. Did Winds plan to develop social environmental studies?

A. Absolutely.

Q. How advanced were these plans?

A. Until -- the delays started, which from our understanding, is based on certain issues that were being raised. I got calls from journalists, from -- one from the UK, one from France -- that was the initial, this in here -- certain assertions that were made that did not have anything to do with the process. So when those issues were raised, the government began to take their time and delay the process from moving forward.

So we then also cut back on whatever plans that we were making towards closure. So we were already looking at all of this. We were working on the environmental, the EIA and all of those things that we needed to do up front and trying to put together the funding for that initial 2 to $4 million that would be required to conduct those amounts. We were getting in touch with some companies who were experts in that area and stuff like that. So -- but then when the delay started, so we just left it alone

until sorted out.

Q. So in the application you submitted to the DRC Government, you didn't have to include an EIA plan?

A. As a matter of fact, anyone that attended the sessions that they had, it was made very clear when the EIA was going to be required, when the EIA was going to have to be done. It was not to be -- it was not in the program up front. It was in the program that the very first thing -- and a timeline was given for each of those things. This is the first thing that would be done in the first six months of the concession or in the first year you produce this, this. So an outline was given for each of the, you know, tenders. So all of this was outlined.

The EIA is not done. You cannot go and spend money on EIA for something that doesn't belong to you. And the government should do the EIA if they wanted to do the EIA. I mean, in certain places, the government would do the EIA as part of their own input into the process if they have the money to do it. But if they don't have 2 to $4 million to do it, they put it on the back of the -- of the tenders.

Q. So the EIA will cost 2 to $4 million?

A. That was our estimate as to what might be needed to do the EIA and -- not just EIA, but, you know, just the issues surrounding the environmental.

Q. And the government did not do an EIA?

A. The government have -- they have done an EIA, which they said that they would share with us at some point. Whether we have to buy it or whether they will give it to us, we don't know. There are some other documents that the government has also -- that they have also done, which they have also said, "When you get to this point, we have some studies that have been done, which we will share with you," sharing with you in whatever form. Governments sell some of this information because they paid for it and they get the money back.

So some of these things have been done by governments. We don't know. We don't have access. And we got access to the fact that studies have been done, and they gave us the -- some of the pages of those studies, the maps that were done and the stratification that was done by government. They had done something. What extent, you know, the work is or how deep it is, we don't know.

Q. So you know that the government has done an EIA?

A. I don't know that.

Q. But they've done some studies?

A. They've done some work, obviously, yes.

Q. You don't --

A. From a document that we saw.

Q. And they told you they would share that work with you --

A. They said at the time -- that when the time comes, they will share some of the things with us, you know, if we needed it.

Q. But you still anticipate spending 2 to $4 million to do your own EIA?

A. We still have to plan for our own. We cannot depend on -- and, of course, there is also a time factor with this. How long ago did they do these studies? We don't know. How -- you know, how relevant would it be to the operation? We don't know. Did it cover the lake all the way to the depth of the lake? We don't know.

Q. So the auction took place in 2022?

A. Yes, ma'am.

Q. It's currently 2026?

A. Yes, ma'am.

Q. How old would an EIA have to be for you to decide you needed to do a new one?

A. Depends on what the EIA has covered. It really depends what is covered. The lake remains the same. Lake hasn't changed. The use of the lake may have changed a little bit, population increase or whatever, decrease and all of that stuff. So some of those things could -- yeah,

but these are not the primary factors. It's really the EIA that they have done, does it cover the essential things that we need to be able to show that we have covered everything that needs to be covered that relates to the risk of our work and relates to the risk to the environment and that all of those have been covered. We don't know how much of that is covered by their EIA.

Q. Can you say more about what kind of environmental risks you would anticipate would be part of an EIA?

A. Part of an EIA. Yeah. An EIA does not present an environmental risk. It's just -- it would be a technical assessment as to what should we -- you know, what we should know, right. They would test the, you know, the extraction, you know, point. They would test it. What's the composition of the gas on the surface and down. So they are not going to -- so the EIA will not present any risk that -- to the environment itself, no. It's just there to study the environment and know what risk the environment will bear with this project.

Q. Will you do a study about what kind of impacts the project might have on the environment?

A. This project is only going to develop the environment further. The project hasn't -- it's -- there's nothing in Idjwi. Idjwi has been abandoned

because of all of the warfare and everything that is going on. There is no impact on Idjwi, except to develop -- it will only help the environment. There's nothing there. It's a barren place. There's nothing. There's no effect on Idjwi.

Q. Are there trees there?

A. No. The environment, in terms of the -- when you have -- when you put up a building, you have to clear the lands to put up a building. I'm not looking at that as if it's nothing. So I'm not saying that you are not going to affect the ground or you're not going to have to cut down some trees in order for you to build a camp. You have to build a camp and that requires you clearing the place where you have to build a camp.

But that also means that Idjwi will have a road access that they didn't have. That also means that they will have infrastructure that they never had. That means that they will be able to put -- they will have electricity. That means that they will have gas available to power things there. So that's what I mean by the fact that it doesn't have any negative effect on the environment itself, because there is nothing there, unless we say "Let's just leave the environment as it is, you know, let it remain like that forever." That's a mindset that is okay.

Q. But is there a study that you have to do to determine how much will impact the environment?

A. Well, that is the idea of the study of this -- of the EIA. The EIA is the footprint for any negative thing, as little as possible. Whatever footprint that you are putting on there, it has to be as little as it can be. And the main idea is to focus on trying to degas the lake. That's the thing; focus on degassing the lake.

Q. What about impacts on local community members?

A. It will only be to their benefit.

Q. You can't --

A. Net. Net benefit. Are they going to complain about inconvenience of cars running in Idjwi? Maybe. Is someone not going to be happy about roads? Maybe. Someone not going to be happy about electricity, that they preferred it without electricity? Maybe. I don't know, but it's...

Q. Are these studies that you plan on doing at any point in time?

A. Start of the process. It's the first step of the process.

Q. We might come back to environmental and social studies, but for now can we turn to the very bottom of this page? You see the chart? And on top of the chart, it says, "Refer to page 23 in original cahier des

charges."

A. I'm not sure I'm at the same page.

Q. It says -- in bold.

A. Oh, "Refer" -- okay. Go on.

Q. Do you know what the original cahier des charges is?

A. I'm not sure that I remember. I don't -- no, I don't -- I can't -- I don't want to have to guess. No, I don't.

Q. Victor prepared this document?

A. Some of the document was prepared by Victor in terms of some of the technical documents, yes, done by him, Victor.

Q. Can we turn to page 28. So this describes a letter about corruption. Did the Winds Coalition submit this letter?

A. Yes, we did.

Q. Who was the authorized signature on the letter?

A. I believe that I signed this. I was asked to sign this letter. The lawyer said that I would have to sign this letter since I'm the coordinator.

Q. So it was your responsibility to ensure that there was no corruption?

A. I did not participate in anything that was -- yeah.

Q. Who authorized you to sign the letter?

A. The lawyer said I should -- that I would have to sign this because -- since I'm the coordinator, that I would have to sign, committing that we will not have any discussions, anything with the government.

Q. And who was the bidder's name on this document?

A. Winds SARL.

Q. Do you have a copy of this letter?

A. This one?

Q. With your signature on it?

A. I may. I'd have to look. Yes, I may. I may have it here. I may. I know I put -- everything that was inside my folder, I just took the folder and sent to the lawyers, the lawyers in Nigeria. So maybe -- I don't know if it's one of the things that I sent to them, but it should be there because I signed this letter and I don't know.

Q. Okay. Can we go to page 30 now? So this describes a letter for the commitment for the care of the contract negotiations. Did you also sign this letter?

A. I'm not sure if I signed this or if the lawyer signed it. I'm not sure.

Q. Who is listed as the tenderer on this letter.

A. It's Winds.

Q. Which Winds?

A. SARL.

Q. Who managed the contract negotiations?

A. There's no contract negotiation yet.

Q. Winds hasn't engaged in any contract negotiations?

A. For the acquisition?

Q. Yes.

A. That has not taken place.

Q. What about other negotiations with the DRC Government?

A. There were discussions where -- it was either between myself when I'm there or when I'm told that I needed to be there by the lawyers or something that was held between the lawyers and the government's people.

Q. So either the lawyers represent Winds or you represent Winds?

A. Right.

Q. Has anyone else in the consortium represented Winds in these negotiations?

A. Kantende could be said to represent Winds because he is the liaison between us and the government people, so he would have meetings and discussions with them, you know. And when I'm not there or the lawyer is not there, he would be giving instructions as to what we wanted him to tell them or something like that, you know.

Q. So Mr. Katende relays your instructions?

A. So Katende is at liberty not just to relay my instructions. He is there on the spot, whatever it is, you know, he takes care of it. So if it's something that he needs to refer to me, he will let me know.

Q. Do you need a break?

A. I'm good.

Q. Okay.

A. I'm all right.

Q. So let's go to page 34. Can you describe your financial offer for us?

A. We followed the -- yeah, just exactly what -- it's listed out here. "Summary statement of costs. Ventilation of costs by activity; minimum expenses, bonus, ventilation of this and the elements of this." And I know that's in the bonus breakdown, we had zero, F4, because the lawyers advised that it is important for us not to be seen to be trying to influence anyone by stating the amount that we're going to give a bonus when, you know, really, this is not that type of business, you know. And so I remember FF4, the lawyer, they said, you know, "Have zero in FF4" and that's it. So we filled out all this and we left FF4. They called our attention to it and we said that FF4 for us is dependent on negotiations at the time that awards are given. And that's when bonus -- can talk

about bonus breakdown.

Q. Who would receive a bonus?

A. The bonus would be something that we would say, when -- for us, when the operation is on and there happens to be a net profit, what bonus are we going to give to the Ministry of Hydrocarbon? And we are saying we have not yet seen a net revenue coming from this project. So for us to be talking about a bonus and I -- okay. And you asked earlier whether we made any imputes or any corrections to this. This was one of the areas where they eventually reflected this across the board to everyone else. So this bonus then -- so we argued it and we said we will not do it. And they eventually applied this to everyone and basically said, leave the bonus until after the process.

Q. So at this point, it's not clear how much of a bonus you might give the DRC Government?

A. At this point, what has been arrived at are percentages for taxes, percentages for fees. Okay. These are the fees applicable to this. There is a $50,000 renewal for all oil and gas assets. So all of that has been outlined, whether it's in numbers or in percentages, but nothing refers to what is going to happen here.

Q. Can we turn to page 39? So 7.2.2 lists specific objectives of the DRC Government. What did you

do to tell the DRC Government that you would ensure public safety?

A. This was another one of -- what we introduced into this process. In this particular area, this entire document here came from oil, their understanding of the concession for oil. It really was not gas, and especially not the type of gas that is on Lake Kivu. So this was geared towards more of -- if you read this document, it was geared more towards a commercial oil and gas transaction. One of the things that we brought in, and this reminds me of this in here, was that whenever the explosion of the gas dissolved in the lake, in the Makelele, in any of this in here, was the fact that this unconventional drilling is not the same as drilling gas off of the ground and selling gas.

And this was one of the reasons why a lot of the financials actually got changed. Also the demand of the government -- the initial demand of the government was that -- it was in line with gas -- commercial gas concessions. But this here changed that picture because this was about gas dissolved in the waters of Lake Kivu, not gas extraction from the ground. And what we did was to present report after report, study after study and a demonstration of what could possibly happen if this gas bubbles to the surface, and what we were going to do to

make sure that that didn't happen.

Q. And what were you going to do to make sure that that didn't happen?

A. The operation which I described earlier and the process which I described earlier.

Q. So at the bottom of this page, 7.2.5, it says, "Realization of the Environmental and Social Impact Assessment" as one of the tasks to be performed by the selected company. So that was a task for WindsDRC if you were selected. Who on the WindsDRC team would be responsible for that?

A. Not at this time has that been assigned. This is the next phase, which is the operational phase. And we divided the operational phase into preoperational projects and operational projects. And in the preoperational were these three things: The feasibility study, the environmental, the EIA were there. And the organization -- they say "the shipyard." It's not a shipyard. So organization of the project.

Q. So those are preproject phases?

A. Preproject phases that have to be done and submitted and signed off by the DRC Government prior to going into the operational stage.

Q. And you have not decided who from Winds will do that yet?

A. It may not be somebody from Winds It has to be expertise in EIA. And who will be supervising it on the Winds side, obviously would be the technical team. But this will be done by the company that has the expertise.

Q. So no one on the Winds team has expertise to do an EIA?

A. You don't do your own EIA, even if you have the expertise. You cannot be your own lawyer. I hear lawyers say -- that's what lawyers say. And you cannot be your own doctor, cannot be your own accountant. So you cannot do this, even if you have the expertise to do it. It has to be an outsider so that you have that insurance cover. PricewaterhouseCoopers will not allow you to do your own EIA and submit to demonstrate that you can do this job. So it will be from the experts. They will do it on your behalf, and that is part of the documents for your bankability.

Q. And the government told you that they had done some environmental studies?

A. The government said that they have done some studies.

Q. Environmental studies?

A. Whatever studies they have done, I cannot speak for the government. I don't know. They just said, "When the time comes, if you are a winning bidder, whatever

documents we have in our possession, we will give to you." That's basically what they told us. "Whatever studies we have done, whatever documents we have, we will give you." So...

Q. How long was Winds licensed for operation?

A. How long was Winds --

Q. How long is the license for operation that Winds has sought?

A. For this?

Q. Yes.

A. For this project?

Q. Yes.

A. Oh, this project has -- if I recall, it has my -- the first, this in here for -- it's actually in the law. It's not Winds. The law actually has it where it's just a renewal process, like all oil and gas -- you know, oil and gas concessions. It's in the concession law. I don't know exactly how many years. I think it's five years or so where you have to reapply. And at that time, they will evaluate whether you did what you were supposed to do. It's in the law.

Q. So if you look on page 40, under 7.2.6, it says, "A right of operation will be granted to the company for a period of 20 years."

A. Yeah.

Q. Does that sound accurate to you?

A. Yeah. Yeah. It sounds more like it, yeah.

Q. Okay. Can we flip back -- sorry, to page 19?

A. Page 19?

Q. One-nine. I want to direct your attention to the first paragraph that starts with "We sustained." The last sentence of this paragraph says, "We submit it in association with -- insert a list with the full name and address of each partner." Did WindsDRC ever submit a list of all the members?

A. The consortium members would be here, yeah.

Q. The consortium members should be here?

A. Yeah.

Q. Okay. I'm now going to mark a document as Exhibit 7. And you can slide away this lengthy exhibit. So I'm showing you a document that has been marked as Exhibit 7. Do you recognize what has been marked as Exhibit 7?

(Exhibit 7, introduced)

A. French translation of something that I signed.

Q. What is marked as Exhibit 7?

A. I'm sorry?

Q. What is Exhibit 7?

A. Exhibit 7 is minutes from Hydrocarbon, submission of financial offer.

THE GUARDIAN: I didn't get that. I didn't hear that.

THE WITNESS: Submission of financial offer.

MS. BAILEY: Did you get that?

THE GUARDIAN: Submission of financial offer? That right?

MS. BAILEY: Right.

THE GUARDIAN: Thank you.

Q. Did you produce this document to my clients?

A. I'm not sure.

Q. Okay. Do you recognize the letterhead on this document?

A. "Winds Exploration and Production", yeah.

Q. Whose letterhead is that?

A. Winds Exploration and Production.

Q. Is that WindsDRC's letterhead?

A. This?

Q. Yes.

A. I'm not sure at this time whether it was WindsDRC or whether it was my -- this one here, Winds. But I think it should be WindsDRC.

Q. Were you the chief executive officer of WindsDRC?

A. Yes.

Q. So in --

A. In terms of my being the coordinator.

Q. Is there a difference between being the coordinator and being the chief executive officer?

A. No, I was chief executive because I was a coordinator. I was coordinating everything. It's a title that, you know, somebody is running it until such a time when the company is formally, you know, in production.

Q. Were you also the chief executive officer of WindsUS?

A. Yes. Until I moved my, you know, out of the US.

Q. When did you sign this document?

A. This document says 24 October 2022.

Q. And did you sign it in ink or someone affixed your signature for you?

A. Not sure. It does appear as if my signature was affixed by the guys in DRC.

Q. Who prepared this letter?

A. Possibly the --

Q. Maybe, let me ask you a different question.

A. Sure.

Q. Would you have written this letter in English and then had someone translate it to French?

A. I sometimes wrote letters and it was translated into French, yes. I mean, sometimes that happened. I'm not sure.

Q. Okay. You don't recall?

A. I don't recall.

Q. Who sent the letter to the DRC Government?

A. It would normally be sent by the lawyers.

Q. Why does it say "We, Royal Rock Forte LLC"?

A. Yeah, that's the one that I'm not so sure about as to -- that's why I'm confused as to this here. I'm not -- I don't recall this.

Q. Did you consider including Royal Rock as part of the bidding process?

A. No.

Q. And this says, "Through our subsidiary, Winds Exploration Production LLC."

A. Yeah, it should be -- you know, SARL. Because this was shortly after the formation of Winds. In -- a lot of these things -- these documents were mistakenly bearing LLC instead of SARL. That's certainly something that we know that we're aware of, that -- all we know was, at the time the award is -- when we get to the award, all of that will be corrected. That's generally why nobody was too worried about it.

And there was this in here that we were -- this was a

discussion that was ongoing at the time, just Royal Rock Forte being able to be a company that would hold our interest in Winds E&P and DRC. So I'm a bit confused about this letter. I'm not sure. I don't think this was done by me. I think it was coming -- this was coming from the lawyers. There was still quite a bit of confusion at the time that this was done about the different entities.

Q. So your lawyers were confused about which entities should ultimately participate in the auction?

A. No, they couldn't be. Winds is the participant in the auction. That -- there's no doubt about that.

Q. And what role were --

A. The guys in DRC had come up with KGPE as the vehicle that they will use to hold their interest. Myself and, you know, Victor said we will use Royal Rock Forte to hold our interest in the asset in Winds in DRC. Emval said they were going to use -- "this is our company that we'll use to hold our interest in this." So every group would have, not as an individual, but would have an entity which they'll use to hold their interest ultimately in Winds E&P. That is basically the structure that is supposed to go in there. But Winds E&P holds the assets.

Q. Winds SARL holds --

A. Winds SARL, yes, owns and holds the assets, yes.

Q. Did you decide to use Royal Rock as the vehicle to hold your --

A. No. And see, that's why I'm surprised. That's why I said, you know, I'm seeing this here and I'm thinking, okay. Yeah, the intention was that Royal Rock Forte, on our part, is the vehicle that -- which we will use to hold our interest in Winds. Winds is the owner of the asset. Winds is the operator of the asset. And each of the persons -- entity that are participating in terms of the structure that we put in place is -- give the lawyers the entity that you will use to hold your interest in the asset ultimately. That was the structure that we agreed.

Q. And was Royal Rock your entity?

A. I think that was -- yeah. So that's why I was surprised to see this here that, you know, it's mistaken for the -- I see here saying "as our subsidiary". Yeah. So it's not turned out to be our subsidiary.

Q. Why are none of the other partners listed on this letter?

A. Which letter?

Q. The letter in front of you.

A. The government only wants to see one name, the entity that is being used to acquire the assets, which is Winds -- Winds SARL. So at no time was any other entity,

KGPE, Emval, Royal Rock Forte, all of them. These are all internal structures that we're putting in place. But the entity that is bidding for this in here with the government is Winds SARL.

Q. So it's your position that anytime these letters list something other than Winds SARL, it's an administrative error?

A. I'm not sure that's every time that -- I don't know. I don't know. If there's a reason why something goes through or something is done, there must be a specific reason for it at some point -- one point or the other. I don't know.

Q. And you were the one that signed the cover letter for the financial offer?

A. I don't know. Maybe I did. I'm not sure.

Q. Well, this letter before you is the financial offer cover letter?

A. This is the financial, yeah.

Q. And you signed it?

A. Well, this is my -- I think it was affixed to it. Obviously, this is a -- what do you call it? My signature was put on it anyway, basically.

Q. The letter says "The bid was done in conformity with the tenderer specifications dated October 17, 2022." Are those the instructions we just reviewed together?

A. Yes.

Q. Are there any other instructions for the bid?

A. Not that I know.

Q. The letter also says "The offer is binding upon us."

A. Yes.

Q. Who is "us"?

A. The consortium.

Q. So every member of the consortium is bound by the offer?

A. Have agreed to it. It was all agreed by every member. Everybody made their input, to both the technical and the financial.

Q. But there's no legal agreement between the members of the consortium?

A. Cannot be until after the winning.

Q. And the only person, or the only corporation whose name is on any of the bid materials is WindsDRC?

A. WindsDRC. And whatever discussions that will be had will be with the lawyers, you know, and the government.

Q. So there's no written agreement binding you, specifically, to this agreement?

A. Me, personally? No.

Q. Okay. I'm now going to mark this document as

Exhibit 8. We're handing you Exhibit 8. Do you recognize Exhibit 8?

(Exhibit 8, introduced)

A. I think this is still a part of the financial offer.

Q. How do you recognize this is part of the financial offer?

A. Because it's addressed to His Excellency and to the ministry. And I see that a -- a financial offer for $80 million. So I think this is a part of it.

Q. What is the meaning of the stamp on the document?

A. It says they received it.

Q. Who's "they"?

A. The ministry.

Q. Do you see the header on the document?

A. Yep.

Q. Does that say, "Winds Exploration and Production LLC"?

A. Yes, it does.

Q. And could you compare it briefly to Exhibit 7, which is still in front of you? Do you know why, what appears to be the final version of the letter, has LLC

added to it?

A. No, I don't. It's always still that same editing here, mixing this one here with the other one.

Q. But you would agree that Exhibit 8 appears to be the final version of the letter because it has the government stamp on it?

A. This was the letter that was done. And this is the -- I don't know if this is the final version. This is the letter that was done, Winds E&P. And this one here has LLC, obviously.

Q. Exhibit 8 also does not say Royal Rock on it.

A. Yeah.

Q. Is it correct to not include Royal Rock on the letter?

A. Yes. It's not supposed to have Royal Rock. Royal Rock is supposed to be a vehicle that belongs to one of the parties, not...

Q. So Exhibit 8 was edited to remove Royal Rock LLC?

A. It was? By who?

Q. These are both documents that you produced to us.

A. Okay.

Q. Who edited the letter to remove Royal Rock LLC?

A. Me, for sure.

Q. But it's an edit that you agree with?

A. No, this -- yeah, this is supposed to be Winds E&P. That is the document. It was supposed to be Winds E&P, right? So, I mean, in terms of my Royal Rock Forte -- like I said, I didn't know how -- you know, these two here, they're the same -- different, but I did not edit documents, certainly.

Q. Okay. We'll do one more exhibit, and then we'll take a lunch break, I think. So I am now going to mark a document as Exhibit 9, and my colleague will hand you Exhibit 9. Do you recognize Exhibit 9?

(Exhibit 9, introduced)

A. Technical offer, same as the financial, it's Winds E&P, yeah.

Q. So what is the technical offer?

A. Technical offer, it's all of the technical expectations for the project.

Q. And were you the lead on the technical expectations for the project?

A. I'm the lead for the entire project.

Q. So you also signed this letter?

A. So, yes, my signature is also affixed here.

Q. And it states that you're the chief executive

officer?

A. Signature is affixed here, yeah.

Q. Why is this --

A. And this is still that -- that was in here. This is the Winds E&P, SARL, the technical offer. Financial has LLC, which it shouldn't have. And somehow this one here has Royal Rock Forte, which is a private vehicle. And I don't recall that this was submitted with -- to the government with the Royal Rock Forte for anything, but that was a private vehicle.

Q. So this document, Exhibit 9, does not have Royal Rock on it?

A. Doesn't -- I mean, none of -- I don't think any document when went to the government would -- had Royal Rock on it.

Q. But this document does say "Winds Exploration and Production LLC"?

A. The financial submission.

Q. Exhibit 9, the technical offer that's in front of you, says "Winds Exploration and Production LLC"?

A. Yeah. I mean, if it's -- see, here is Winds SARL and here is LLC, same issues.

Q. Why are no other consortium members named in this letter?

A. This letter does not name consortium members.

It didn't name any consortium member. It's only Winds E&P.

Q. Okay.

MS. BAILEY: Let's go off the record, please.

THE GUARDIAN: The time is 2:06 p.m., and we are off the record.

(Off the record)

THE GUARDIAN: The time is 2:26 p.m., and we are back on the record.

Q. Okay. Did you conduct any community outreach, either in your personal capacity or as part of Winds?

A. Winds and my SARL? We've not gotten to that yet.

Q. Can you hear okay?

THE GUARDIAN: Yes. What do you say? "Winds, SARL," we have -- "we've not gotten to that yet."

MS. BAILEY: Do you want to just slide the microphone a little bit --

THE GUARDIAN: Yeah.

MS. BAILEY: -- closer to you?

THE GUARDIAN: Mm-hmm.

MS. BAILEY: Just -- yep. Okay. Perfect.

Q. Did any representative of WindsDRC conduct any

stakeholder outreach meetings?

A. We are not yet allowed to interact with the community at this time. We've not got into that yet.

Q. So the government says you can't interact with the communities yet?

A. Until the award is completed.

Q. Do you know if the government met with local communities or indigenous people before issuing the option?

A. No, that's -- they were invited to some of the meetings -- the public meetings that were held. And I know that there was an issue that came up with regard to the distance for them to be able to attend from where they were. And I do -- when I say "I know," I know because it was discussed, that these particular issues were discussed. And it was raised by some media people and some NGOs that were present at these meetings. And I remember that that was when the government said "they are not excluded, that whatever happens here is going to be discussed with them and they are also going to be the beneficiaries of this." So that was on the part of government.

When we had discussions with government, we then made it clear that it was going to be on the part of the government agency, Sonahydroc, that would be responsible

for making sure that the community was carried along and it was not going to be on us since we were not allowed to interact with the community until the process is complete. So Sonahydroc then has to take it to interface with the Ministry of Hydrocarbon making sure that the community gets information as the process moves along.

Q. Do you know whether Sonahydroc has interfaced with the community?

A. I don't know.

Q. You mentioned that there were a few meetings. Do you know how many meetings where community members were invited?

A. All of the meetings that I attended were -- like I said, were public meetings. The two that I attended. And they were even announced on TV and I -- they were on the television. And I watched they did say here in terms of, you know -- and the events were also on television when they were held. And everyone was invited and encouraged to participate. So as to the community members being realistically able to attend, that was what we were concerned about and which was expressed at that time. And they said, "No, we are going to carry everything back to the chiefs and all of that stuff in those areas." So...

Q. Your objections that your lawyer sent to us

stated that there were four -- there were three stakeholder meetings. Does that sound accurate to you?

A. It sounds about right. Yes. Yeah, stakeholder meetings, I think, three, yes. I know, like I said, I attended two -- I did attend one or two.

Q. Who attended the other meetings for Winds?

A. The lawyers and Fergany and Joseph and Bilolo.

Q. After the meetings, did you all type up any minutes or notes?

A. No notes. We just attended just to listen to what the government was saying as to how the process will be.

Q. How far before the auction did these meetings take place?

A. I can't tell exactly in terms of a timeline, you know, how far. You know, the -- I think this was announced in, I think, October or so of 2022. The awards took place in January of 2023. So it was during that period that all of this happened.

Q. Who attended for the government?

A. A lot of people, for sure. Government people, you know, Ministry of Hydrocarbon, Ministry of Industry, Ministry of Environment, Prime Minister's office, experts from the different ministries, particularly, that were -- I think they said there were seven ministries who were

involved, if I recall, would be involved in terms of the different interfaces and the different expertise areas that would be involved in the -- and those were the experts that were always involved in assessing everything that was submitted.

Q. Did you collect any materials from those meetings?

A. There was some literature, yes, from those meetings, yeah.

Q. Where is that literature now?

A. It's in my bag, my travel bags. I don't know. You know, it's -- yes.

Q. Do you think any of your colleagues might have copies of that literature?

A. Maybe.

Q. To your knowledge, are there indigenous communities in the areas affected by the blocks?

A. Any?

Q. Indigenous communities?

A. Affected by the blocks? Not really because it's in the middle of the lake, the water middle of the lake. The only time that indigenous communities would have any -- see, there are two ways in which this could be done. You can either do it without even getting close to the indigenous communities. You just stay on the lake,

you put a barge on the lake and you operate from the lake, you get your work done on the lake. You don't have to go, you know, to land.

So the guys at Makelele had no plans to, you know, to go -- because the land was too far for them. So they are going to operate with their barge in the middle of the lake, you know, there. We happen to be close to Idjwi Island, and we happen to be in a position where we could actually do something in the local community. But we could also just decide to just stay on the lake and not go into the -- not go into Idjwi Island.

Q. How do you know what the Makelele plans are?

A. In discussions with someone -- when we meet and discuss with these people, okay, how are you guys planning to do your own, what -- just, you know, all of the bidders, we are all talking and having discussions when we meet in all these summer sessions, yeah.

Q. Who are the other bidders that you're aware of?

A. I know the guys from the -- you know, the Canadian team. I met about two or three of their team members. I met a team from Rwanda at the beginning, but I didn't see them again. And I met with another -- and I met a team from Belgium. There was a team from Belgium. They were also there at the beginning. We met. We just said, "Hello" and all that stuff. We just introduced

ourselves. But some of them, I -- you know, I haven't seen again after that.

Q. Do you recall the team from Belgium's names?

A. No, I don't.

Q. Do you recall the team from Rwanda's names?

A. No, I have no reason to, yeah. Just people that you meet in this forum.

Q. What happened after you submitted all the bid materials?

A. What happened after? Just waiting to hear from them.

Q. How long did you wait?

A. I think the submission was in October or so. And I think it was January or February before they came back to us.

Q. They didn't come back between October and January to ask any follow-up questions?

A. That's when I said that if we had -- you were encouraged, if you have any questions, to ask and all that stuff, you would submit your question, and then they would set up a date where they would have all the parties' representatives show up and they will answer all your questions at the same time. So that happened, yeah, maybe once or twice.

Q. Did that happen after you submitted the bids or

before?

A. Before the submission of the bids, you are encouraged to ask questions.

Q. Yeah.

A. That was it. After the bids -- after -- then, you know, it was up to them, you know, when they got back to us.

Q. Was Winds selected for any of the blocks?

A. For the Idjwi block, yes.

Q. Did you receive a selection letter?

A. Yeah, that's the one we looked at earlier from the minister that's -- you've been selected for -- you know, provisionally selected for Idjwi

Q. But -- Okay. Let's turn back to that letter, which was Exhibit --

A. 5.

Q. -- 5. So this is dated October 2022.

A. Yeah. Okay. Yeah. So this was the first in the provisional selection after the -- yeah. Then, of course -- then the main selection was in January 13th, or something like that, was when the announcement, yes. This was -- when you qualify -- when your technical and financial bids have met the requirements based on the 70 percent and above, then you got this provisional selection. And then the selection -- the actual selection

-- I mean, the actual award -- this was a provisional selection. And then the award was done in January, the following year.

Q. So you refused -- you received a provisional selection in October.

A. Yes.

Q. And then you submitted more materials after that?

A. No, no, no. I don't remember if there was any more submission after that.

Q. So the provisional selection letter says that --

A. Okay. I -- you know, it's -- I'm getting this -- I may be getting this, you know, mixed up. I think -- the provisional selection, I think it may have been after the first set of submissions, the Expression of -- when you have an Expression of Interest and the "this" and the "that" and you submitted some documents, then they did a first evaluation as to who they would now invite to -- you know, to now present the full-blown, you know, bid document, I think. I'm not sure that I remember the entire process, the way it worked.

Q. Let me tell you my understanding, and you can say "yes" or "no" if it's correct. Okay? So in 20 -- July 2022, the DRC Government releases the opinion,

Expression of Interest, the call for tenders, Exhibit 4.

A. Yeah.

Q. In response to the call for tenders, you submitted, in accordance with these directions, the presentation of the company. And that presentation of the company was due on October 10th; is that correct?

A. Yeah.

Q. So then after that presentation of the company, you received a provisional selection letter.

A. Provisional selection letter.

Q. And that came also in October of 2022, correct?

A. I think, yes.

Q. After that, you submitted a more detailed bid in accordance with the cahier des charges, the detailed document we reviewed earlier in Exhibit 6.

A. Sure.

Q. And then after that, in January, you received notice of your final selection.

A. Right.

Q. Do you recall what score you received for the Idjwi block?

A. I think -- I'm not sure if we were told exactly what -- I think I may -- I recall that there was something the lawyers had shared with us about the technical score and the commercial score. I don't recall. I don't know

if I have it. If -- I don't recall having this. I think they were discussed in a meeting as to what the score was or whether the score was actually given. I don't recall. Yeah, but the question was heard.

Q. Do you recall receiving a score for the blocks you were rejected for?

A. No, we just got the notice of the blocks we were rejected. That was all -- that was what I saw. What -- the ones we were rejected for, we got -- the letter was sent, yeah. But -- and I think that there was a score also, but I'm not sure.

Q. So right now you have Exhibit 9. So I'm going to mark this exhibit as Exhibit 10. And I will hand Exhibit 10 to my colleague who will hand it to you.

(Exhibit 10, introduced)

Q. Do you recognize what's been marked as Exhibit 10?

A. This is a letter from the minister, basically outlining some of the requirements.

Q. Sorry about that. Let me hand you the English translation. I stole your part of it.

A. That's okay.

Q. Is this a decree from the Democratic Republic

of the Congo Government?

A. Yeah. So, you know, it's just -- yeah, the requirements, the laws and all of that, you know, guiding the process, I think.

Q. So let me direct you to the second page of the English translation, where it says "Article 1, The Winds Exploration and Production LLC, located at 12818 Secret Forest Court, is hereby designated the Selectee for the Award of Hydrocarbon Rights on the Makelele Block" -- or it should say Idjwi Block, I'm sorry -- Lake Kivu. Can we go off the record just for a minute?

THE GUARDIAN: Hold on. The time is 2:42 p.m., and we are off the record.

(Off the record)

THE GUARDIAN: The time is 2:42 p.m., and we are back on the record.

Q. So if you look at the French version of this document, under Article 1, it uses Winds Exploration and Production LLC. Why did the DRC Government use Winds Exploration and Production LLC in the official award document?

A. It has not been changed. The name -- this thing has not been changed from the initial application to

when the -- if you go to the documents that have to do with either the Canadian company or the company in New York, you'll probably find the same issue across board. It was not changed. The original application and the subsequent ownership of the interest. So it didn't just apply to -- I'm sure it did not just apply to Winds in this case. Everybody complained about it, the speed at which was slow and the -- you put a document in, it takes forever for them to acknowledge. Somebody has to go there ten times to get -- so we never took this to be an issue because we don't -- we already know and the lawyers already know that's the final process and that's what they told us, that the final process will recognize all of this and take care of all of this. That's what we were told.

Q. So the application material said "Winds LLC," the U.S. Winds.

A. My -- it was my personal card that -- they just took what was on my card, and when they addressed me, it was on my card that they're using to address me, rather than the company that is now the owner of this asset that actually was formed that is in DRC that owns this asset. So they addressed me based on my card. So these things here that are coming to me, Winds LLC, is just my card that was -- is used to continue to send this, you know, information to me.

Q. So the DRC Government put essentially the incorrect company on their ministerial decree because they copied your name from your business card?

A. No. I think that maybe you're looking at it the other way. If I -- you know, I am possibly willing to make -- you know, to say that if the company name had been different from Winds, probably wouldn't have caused that confusion. But because it was the same name, Winds E&P, LLC; Winds E&P, SARL, it kept causing this confusion, and we kept complaining about it. So it wasn't that the DRC Government did this or did that. So it was an understandable error that they kept bringing up. And we kept saying, "look, you need to change this to SARL. Winds LLC, is a U.S. company. It's not my personnel in here." So that is what has been the case here. And that has been the issue all along.

Winds LLC is not the basis of the winning of the Idjwi block. And I think that -- I cannot say that enough. I do not know whether there is anything there that you are trying to get in terms of Winds E&P. I don't know. I'm not claiming anything. All I do know here is that the basis of the winning of the Idjwi block, for anyone, it's not Winds LLC or maybe even -- I don't know. I don't know. I can't speak for the Canadian company or the New York company.

It was the expertise that they were looking for. Do you have the expertise to do this job? What consortium can you bring together to deliver this? What experts do you have available? We will assess them. We will talk to them. We'll deal with everyone to make sure that they can actually get this work done. You have the capacity to raise funding. Show that you have the capacity to raise funding. You have the capacity -- you understand them in gas. You understand them in what is happening in the lake.

Victor sat down with their experts over and over and over again. So it wasn't about Winds LLC. Winds LLC had nothing to do with this, never. It was about expertise to deliver this project. That is what it was always about for us. So the transposition of the names and all of that stuff, we never took it seriously. We never thought it was an issue because the concession was going to be in the name of Winds SARL.

Q. Does this ministerial decree, in your opinion, give WindsDRC any legal rights to the concession?

A. Winds?

Q. DRC.

A. No. No legal rights has come to anybody yet. None. Nobody has gotten in anywhere. And it is very clear that up until the process is complete -- that was

why everything that was signed, they took it all back until the process is completed. Nobody has any rights. We cannot make a claim. There is no claim to be made by anyone.

Q. So if they cancelled the block entirely, you don't think you would have a legal claim?

A. Then I will sue you. You, maybe I am going to sue, because you are the one that made it so. I am not going to sue the government. It is you that I am going to sue. And I am going to sue you for a lot of money.

Q. I don't have any money, so...

A. Oh, well, I am sure you will find it. If you can pay for all of this.

Q. So I am now handing you a document that I have marked as Exhibit 11. Do you recognize Exhibit 11?

(Exhibit 11, introduced)

A. Yeah. Yeah. I think I recognize it. I don't recognize, but Utah Energy Frontier, it has my name. I don't know where this is coming from or what this is about, so ...

Q. Okay. I'll represent to you that this is a screen grab from the Winds E&P website --

A. Yeah.

Q. -- as it was available on the Internet as of August of last year.

A. Okay.

Q. Does that seem accurate to you?

A. Does what seem accurate?

Q. Does this look like the Winds E&P website?

A. Yeah, this looks -- I mean, yeah, this looks familiar, yes.

Q. Did Winds post a latest news story that stated Winds Exploration Production LLC, based in Houston, was awarded the largest methane gas block in the Democratic Republic of Congo's Lake Kivu volcano region?

A. It's removed from the website. I remember that this in here. Uzo, the guy that was doing our website, again, was relating Winds SARL to Winds LLC. And I think there were two things that were a problem with this. BP was mentioned and then -- and Winds LLC was mentioned in this particular -- in terms of BP off taking of the gas in Utah and us being in this; and we corrected this and said -- I remember speaking with a reporter, a Bloomberg guy, correcting the fact that this project is Winds -- not Winds LLC of U.S., Houston. It's the same name, but this is Winds SARL. I remember having a discussion with the reporter on this.

Q. Who did you speak with at Bloomberg?

A. There was a Bloomberg reporter that was -- you know, that I spoke with.

Q. Is -- was it the author of the Bloomberg article --

A. I believe so, yes. Correcting this, yeah.

Q. Did he correct the --

A. I don't know. I don't know if he did. But this was brought to my attention by the IT guy.

Q. What did the IT guy say?

A. He said that there was this article that was being done that seemed like they are saying that, you know, Winds LLC of Houston won the concession. And I said, "Please, get me the name of the reporter" because I had dealt with these reporters and these people in the UK and in France, and it was important to correct it that Winds LLC of Houston is not the owner of this concession.

Q. Is Victor Ogoke the GM of WindsUS?

A. He was.

Q. Does he have any official role in WindsDRC?

A. Technical.

Q. Did you take down the WindsUS website altogether?

A. He should have. And I think it was vastly -- yeah, I mean, I don't know if he still, you know, the IT guy. I haven't looked at that in a while.

Q. Okay. So I am now marking a document as Exhibit 12. And I'm handing that document to my colleague who will pass it to you. Do you recognize Exhibit 12?

(Exhibit 12, introduced)

A. Yes, I remember this, yeah.

Q. What is Exhibit 12?

A. Our letter -- after the announcement was made, the letter to the minister, thanking them for the process and the announcement.

Q. This refers to a 13 January 2023 letter. Do you have a copy of that letter?

A. A copy of what letter?

Q. The 13 January 2023.

A. That's the award letter. That's the award.

Q. Is that the same letter that is Exhibit 10, or do you think there's a different letter?

A. No, it was a public letter. It was just an award. Sure. I thought it was here. I thought I seen it. It was the announcement that was made. It was a public announcement and, basically, a copy of that public announcement. That's the January 13 letter. The public announcement, Idjwi to Winds and the other two assets to the two companies that was awarded to.

Q. Did you ever put in writing your request to the DRC Government to stop using Winds LLC --

A. I think the lawyers said they were dealing with that, that they had already told them and that they said "Not to worry. We'll have it all changed before the award is completed," you know. I didn't do a letter.

Q. But there's nothing in this letter about that?

A. Not in this thank you letter?

Q. Yeah.

A. This letter is Winds is -- this is not a LLC letter.

Q. Sorry?

A. This letter is not from Winds LLC.

Q. You signed the letter "Chief Executive Officer".

A. Yeah.

Q. Okay.

A. But it's -- this is Winds SARL.

Q. How do you know it's Winds SARL?

A. Because the Winds Exploration and Production is the letterhead that we have for the Winds company in DRC.

Q. Is this letterhead distinct from the Winds LLC letterhead?

A. Yeah, LLC, yeah. The Winds Production and Exploration, you know, this area has Winds Production LLC,

the U.S. company.

Q. So the only distinction between the two letterheads is whether or not it says LLC?

A. Yes, the LLC is a U.S. company, yes.

Q. This letter refers to requests to clarify your financial submission. Do you recall that request?

A. Yes.

Q. What did you do to clarify your financial submission?

A. That's item No. 4, the bonus that we said we were not going to do. That was what they were asking us to clarify.

Q. What about order for reimbursement of gas costs, what did you do to clarify that?

A. Order of reimbursement, which is also, how do we reimburse the -- something that we have -- that we do not yet know that it's going to happen. So they now gave a direction as to how -- so we clarified the 617, that was later clarified. And of course, the bonus was clarified.

Q. Did you understand your award to be contingent on clarifying these issues?

A. This one?

Q. Yes.

A. We were required to clarify these issues.

Q. And after you clarified them, did the DRC

Government have any further questions about these issues?

A. No, they didn't have any questions. Then it was applied to everyone, the -- you know, we raised these issues and they now applied it consistent to everyone else.

Q. Why were you the one who signed this letter?

A. Because I represented the group.

Q. Was there any question about one of the other group members potentially signing these letters?

A. No question. No. Why? No.

Q. We are -- what exhibit?

MR. KAUFMAN: Thirteen. This next one should be -- oh, wait. This one that you're holding is this --

THE WITNESS: Twelve.

MR. KAUFMAN: That's Exhibit 12? Yeah. That's the last one.

THE GUARDIAN: That's 12.

MS. BAILEY: Thanks, everybody.

Q. Okay. I'm now going to hand you a document that I've marked as Exhibit 13. Do you recognize Exhibit 13?

(Exhibit 13, introduced)

A. Yeah. Okay. Yeah. This is -- I think this is

the -- yeah. Okay.

Q. What is Exhibit 13?

A. This is the notice as to the scoring that was done for the Makelele.

Q. What was your score for Makelele?

A. 45.9 out of 70 for technical and 2.5 out of 30 financial qualification points.

Q. What ranking were you on the Makelele block?

A. 48.8 points out of 100 for Makelele.

Q. Were you ranked second out of three preselected bidders?

A. I'm not sure what we were ranked.

Q. I'll direct your attention to the second paragraph.

A. Okay. It's -- okay. Yeah. It ranks second out of the three, yeah.

Q. Do you know why you were rejected for the Makelele block but not for the Idjwi block? Did your application for the Makelele block differ from your application for the Idjwi block?

A. See, from what we understood later on, in terms of -- you know, as I said, we submitted the same bid for all three. They wanted specific information that applied to each of the areas. In certain aspects of the bid submission, the Makelele has a somewhat different

environment from Idjwi, and we just look at it as just one lake. And our submission was based on that. So what they said was, "You didn't take into account the fact that you are this distance from land with Makelele. In Lwandjofu, you are this distant from land from the middle of the lake, so that if you have an emergency, how long it would take you to get to land." So all of -- so those things were all assessed and points were given for those. Yeah.

Q. Can I ask why the DRC Government is using a Texas address if your lawyers in the DRC had a DRC address?

A. They were sending these to the lawyers in -- they were sending all of these things here -- all of this has been delivered to the lawyers' office in DRC. They are very much aware -- the question you asked me is the same question I was asking. If they know that we have an office there, they know that these lawyers are there, why are they not changing the address? And they kept saying, "Don't worry about it. It will be changed before this is completed." So they were sending all of -- these things were not being sent by e-mail, neither were they being sent by letters. They were being hand-delivered from their office to the lawyers' offices.

Q. How did this letter come to be in your possession?

A. The lawyers would normally send this to me, or it would be either Fergany would pick it up, scan it or take a picture of it and send to me by WhatsApp.

Q. I want to direct your attention to paragraph A that says, "Technical offer." It says, "The lack of presentation of an overview of the project proposed for evaluation, as well as the elements project essentials." Do you know what that means?

A. That's what I just explained. When they were telling us that you need to be able to -- in terms of being able to explain -- I mean, to discuss your presence in the lake and your proximity to land and those kinds of things.

Q. What does "The technical and administrative teams are incomplete mean"? If you look at the third bullet --

A. Yeah.

Q. -- it says, "The technical and administrative teams are incomplete."

A. We did not put the transportation that was required to go from the middle of the lake in the Makelele to land. And that is supposed to be a part of the logistics part and the technical part of it. So we went through this with them and they said -- that was the only thing here that I recall was the issue, that the distance

from where you are going to be to land. We took into account for the Idjwi, the distance from the middle of the lake to Idjwi Island or to -- can't remember -- the nearest airport and all of the logistics of that. And we used that same one for everything else. And so that was an issue for Makelele and for Lwandjofu.

Q. Were you given an opportunity to rectify those issues in your bid?

A. No. After the submission, no.

Q. The letter refers to technical and financial tenderers for the Makelele block. Do you have those documents?

A. It was just the one document we submitted for all three.

Q. So you didn't submit three separate envelopes, one for each?

A. The same document, copied three times and submitted for each one.

Q. Do you have a copy of those documents?

A. No, it's with the lawyers now.

Q. You said earlier one of the lawyers' name was Mary. Are there other lawyers that you've been working with on that side?

A. That's the person that I was working with. There was another lawyer, a gentleman, that I spoke with

once, but I didn't register his name.

Q. Are the lawyers also working for free?

A. The lawyers are actually not being paid. They are all part of the project, yes.

Q. So is it a contingency where if you win the bid, then they'll be paid for this time?

A. When we raise the financing for the project, they will be paid for their time. And they were documenting what time they spent on it. We paid for some expenses that was needed immediately. There was something explained on there that those were covered. But their time was in the contingency for when financing is raised for the project.

Q. Do you have a retainer with the lawyers?

A. I think we all have a retainer, I don't know.

Q. Who gives the lawyers their instructions?

A. They discuss with me. They discuss with the team. They discuss -- their instructions were not -- it wasn't a straight line, you know, instruction. If they had a need to discuss with the technical team, they call Emval directly. If they had a need to discuss with me, they called me, so...

Q. Were the lawyers giving you legal advice?

A. They were responsible for interpreting the many law for us at all times. That was the main reason why we

got them.

Q. Could you have submitted your bid through, for example, one of the local DRC actors and only hired lawyers to give you legal advice?

A. In an environment that we knew nothing about? No, I don't think so, ma'am. I don't think we considered that, no.

Q. So as part of the service, they provided expertise on local conditions?

A. They were guiding us through the process, making sure that, you know -- you see, the mindset was, at the time that I went into DRC, I'm coming from the U.S. I'm a U.S. citizen. And there is this thing here that has to do with the Foreign Corrupt Practices Act, which I needed to be sure of that at all times, I wasn't -- I didn't get caught up in anything that would seem to be -- you know, being a part of any corrupt, you know, practice. So I discussed it with them. They were very much, you know, aware of it. They downloaded the act and all of that stuff from what's -- you know, Mary told me that they had downloaded that. They had studied it and all of that stuff and all the things that were contained in it. So from the very beginning, they were -- you know, they were there to protect us, making sure that we didn't run afoul of any of these issues. Yeah.

Q. Is that a typical way that you would organize a bidding process in a foreign country?

A. Everywhere I go, I use the same thing.

Q. You submit the bid through the lawyers?

A. Make sure that the lawyers are involved from beginning to end.

Q. But there's a distinction between submitting the bid through the lawyers and ensuring that they're involved, right?

A. The involvement means that I do not do anything directly with the government without the lawyers. I make sure that they are in front.

Q. Is the idea having the lawyers serve as a go-between between you and the government would insulate you from allegations of corruption?

A. No, not really. It is the fact that they know the laws, they know the rules, they know how things are done there. And so they own the process. And we actually submit to them for the process. So they own the process and guide us on what to do and what not to do.

Q. Are they reviewing, for example, the financial materials?

A. They review everything. They go through everything, and they make sure that it's right.

Q. Do the lawyers have expertise in oil and gas

financing, though?

A. Yeah, they do, of course, you know.

Q. Okay. We just discussed the Makelele rejection. I'm going to mark Exhibit 15 and hand Exhibit 15 --

MR. KAUFMAN: Fourteen.

THE GUARDIAN: Fourteen.

MS. BAILEY: Fourteen. Thanks, everybody.

MS. BAILEY: We'll start with this again.

MR. KAUFMAN: I think you just went straight over it.

(Exhibit 14, introduced)

Q. I'm going to mark Exhibit 14 and hand you Exhibit 14. Do you recognize Exhibit 14?

A. Yeah, that's also a letter on Lwandjofu.

Q. How do you recognize Exhibit 14?

A. That's what it says.

Q. Did you produce this document to my clients in your document production?

A. It's one of the ones that I give to the lawyers. I didn't go through documents one by one. I just simply took my entire folder and sent it to the lawyers.

Q. Who was the letter addressed to?

A. To me, as usual.

Q. And this letter also says "Winds LLC."

A. It's the same thing. They're all -- you know, it's, you know, Winds LLC. It's the same. Every single letter that you would find, that's the same thing, that when our letters going to them continued to be Winds Exploration and Production, not LLC. Our letters going back to them, letter that we write to them, they kept coming back with this LLC because that was what they had and had not changed what we asked them to change.

Q. At what point in time did your team start using Winds SARL, instead of Winds LLC?

A. As soon as the Winds SARL was formed, we started using Winds SARL, and started informing them that Winds SARL is the owner of the -- you know, it's the company that you're referring to. This letter was -- had been sent to me personally. It was intended that they were sending the letters to me personally, not that they're sending it to the company that was going to own the assets, that was the -- so they were sending these letters to me personally as opposed to sending it to Winds SARL.

Q. Why were they sending you the letter personally?

A. It was what they had in their record. It was

what they had with them, and they just were not changing it as we were requesting for them to change it.

Q. And Winds SARL was formed in 2022, before you submitted the bid?

A. Before we submitted the bid, correct.

Q. So you would anticipate that any documents that came from the Winds team should say "Winds SARL," instead of Winds LLC once Winds SARL was created?

A. Should have been, but not all the time. But, again, we, on ourselves, were part of the confusion because we also made some mistakes ourselves in, you know, in Winds LLC. And we were part of the confusion sometimes.

Q. So the Winds team accidentally put the wrong name on bid documents?

A. Took a while for everybody to get it straight, to remove this name because it was all based on what was coming to me personally at the beginning.

Q. So this exhibit, Exhibit 14 also has a score.

A. Yeah.

Q. 42.15 out of 70 technical qualification points and 5 out of 30 financial qualification points.

A. For the same reasons as I expressed for the other one. We did not recognize the distance from the middle of the lake to the nearest land and the logistics

in case of emergency.

Q. Do you know why this score was different than your score for the Makelele block?

A. They were assigning different scores for different things. That's what I assume.

Q. But your bid for the Makelele block, the Idjwi block and the Lwandjofu blocks were identical?

A. My --

Q. The bid materials that you submitted?

A. -- bid -- yeah, it was similar. There was only one area, that's what I recall, where they took exception, which is we did not recognize the distance from the middle of the lake to the nearest land.

Q. Do you have the technical and financial tenders for the Lwandjofu block?

A. For?

Q. The Lwandjofu block?

A. I don't know.

Q. Sorry. Lwandjofu, L-W-A-N-D-J-O-F-U.

A. Lwandjofu.

Q. Lwandjofu. Thank you. Are you aware of allegations that the DRC Government modified Alphajiri's score to grant them the Lwandjofu block?

A. It's a rumor. That's all it was for me. I recall being in the hotel. We're all, you know,

discussing this shortly before the award was made. And people came and were telling me, "You guys won two blocks, but they're only giving you one because they're giving one to Lwandjofu." And I said, "Okay, fine. So what has that got to do with us?" So the -- it was just, you know, kinds of things flying around at that time. I don't know what the scoring's were and what -- how it was done and all that stuff. And I just know that I met the CEO of this -- of Lwandjofu. And he was there at the announcement, that's all. I mean, that's all I know about him.

Q. Who was it that told you that they changed your score?

A. There were people in and out. You know, Fergany saying that he was hearing rumors. Because at that point, everybody has their -- let's say they have their ear to the ground, right, as to who won and who is going to be announced and all that. Fergany comes, you know, complaining to me that, "Oh, I think we might have won two, but they're only giving us one. They gave one to Lwandjofu." Everybody is grumbling and all of that stuff. And I said, "Okay. At least we got one. So that's not our business, whatever it is they do." So that's -- so they -- yes, I heard the rumor, but that was the extent of it.

Q. Do you believe the bidding process was fair?

A. I have been to several -- a lot of biddings across Africa, especially in Nigeria. This couldn't have been better. And I truly, truly mean it. This couldn't have been better. The minister kept his word every step of the way. No one ever came near to ask us for anything, not anytime when we were in the meetings with them, not anytime when we were doing anything else. At no time, did any member of his team -- which would ordinarily be expected when you're in Africa, members of the minister's team, somebody will ask you to do this or that. Not a single member of the team asked us for anything or said anything to us that would in any way indicate that they are looking for us to do anything. So for me, I have a lot of respect for Didier, you know, for the way he handled the -- you know, this.

Q. Who's Didier?

A. Didier is the minister --

Q. Can you spell it?

A. D-I-D-I-E-R.

Q. He's the minister of what?

A. Minister of Hydrocarbon. He was the Minister of Hydrocarbon. I can't -- his last name fails me, so I can't -- I remember his first name, Didier Budimbu, or something like that, Budimbu.

Q. Why do you have a lot of respect for him?

A. Because he kept it straight. He kept it straight all the time. And he made it very clear from the beginning that this is how it was going to run. And throughout the step, nothing changed. You'll hear this when you go to different countries, they will say, "Yeah, well, we're going to do this and we're going to do that. It's going to be straight, it's going to be that." And then along the way, the nuances will start and all of this and all that stuff. Never happened here, not once.

And I mean, not once did anyone from his team, not anyone from the Ministry of Hydrocarbon, not anytime did anyone, you know, in any way insinuate that "maybe if you guys do this, maybe things will go better," as you will hear in many of these other things. "Maybe if you do this, things will go your way" and all that stuff. We never got any of that. We never got any of that throughout this process. So that, for me, is why I -- you know, I wish that the same thing could happen in Nigeria or in other places, and I mean it. Yeah.

Q. So after your team received the award letter, did you engage in negotiations with the government?

A. After we received the award letter, we were invited to the award ceremony. At the award ceremony, I naturally thought: Okay, well, now that award has been

done -- again, this is also why I say I have a lot of respect for this gentleman. I had thought maybe -- but now they would say, "Okay, well, now you've gotten the award. What did you bring for us?" This is a typical thing, right? "What'd you bring for us?" It didn't happen. It did not happen. Nobody said, "What did you bring for us? What gift did you bring for us now that you've won the award?" It was strictly professional all the way. We arrived at the awards. We arrived the day before.

We tried to meet with the minister, and he said, "No, we'll meet at the event." And we just wanted to just sit down with him and thank him for the process, the way it has gone and all of that stuff. So we met at the event. He took us into a room like this. We all sat down, about eight, ten people, and we just thanked him for the way the whole thing had gone, transparently and all that stuff. And then we all took that to the award ceremony. From there, we went home. And that was the extent of it. Not a single person made any inappropriate request or asked for anything.

Q. What happened after that meeting?

A. Well, first of all, the disappointment was, we all signed off this paper, thinking we were going to carry this here -- proud to carry this here that we won the

concession. But as soon as we finished signing, ceremony is over, somebody came -- two guys came from nowhere really, packed up all the documents, took them away. Said, "Well, can I get a copy? No, you can't, until the final award is signed off by the president" or whatever. So that's how the process is. So that was it. We left, not a single paper in our hands, nothing.

Q. When will the final award be signed?

A. When you allow them to sign it.

Q. Did you engage in any negotiations with the DRC Government after that award ceremony?

A. No.

Q. No negotiations?

A. No.

Q. Did anyone from WindsDRC engage in negotiations with the government?

A. They said we have to wait until the final signature. There were discussions back and forth in trying to -- yes. When you say -- not negotiation -- discussions.

Q. Okay.

A. There were outstanding issues after the signing, and we are supposed to go and resolve those outstanding issues after the signing. I'm trying to recall some of the issues that we needed to resolve with.

The -- yes, it was the issue of the -- what they called, you know, the fiscalities.

Q. What's a fiscality?

A. Fiscalities were basically all of the entire tax regime that was going to apply and this -- that I spoke about before. So all of that had not been fully completed. There were areas that we had said we were not going to put numbers to, and there were discussions that needed to be had in some of those areas to agree between us and the Ministry of Hydrocarbon. So we were proposed to say, "Okay, well, for this particular, you know, tax area, we are saying 5 percent will be sufficient," and they are saying, "No, 9 percent."

So after the signing ceremony, we are supposed to go back and do that reconciliation with the Ministry of Hydrocarbon. They will now send it to the Ministry of Finance. Ministry of Finance will have to agree to that. If they don't agree, they don't like those numbers, they will send it back to the Ministry of Hydrocarbon. No, we don't like these numbers. This is what we think it should be. They'll give their recommendation. It happened three times.

We went to the Ministry of Finance. They did not agree with it. They sent it back with the recommendations. They came back to us. We discussed some

more. We agreed new set of numbers. We sent them back to the Ministry of Finance. They said, "No, we still don't like it. This one here is guarded by law, this one here is -- this one here." So they'll do all of that stuff and they'll send it back to the Hydrocarbon. So three times that happened until we came to an agreement on the fiscalities.

Q. And what would've happened if you couldn't come to an agreement on fiscalities?

A. Then this was all off.

Q. So I'm going to mark a document now as Exhibit 15. We're back on track for the numbers. And my colleague will hand it to you. Do you recognize what has been marked as Exhibit 15?

(Exhibit 15, introduced)

A. Yeah, this is the table of -- yeah, that's the table of proposed levy -- that's the fiscalities. When we were going through that with the secretary general or the Ministry of Hydrocarbon.

Q. Now, I just want to direct your attention to the letterhead on this letter. Is this Winds LLC letterhead?

A. This was done in -- yeah, this is -- this

should be Winds SARL -- it has LLC. It shouldn't have LLC.

Q. And what's the date on this letter?

A. This was in October 2024.

Q. So it was two years after WindsDRC was established?

A. Yes.

Q. And you were still sending letters on Winds LLC letterhead?

A. This was done by Fergany, it's an error -- Fergany.

Q. Do you have copies of the other letters to and from the DRC Government in the tax negotiations?

A. A copy of letters from them? I don't -- whatever I have, I have already given it.

Q. Who from WindsDRC represented you in the tax negotiations?

A. It was Joseph. It was Fergany. It was Alex. It was Bilolo and Mary.

Q. So did you attend any of these negotiations?

A. I attended one session. I think it was the first session. It was the first one out of the three.

Q. And so you described a process where you would submit an offer and then the Ministry of Finance would reject it and return to you. Who from the WindsDRC team

came together to agree what your offers would be?

A. This was -- the fiscalities is not something that technical and all of that stuff were involved in. These were just a commercial, you know, discussions as to how much tax are we going to pay here, what fees are we going to agree to here and all of that stuff. And the primary issue was that they were treating this like it was conventional oil and gas. So we kept letting them know that this is unconventional gas and this was not a profitable gas venture as they are trying to make it out to be. So that was all of that whole thing that -- you know, that was going on between us and them.

Q. So your position was that you should pay less taxes because you would receive less profit?

A. No. It is that -- move it forward. It was more of, let the work that needs to be done be the priority. The money that needs to be made, if there is any money being made, we are happy to give you this, but do not expect that this is going to happen. So we don't want to be in a position where you are asking us to pay you 10 percent of the invested funds when no money is coming from the project itself. So they were asking for upfront payments, and we're saying we cannot do upfront payments because this is not conventional gas, you know, project.

Q. So the dispute was about the timing of the payment --

A. Timing was mostly -- it was mostly about timing. And we even proposed that, okay, well, fine, if in the next five years -- first five years of production -- we said first three years of production, the next five years of production, if for any reason, this here is better than what we think it is, fine, we're happy to adjust it to this in the next five years, adjust it to this. So it was about timing, for the most part.

Q. That the taxes would be a percentage of the profits rather than a fixed amount?

A. The taxes always are percentage of whatever the profit is. It's not a fixed amount.

Q. And just to return to my earlier question, who from WindsDRC had the power to agree to what those offers you were making for the --

A. We are having meetings by phone when it's done for those who are there or those who are not there. The team in DRC is simply putting forward what the entire team has agreed. Everybody was on the phone having a discussion, and this person would say, well, this is how we did it in Oman. This is how we did it in Russia. This is -- so everybody brought their experience to bear and in different areas and, you know, so we had an agreement.

And then the team in DRC would be the one to present it to the Ministry of Hydrocarbons.

Q. And you were the CEO of WindsDRC?

A. Yes.

Q. So did you kind of have final say over what those agreements would be?

A. There's no final say. There is no -- nothing to -- you cannot rule -- overrule an expert just because you say the clever title. No, it's not that. We are in the bid process. We are not in the operational phase of running a company. When we get to running a company, then maybe you can begin to overrule people based on some other factors. But this is about people bringing in their expertise.

Q. So other than the tax negotiations, were you engaged in any other discussions with the DRC Government after you received the award?

A. No, it was just about fiscalities. From what I remember, if there were any other discussions, maybe it came out of the fiscalities issue. But there was nothing else other than fiscalities -- agreeing fiscalities.

Q. Did you negotiate a production-sharing agreement with the DRC Government?

A. A production-sharing agreement is a part of the original, it's by law. It's not something you negotiate.

Production-sharing agreement, it's the law.

Q. When you say "it's the law," does that mean the terms of the agreement are the law?

A. That is the government has a part of the production, 20 percent minimum, and that is what the law states, yeah.

Q. And Sonahydroc is the part of the government --

A. Yes.

Q. -- that gets 20 percent?

A. It's -- that agency of the government, yes. That's correct.

Q. So is it true that on September 9, 2023, the DRC Government signed a production-sharing agreement for the Idjwi block?

A. When they say "sign," it's Sonahydroc. There is nothing to sign. It's just that they will basically just make you aware that this is what it is, this is what the law -- yeah. There was -- I think there were documents that were exchanged between each of the teams, not just us, but all of the other bidders and the many government on the production-sharing agreement which the government was represented by Sonahydroc.

Q. Did you attend the signing of the agreement?

A. I attended the -- and I attended a -- I was there when one of the discussions were being held. I was

there when one of the -- in fact, it was signed twice. The first time, it was rejected. It was signed a second time. I think I was there the first one that was rejected or something like that, or whatever, I was -- the second one that was finally accepted. But it was strictly between the lawyers working with the Sonahydroc on the language of the law and the production sharing that takes place and that's it. And I remember it was, like, document of about maybe five pages or three pages, something like that.

Q. So is the importance of it being five pages that it's a relatively short contract?

A. It was because it was just, you know, saying this is what the law says and that Sonahydroc is going to hold 20 percent of the government's interest in -- you know, in all oil and gas assets.

Q. Did you sign the agreement?

A. Maybe. I don't know whether it was a lawyer that signed it. I can't remember.

Q. Was WindsDRC named in that agreement or were they still mistakenly using Winds LLC?

A. I don't know. With all of this and Winds and this and that, I don't know.

Q. So you signed a production-sharing agreement. You came to an agreement about taxes. What other

negotiations have been ongoing?

A. And my business bills.

Q. Have any additional steps been taken to finalize the agreements?

A. No.

Q. Have there been any further negotiations with the government?

A. No.

Q. Are there any other agreements between Winds and the DRC Government or any other third parties related to the DRC gas option?

A. No.

Q. So your counsel stated and you stated today that the final approval for the Idjwi block has not been given. What does that mean?

A. It means it hasn't -- concession is not complete. The process is still ongoing. We are not yet approved to operate.

Q. What steps remain before you get approved?

A. The final approval from the part of the executive.

Q. And what do you think is the cause of the delay there?

A. Your client.

Q. What have our clients done to delay your award?

A. Raising issues about the process and raising issues, which I consider to be ignorantly about the applicants. They are using something like Winds LLC and saying, "You operate this asset," and then they are linking -- trying to link it to the operation of this block in DRC. And I say, "Okay, well, why don't you take the operation of OML 18 that is producing 70,000 barrels a day and see whether -- and I also organized that and it's successful. So why don't you take this other one where I raised, you know, $40 million to do this project in Kenya and connected to this? Why don't you take this one here?"

So I have a history, I have a track record, which is the basis of what I'm doing. But you want to connect it to some small operation that has nothing to do with this because the name happens to have gotten -- so I have not taken it like it's -- I still believe that we and the NGOs are on the same side, not on opposite sides. And God willing, if we are asked to do this project, they will find that out. So we still -- -- I'm sure we'll still shake hands, and the misunderstandings well all go away. I have no doubt about that because we are not on opposite sides. We intend to do the same thing, make sure that limnic explosion doesn't happen.

Q. Has the DRC Government communicated anything to you or to any of the Winds team indicating that statements

by NGOs are the cause of the delay?

A. As usual, it's all rumors. It's all people saying this and that and, you know, Fergany, you know, hearing things and coming back and saying it appears as if this is causing some problems and all of that stuff. They have reviewed our -- and they reviewed all of this back to our history, checked this and checked that. They are comfortable -- we're still comfortable with what they have and -- but, hey, it is what it is.

Q. Some of these allegations came from investigative journalists, not NGOs, correct?

A. Yes. And when I sent them the documents relating to this and sending them evidence, that was the end of it, the guys -- the ones in Paris and the ones in London.

Q. Who are the people in Paris you're talking about?

A. I just got this phone call from this journalist who says, "We're investigating this and we're going to do this." The last one, particularly, was that in spite of all the evidence that we sent, they said, "Okay, well, look, this ends our visit in this area. However, what we have here is the allegations that have been made, and we cannot remove it because it would seem as if we are now on your side." We provided evidence debunking everything

that they had put in there, evidence that showed that this was all a lack of understanding of what the process is, not that this has anything to do with this. So when we sent all of that to them, so the last one basically said, If I hadn't -- I would have had -- on my phone here, sent all the documents, stated the issues, presented the issues, compared with what you have. And it came down to, "We have confirmed what you have sent to us, but this is the allegation being made and we cannot remove that." But that was the end of their investigation. That terminated, you know, further -- any further questions that they had.

Q. What is the allegation being made?

A. The same thing that we're hearing. Somebody is trying to pick on -- that Winds -- expired in Houston, makes you a bad company. It means that you are not an operating entity. And it took me $50 to go and update the, you know, the company because we didn't file the, you know, the franchise tax for Winds LLC. And all of that is being picked up. I filed the -- you know, the franchise tax and updated the Secretary of State documents, and it was -- and that was the end of it. So all of that is being raised up as evidence of something that had nothing to do with what was going on in DRC. But once all of those things are raised up, people get worried, people get concerned and they think that maybe you are doing

something wrong.

Q. Do you think the DRC Government is delaying your award because of allegations that you didn't pay the franchise tax in Houston or is there something --

A. They are being made to believe that that is some serious matter, that maybe we have some, you know, serious tax issue, that I have some serious tax issues and all that, and that I was -- that maybe we're going through some tax -- you know, some issues and all of that stuff. Of course, when you are, you know, 10,000 miles away and you're hearing something that is going on there, you're naturally assuming the worst of it, just as everybody here assumes the worst in DRC because you don't know how it all works. So same thing.

Q. Why would the DRC Government care if Winds LLC pays taxes --

A. Every government that is dealing with you is -- wants to be seen to be dealing with a credible person and not somebody who has been -- who is said to have tax problems or whatever. I'm just guessing. I'm not, you know -- I mean, that's, you know, based on the rumors that we have heard, that's all.

Q. But my understanding of the allegation is that the issue is that Winds LLC did not have a legitimate license at the time that it applied. But if, in fact, it

was WindsDRC that applied, why would the DRC Government care about Winds LLC's licensing or tax status?

A. Because it is either how things are or how it seems. Somebody is connecting Winds LLC to this, and some of these things here in front of us does show us why that could be -- that's why I said our patience is the fact that we're not taking it personally, because there were actually some reasons why anyone would mistakenly have Winds LLC as being, you know, WindsDRC. But that is also why the government has not cancelled it, because the real evidence is there that shows that WindsDRC is the owner of this project. And so in spite of them taking their time and all of that stuff, it's because of the doubt that is being raised. And they cannot just, you know, wave it aside and then people will think that it's something else.

The same way that the issue was raised here in the U.S. Court was presented, and we presented the same evidence that showed that this is WindsDRC, not Winds LLC. And this gentleman's claim was -- you know, was terminated or whatever. I don't know how you call it anymore.

Q. Okay. We'll come back to that. I want to start first with the other allegations against Winds LLC involving your project in Utah. So I'm going to hand you a document that's marked Exhibit 16. Do you recognize this document?

(Exhibit 16, introduced)

A. Yes, I've seen it.

Q. What is this document?

A. Something that has to do with Utah. It's not relevant to this.

Q. Why isn't it relevant?

A. It has nothing to do with DRC. This is Winds LLC, U.S.

Q. So Winds LLC had wells in Utah?

A. Yeah.

Q. And you told me earlier that you regularly went to Utah to monitor this work?

A. Yeah, I went to Utah, yes. Yeah.

Q. This was the only project that Winds LLC had?

A. Yes.

Q. How many wells did Winds LLC operate in Utah?

A. Twenty-nine.

Q. What kind of wells?

A. Gas wells.

Q. How much gas did they produce?

A. Again, I said that this is not relevant to this. I'm not sure what this is -- has to do with DRC.

Q. Well, you said earlier that they assessed you all based on your track records all over the world, right?

A. Right.

Q. And we can talk more about your track records in other countries, but right now, I want to ask you about your track record here in the United States.

A. Okay.

Q. So Winds operated wells in Utah, correct?

A. Mm-hmm.

Q. How much did those wells produce?

A. All?

Q. How much

A. Twenty-nine wells.

Q. How much did they produce?

A. About 2,200 scope of gas per day.

Q. Were they profitable?

A. Barely.

Q. Barely profitable? What does that mean?

A. Well, it means that has lower-than-expected amount profit margins.

Q. So did Winds receive dozens of notices of violation between December 2022 and August 2024 from Utah regulators?

A. I'm not sure what the dates -- what the -- you know, what the timeline is as to "dozens of issues."

Q. Okay. We can walk through the paragraphs of this document together then. Let me direct you to

paragraph 4, which states that, "On December 1, 2022, Winds Exploration received a notice of violation due to significant integrity issues." Do you recall receiving that notice of violation?

A. On Paragraph 4?

Q. Paragraph 4. It's on page 3.

A. Mm-hmm.

Q. Does Paragraph 4 refresh your recollection that starting in December 2022, Winds began to receive notice of violation from the Utah government regarding their operations in Utah?

A. At the time that Alfred and them were running the, you know, Winds here, and this was when I was mostly in Utah, and Victor was going back and forth to, you know, to deal with some of the issues here.

Q. Sorry, I just want to correct in case you misspoke. You said this is the time you were mostly in Utah? Is that --

A. No, mostly in the DRC, I mean.

Q. You were mostly in DRC?

A. Outside of the -- yeah, in Nigeria, yes.

Q. And as CEO of Winds, you had entrusted Victor to take care of the wells here?

A. Victor with the wells -- no, Alfred was running the things here and Victor would come in to come and help

every now and then.

Q. So Paragraph 5 says that Victor Ogoke was the representative of Winds who acknowledged receipt of the notice of violation?

A. Yeah.

Q. Did Victor tell you that your operations had received a notice of violation?

A. In oil and gas, you receive a thousand notices of violation for every small thing. If there is a spill on the floor, it's a notice of violation. If there is some dirt on the wall, it's a notice of violation. This, as you can see here, it's not -- this is a technical matter and for me to explain the annulus and all of these things here in terms of the gas before they shut it, the well was shut in. They expect you -- that the well should not be shut in. Your production is also the state's production. The state is monitoring your production. If you allow a well to get shut in for too long, it is a notice of violation. It's either you're producing the well or you are decommissioning the well. So if we are unable to get a rig during this period, this number 4, this number 5, during this period, there were no rigs available anywhere to do the work.

So notice of violation here in this case is that they will come and, you know, they use a button chart to look

at this area, make sure that there is no -- first of all, our production process has no risk of gas explosion, number one, 6 psi. It's like the psi from your bicycle tire. So there's no risk of any kind of risk to the environment. But they want you to produce. They want you to be running. And so when we have a job to do and we don't have a rig -- rigs were scarce during this period. We are waiting for the rig to show up to do the work. That is the notice of violation. And they're giving you -- they will give you the next 30 days. They come back, we don't have a rig. They'll give you another 30 days. Until we get a rig, we'll get the job done.

Q. So you're suggesting the notice of violation was because the well was shut in, although Paragraph 4 does say it was due to significant integrity issues?

A. The well had integrity issues, which is why it was shut in. That was why we shut in the well. And we were waiting for a rig to come to do the job. And we couldn't get a rig, so we were waiting. So normally when there is a shortage of rigs, you will call the rig company and they will put you on the list. When we finish this job, we'll have this job after this, that. And then we'll get to you in 30 days or 60 days or 90 days. And that's what is going on here.

Q. So if you scan Paragraph 7, Paragraph 8,

Paragraph 9 --

A. Yes.

Q. -- you know, these paragraphs describe continued notices of violation going to Winds LLC.

A. Yes. And it could be the same well they're giving notice of violation over and over and over until you fixed the problem.

Q. Did the Utah regulator, and I'll direct you to Paragraph 15, ultimately find that you had a pattern of regulatory noncompliance and operational absence?

A. Well, the same regulator gave us a notice in here a year before as the best operator. And so when you have an issue, the issue will go on until the issue is resolved. So this is an assertion that, you know, it is what it is. They would say that the pattern of regulatory noncompliance and operational absence by Winds. And again, yeah.

Q. So to be clear, do you think their allegations that you did not comply with the regulations are accurate?

A. This is not that the Utah regulator has said anything that is just wrong or that I disagree with. If a well is shut in, that well is shut in for a purpose. We are not making money off of that well. The state's not making money off of that well. We all want that well to become operational, but we have absolutely no control over

when we get a rig to come in to get the work done. And so until -- if it takes three months, we'll be getting this letter until we get the job done.

Q. So Paragraph 9 suggests that there was an explosion at Winds wells in Utah. Do you recall that?

A. There is a room is -- this not -- say paragraph 9 suggests.

Q. Paragraph 9 says, "Another explosion occurred on February 14, 2024, at its processing facility."

A. Yeah.

Q. And Paragraph 8 says, "The company reported an active injection line leak and an explosion at the site." So those were two explosions at Winds facilities in Utah.

A. The word "explosion" is not "kaboom" that you know the explosion to mean. Okay. If there is a gas leak, and that gas leak causes a fire in the room, it is considered an explosion. So we didn't have what you might consider it to be. We didn't have a rupture. A rupture would translate into what you consider an explosion outside the center. Again, our gas is producing at 6 PSI. So we had issues, one in the pit and another one in one of the mine plants. Yeah, the mine plant where you process the methane gas.

Q. So you're describing what you believe are relatively minor regulatory --

A. Routine.

Q. Routine.

A. Routine things that happens to every producer of oil and gas. The routine -- these are the most routine things that you'll get on a regular basis.

Q. So why did the governor of Utah say that your wells were forfeited to the Division?

A. We chose to -- I chose to forfeit the wells because of exactly what I described. You're not listening. I was dealing with characters that I wasn't comfortable with. I had no interest in fighting for something when I knew for a fact that I no longer felt comfortable with it.

Q. So you decided not to ensure regulatory compliance for the Utah wells and instead to walk away because you didn't want --

A. No, no, no, no, no. These are not related.

Q. Okay.

A. Not related. Forfeiting the wells had nothing to do with the regulatory issues that had -- you know, that was -- that happened during this period. Not -- no relationship whatsoever. We were the only company -- it is not written here by the same person here that recovered five wells that had been abandoned before we even got there. We spent our own money in the interest of the

environment to recover five wells. That's an expensive job to do before we even started working. Wells that were associated with this field that we had nothing to do with. And that was why we were awarded that best of my operator, this in here, the -- you know, the year before. So the issues here are not connected with, you know, with regards to walking away. Walking away was by choice, was specifically by choice. And that is, I will not continue unless that -- I felt uncomfortable with it. And it's all in my name.

Everyone had recovered their investments in this. So no one can say that they didn't make money or that I owed them anything. I said, "I'm not going to spend any more money holding up this asset unless you guys want to bring your own money into it." And they didn't bring their money. So -- and I walked away.

Q. So what did you do when you walked away from the asset?

A. You don't do anything. All you do is walk away from the asset.

Q. So you abandoned the wells?

A. That is what you call abandonment.

Q. And you didn't ensure regulatory compliance with the wells?

A. It was -- the compliance was done by the time

we walked away.

Q. Whose responsibility is that?

A. My responsibility, and it was done.

Q. You're saying that the wells were in compliance when you walked away?

A. Yes. It was -- this well was -- $75,000 I spent on getting this well back into place. This is the water injection well. This is the well where all of the wastewater that comes from all of the locations gets injected into the wastewater well. And this was done. Company here in Houston, where we got the expandable -- I can't remember the name here that was -- you know, that did the job. Got it the first time, it failed. Got it the second time. The company is here in Tomball, that did the job.

Q. So are you saying that all of the wells that you operated in Utah were in 100 percent regulatory compliance before you walked away from them?

A. I can't give you a 100 percent answer here because, I mean, I don't know. But what I'm saying is, the issue that you have pointed out here, this water injection well was fixed. I spent $75,000 to fix this well, make sure that this well was operating before I walked away.

Q. So if I direct you to page 7, paragraph 6,

which says, "Winds Exploration has demonstrated its refusal or inability to conduct plugging and reclamation of the subject wells"; is that sentence inaccurate?

A. It is inaccurate because by the time we're done, you know, this well was fixed. If it is a water injection well that you are referring to

Q. Is it possible that they're referring to other wells?

A. I don't know if there's any other well that they're referring to here. But the only well that I know was an issue was a water injection well, where all the other wells were shut in. Because once your water injection well is nonoperational, you cannot operate the other well because the water has to be injected somewhere. That was the well that was the problem, the water injection well. And it was fixed.

MS. BAILEY: Can we go off the record for a minute?

THE GUARDIAN: We can. Hold on. The time is 3:51 p.m., and we are off the record.

(Off the record)

THE GUARDIAN: The time is 3:55 p.m., and we are back on the record.

Q. The Utah project was a Winds LLC project.

A. Yes.

Q. And you referred to other projects that you worked on across Africa, and those were part of a larger company, correct?

A. All personal projects.

Q. Were they personal projects or part of --

A. No.

Q. Do you have any other projects that you worked on in a personal capacity, not as part of the Nigerian oil company you referred to earlier?

A. Sure. Absolutely.

Q. What are those projects?

A. The acquisition of a NavCon.

Q. What's NavCon?

A. NavCon is a fertilizer company. The acquisition of Niihau Chemical and Food Processing Company. The acquisition of European Pulp and Paper Company.

Q. So you worked on acquisitions of various companies in your personal capacity?

A. That's correct.

Q. And who was it that was acquiring these companies?

A. I was.

Q. You were acquiring them? Had you ever worked

on the acquisition of an oil or gas lease in your personal capacity?

A. Utah.

Q. Utah. So Utah is the only example of your track record in the oil and gas production field that was outside of the larger Nigerian company?

A. In terms of oil and gas?

Q. Yes.

A. Yes. Of course, I have them, one or two -- I have two other oil and gas acquisitions.

Q. What are the other oil and gas acquisitions?

A. I was on the High Props. That's my High Props acquisition. And there is -- High Props is the only one that I acquired by myself. So I'm trying to eliminate the ones that were under any company. That's a High Props. And that was in -- and there was acquisition from a Norwegian company. That was many years ago. I acquired an asset from them, upstream asset.

Q. What's High Props?

A. High Props is name of the -- High Props is essentially a project in diving support vessels and working with the IOCs to explore. In exploration, you need diving support in exploration, assessing the integrity of the wells that you're drilling and being able to assess that there will not be a diversion in terms of

the drilling process. So I acquired this DSV system and High Props is the name.

Q. But the scale of that project is much smaller than the scale of the DRC project?

A. I don't know why you say "smaller." It's much bigger than the DRC project.

Q. The DRC project is bigger?

A. No, this project is way bigger than the DRC project.

Q. Really?

A. Yeah.

Q. Your High Props project is much bigger than the DRC project?

A. It is. Yes, absolutely. We're talking about a project that is in the $417 million project.

Q. What's your stake in that project that you acquired?

A. Plus 100 and then, you know, brought in other people.

Q. And you're operating that project?

A. Till now.

Q. Where is it?

A. It's in Nigeria.

Q. Was that one of the projects that you listed on your CV as experience for the DRC Government?

A. It would have been there, of course, yes.

Q. So I want to return to the topic of WindsUS as the winner of the auction, just so that I'm clear on the record about what your position is. WindsUS was not the winner of the auction?

A. WindsUS did not win the auction, no.

Q. But Winds, LLP was listed on cover letters long after WindsDRC was established?

A. That's your position.

Q. If I direct your attention to the Exhibit 15 --

A. Yes.

Q. -- that's a cover letter that uses the Winds LLC letterhead in 2024.

A. I think that has been, you know, discussed severally -- as to some of the errors that were made in the headings and things like that.

Q. And the award uses your U.S. address and listed Winds, LLP?

A. My personal address, yes.

Q. Okay. Did you inform the DRC Government when you changed WindsUS's name to Unite?

A. They had nothing to do with the Winds in the US.

Q. Are there any agreements about the gas block between the new Winds and Unite?

A. I already answered that question. It's nothing.

Q. Could you answer it again for me?

A. Are there any new agreements?

Q. Yes.

A. No, there isn't.

Q. So in e-mails, your attorneys have said that you're only using the name of your U.S. company.

A. My U.S. company?

Q. You're using the name of your U.S. company.

A. Yes.

Q. Is that --

A. Is that Winds? You mean Winds?

Q. WindsUS.

A. Yeah. Right.

Q. Is using the name of the U.S. company distinct from accidentally having the name of the U.S. company on the documents?

A. The name has to do with the fact that Winds is similar between this and that. I'm not sure if I understand your question.

Q. Okay. You've discussed with us before a lawsuit that Mr. Iwuji brought against you.

A. Yes.

Q. And what was the outcome of that lawsuit?

A. He lost.

Q. Why did he lose?

A. Because the evidence showed otherwise.

Q. What evidence?

A. The evidence: One, there were two things that he had asserted in his claim, that the expenses that were -- I think that the expenses that were used here were expenses of Winds LLC and that he should have an interest in Winds LLC. But, you know, I think those were the two things.

And the evidence showed that everything that was spent was my personal money and the credit card that he was claiming was, you know, was my personal credit card and the debts were all mine personally. And the registration of the company in DRC was clear and specific that he had absolutely no -- that he didn't have any interest in DRC.

Q. What evidence did you submit to show that Winds LLP was not burdened in the WindsDRC?

A. My personal expenses.

Q. So I'm going to mark an exhibit as Exhibit 17. And I'll try to be quick with this one. Just handing it to my colleague who will hand it to you. Do you recognize this document?

(Exhibit 17, introduced)

A. I believe this is from Alfred, yeah.

Q. So I'll direct you to page 12, paragraph D -- sorry, paragraph 12, which is on page 7.

A. Are the paragraphs numbered?

Q. Yes. If you go to page 7, the paragraph -- the page number's on the bottom left, and every paragraph is numbered. So paragraph 12, point D, says that you unilaterally entered into contracts binding Winds to obligations Plaintiff is unaware of. As evidenced by numerous industry publications, Winds has been awarded, along with others, licenses for the exploration of natural gas blocks by the Democratic Republic of Congo." What did you submit to the U.S. Court to disprove that allegation?

A. The registration of Winds SARL.

Q. So the registration for Winds SARL undermined his claim?

A. It showed clearly that the entire process in DRC was owned by Winds SARL.

Q. Do you have the documents that you submitted to the court in that case in your possession?

A. The registration of Winds SARL.

Q. So why didn't you produce the Winds SARL document to us?

A. You have it.

Q. We don't have the Winds SARL registration.

A. The lawyers -- I think the lawyers -- I mean, I sent them whatever I had to Winds SARL.

Q. Okay. So that was document 19 -- no.

THE GUARDIAN: Seventeen.

A. Seventeen.

Q. So I am going to mark document 18 and hand it to you. Do you recognize this document?

(Exhibit 18, introduced)

A. Yes.

Q. What is it?

A. It was a claim that was being made against me personally.

Q. What were those claims?

A. About my debts that was Winds and my LLC debt.

Q. Did you pay the debt?

A. That's my personal business, isn't it? What has it got to do with this?

Q. Was the debt from Winds LLC or was it a personal debt?

A. It was -- this was personal to me.

Q. So it wasn't a debt as a result of Winds LLC's business?

A. It was debt that was attributed to me.

Q. So I'll direct you to paragraph 2 that says, "I was an employee of the company with over 15 other persons."

A. That's correct.

Q. "And do not know how and why I was singled out to be added to this judgment."

A. Right.

Q. So was it a debt of Winds LLC?

A. This is a -- yes, it was Winds LLC debt that was -- been attributed to me personally.

Q. It was a Winds LLC debt that was attributed to you personally?

A. Right.

Q. What was the Winds LLC debt?

A. I don't remember.

Q. You don't recall? Did Winds LLC pay its debts?

A. Did it pay its debts? Always paid its debts. And, you know, whatever it tells that was not paid was -- been attributed to me personally, and I was objecting to it.

Q. Did Winds LLC eventually pay this debt?

A. I don't know.

Q. What happened in the lawsuit?

A. In this lawsuit, I was found to be responsible

for this debt because I was -- my name was picked up out of these -- they found it, they got my name and said that, you know, to enjoy me. And I wrote a letter to this -- the judge, and I called and I was told that because I didn't respond when I was supposed to have responded and I was out of the country when all of this was going on, that I should have come to court to come and present this, and I didn't present it.

Q. Did you eventually pay that debt back?

A. No, I haven't paid this debt, no.

Q. Did Winds pay the debt?

A. No.

Q. But you're the CEO of Winds?

A. Yeah. I mean, that's what I'm saying to you that this just happened; this was last year.

Q. Okay. So since 2025, has Winds paid the debt back?

A. I objected to it, and I still object to it because it was sent to me personally. And this is Winds, you know, debt in LLC, and it's not my personal debt. And I'm still objecting to it, and I'm still saying it's not my personal debt.

Q. So you're involved in litigation challenging the --

A. Oh, absolutely. Yes.

Q. Did the Secretary of State forfeit Winds's corporate privileges in 2025?

A. At request.

Q. So Unite is no longer an operating venture?

A. It is an operating venture.

Q. But why did you request for the Secretary of State to forfeit Winds's --

A. The old Winds was forfeited. Unite was formed, and then I reacquired the name Winds. So they're both operating and they're both legal in Texas.

Q. Both Winds and Unite are currently operating and legal in Texas?

A. That's correct.

Q. Okay. We're going to take a -- can we go off the record?

THE GUARDIAN: We can. The time is 4:10 p.m., and we are off the record.

(Off the record)

THE GUARDIAN: The time is 4:13 p.m., and we are back on the record.

Q. You earlier stated that after journalists made some allegations against you, you sent documents and evidence to the journalists and they agreed with you.

A. Yes.

Q. What documents did you send them?

A. Same that I have sent here. The document that showed that the tax filing that they are claiming in Texas, what they are, whatever -- when it is presented on the pages of newspaper or in a blog, it's made to look as bad as can possibly look. And all it was, was that we did not miss the filing deadline for franchise tax. And so you are ruled to be out of compliance, and you are ruled to be -- your existence is terminated, so to say. And when you file, you are reinstated. And I sent all of this evidences, and what was made out to look like there were -- there was maybe tax issues, that a lot of money was involved, insinuated. Fifty dollars was all that was needed to be paid by us. It looked unreal to them, like, is this all? Yes, that's all there is to it.

So when somebody's reading it, it looks one way, but the reality of it, just like we talked about these gas -- these infractions and all of this stuff, when it's on paper and it's an infraction that is given, everyone assumes it's to be the worst. But it's something that all you need to do is go and tweak them or something and that would be the end of it. And you call them, they come and look at it and, oh, it's okay now. And they check it off and it's over.

Q. You said earlier that the war should not, in principle, interfere with the project going forward. Can you start the project if M23 controls the land around Lake Kivu?

A. These are both reasonable and unreasonable parties, from my experience so far. This is not the only place where I've had to deal with either insurgents, or this. I do not take them lightly. We do not -- these are all volatile situations. I'm not saying that these things here are things that you -- you have representatives that will go and have discussions and explain to them what you're about to do, and you get them to say "yes" or "no." You don't go into the environment without them knowing why you were there.

So people will go and explain to them -- same thing with the Niger Delta, as explosive as it was, we went in and we sat down with the main actors. This is what we are trying to do. If you agree with us, we will come in and do it. If you have an issue, we will stay away. And they will tell you, "You are covered," or "We cannot guarantee your safety." So our own responsibility is to work with the parties that are involved to make sure that they understand what we are trying to do. If we are coming to make sure that this explosion does not take place and you don't care whether it happens or not. Well, it could be

you or it could be the government or whatever, whoever it is, and you say we shouldn't come in, then we stay away until as long as it's -- we're allowed to come in.

But our responsibility, what we see, is being able to communicate to the parties as to why we are there and what it is that we intend to achieve. We're not there on behalf of the government to do anything for the government. We're there on behalf of the people and to forestall this limnic explosion. That's it. So I have no guarantees, but I do know that we have done it before and we are going to try the same thing.

Q. And in your previous work, when interacting with insurgent groups, were there circumstances where insurgent groups asked for money or other gifts?

A. They're actually more reasonable than the government sometimes. Because they are driven by ideology as opposed to just money. They believe in something. Maybe they have not been heard. And whatever it is that drives them into this. So it's not about money. It's not always about money. If you come in there and you talk to them about what you want to achieve and they agree with you, they will probably give you more protection than the government will give you, because they believe in what they are doing. And no one will come near your camp because this is what they are doing. And they get the

word around to everyone, "Leave these guys alone, because this is what they are doing for our people."

Q. I think this is my last question. You earlier said that you had meetings where you could review the government's materials about the gas blocks. What exactly were those materials?

A. That what?

Q. You -- earlier you said there were meetings where you reviewed the government's materials about the gas blocks.

A. No. It was the general sessions that they had where they gave us information about all the gas blocks. And you had the opportunity to review the -- you know, what the government has on each of these gas blocks, at least what they are willing to let us see. So you reviewed all of these, you know, blocks. You got both the environmental information about them. You got the technical information about these blocks, what the government knows about it. And it's like a data room. They allow you to read it. They allow you to go through it and all of that stuff. And then you leave with just your notes, that's it. You don't take anything away.

Q. Okay. Thank you so much for your time today.

THE GUARDIAN: Okay. Before we go off the record, I'm going to take orders. But also, if you could stay on,

I have some spelling stuff and a couple of questions, if that's all right.

MS. BAILEY: Yeah. Do you want to do that on the record or off the record?

THE GUARDIAN: We'll do that off the record. So if you want to go off the record now, you want to say what you need to say on the record, we can stay on right now.

MS. BAILEY: Just on the record, you'll receive a transcript to do reviews of to, you know, review for accuracy. And we'll ask that you do that and you send it back to us through your lawyers just to give you an opportunity to correct anything that might have gotten misspoken or taken down wrong. Do you agree to do that?

THE WITNESS: Sure. May I have the last comment to make?

MS. BAILEY: Sure.

THE WITNESS: Okay. I will not say much other than to say that just sitting back and look at what the law of the United States says about procurement and things like that. The only reason why we are here today is because I was not in court when you sought to get the subpoena on all of these things against us. Because, from my understanding and talking to the lawyers and from what I have, at least reviewed, inserting yourself into the middle of a procurement process, a bid process, an award

process, would not have been allowed in this instance if I was there, in court, to present this matter. For me to be subjected to this relentless barrage and spending money on lawyers for something that I don't even have, is profoundly unfair.

You have presented all kinds of things in the media. There is a lack of proper understanding as to what this matter is. The journalists that have approached us to ask have gotten the answers that they needed, and the matter has ended there. But the NGOs prefer to drag us through the court process and presented what I consider to be a false impression to the court in Texas about what this is about. Because even the laws of the U.S., if not for the doubt of DRC, say that this is not right, that this is not legal. A party cannot, on its own, decide to judge or decide who is qualified or not qualified in a procurement process that has not ended. And if they have any issues, it should have been directed to the government agency, who are certainly capable of defending themselves, not an entity that is a part of the procurement process. If you have done this to me, and you are doing this to me, I am waiting for you to do the same thing to those that won the Lwandjofu and the Makelele fields. Because what is good for the goose has to be also done to the gander. You cannot subject me to this alone and then you allow them to

walk and you say that you're going through a fair process. So I'm looking forward to when you will subject them to the same thing that you subject me to.

Now, the gentleman in front of me and you, I do not blame you for this. You are representing an NGO or NGOs that believe that they have a right to do this. I think that they should have been advised differently, that the process that is ongoing, that they have order -- that their rights is not to go after the people that are applying to try to discredit us, discredit me in the way that they have. They have a right to protest. Everyone has a right to protest. I do not -- I'm not taking that away from anyone. But I am saying clearly that the procurement law does not give them the private right of action for one private entity to enforce the bidding rights of another person. That's what I'm saying. And that is what makes this for me manifestly unfair.

Because what they are saying that I don't have a right, I have the right to apply, just as anyone else has a right to apply, to be a part of a bidding process. And that I have the right to be qualified or the right to be disqualified. When I fail, I take responsibility for my failure. When I succeed, I give God the glory because I work hard for it and I ask for God to help me to succeed. So it is not right for someone to exhaust me in the

process of trying to prove that government has done something wrong. It is not right. It is completely not right. And it does appear that what I feel personally is surprisingly to me supported by law, that no one has a right to inject themselves into this kind of process and become a private arbiter to decide who is fit and who is not fit.

These NGOs, whom I hope to still be friends with tomorrow, I just want to state for the record that they lack the standing for them to do what they are doing here and that they have confused the courts in Texas to allow them to do this. I don't think that the court in Texas was told that the process is ongoing and the court allowed them to subject me to this. I'm saying that they do not have the subject matter jurisdiction for them to do what they are doing. The courts can only hear actual bidders in these kinds of cases. They are not bidding. They have a right to bid. They have a right to be a part of the process. They were invited to be a part of the process. They were invited to state their opinion. They were invited to state their objection. They didn't state it to government. Rather, they would prefer to come after me and exhaust my finances in defending myself in this. I think that is wrong. I think it is unfair.

I have answered your questions as best as I can. I

did not go and start plotting and planning and trying to answer the right way or the wrong way or anything. I don't have a need to do that. Where I'm at fault, I'm at fault. Where I am not, I am not. Where we made mistakes, we made mistakes. But it is very, very clear. I went into this because I had an intention to make sure that a disaster does not happen. And I went in there personally to use my expertise and what I have done over the years to make it so. It has nothing to do with one company or the other. It has to do with expertise and making sure that we deliver on what we're trying to do.

At the end of the day, people will look at it and they'll look at money as -- whether there's money and all that stuff. I can actually live without working another day of my life. I have been lucky enough to train my kids and they listen to me. I don't need to worry about them. So I can just sit at home and do nothing. But I have this experience. Why can't I apply it to DRC? I have applied it so many ways. I cannot go back and tell you all of the ways in which I have applied my experience to help the society where I'm in, in the U.S, here; in Nigeria, in Uganda. I did it over and over. So when I see these things happen, I say there is -- it's a no brainer. I can actually help. And that is why I am here. And that's why I'm answering your questions.

As to the paperwork and all of these things that you have asked of me, I understand that they are important. They are truly important. But I can also tell you that I'm very careless when it comes to these things because my ultimate goal is where I'm going, what I'm trying to achieve. I make mistakes. I will make mistakes. You will find lots of them. Does it take away from my objective? Does it take away from the vision I have for this and what can be done here? It does not. This is an environment where they can barely, barely survive, where there is no water, where there is no electricity, where there is no fertilizer, where there is no nothing. And I'm intending to make sure that I do something there.

I will do it if the government allows me to do it. I will not risk anybody's life because I do not have any intention of getting any benefit out of risking anybody's life. If I go and do that and the EIA comes back for it and they say that this is too dangerous, not to do it. There have been studies that's talked about the volatility of the gas. We have seen all of that. If it comes back and it says that we shouldn't do it, well, that's it, we walk away. But if there's any opportunity, any chance of succeeding and making sure that millions of people do not die in that area, I will do it. Thank you.

MS. BAILEY: Thank you. Can we go off the record

now?

THE GUARDIAN: We can. The time is 4:29 p.m. Oh, hold on. I got to take orders first before we go off the record. Attorney Bailey, would you like the original certified transcript?

MS. BAILEY: Yes, please.

THE GUARDIAN: Okay. The time is 4:29 p.m., and we are off the record.

(The Deposition was concluded)

C E R T I F I C A T E

I, ELLEN M. MUIR, do hereby certify that FRANKLIN IHEKWOABA, the witness whose testimony is hereinbefore set forth, was duly sworn remotely on June 17, 2026.

The oath was administered by ANGIE PARKER, a Notary Public commissioned in the State of Texas.

I further certify that the foregoing transcript is a true and accurate record of the testimony provided, to the best of my knowledge and ability.

I further certify that I am not a relative or employee of any of the parties to this action, nor a relative or employee of counsel for any of the parties, nor am I financially interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of June, 2026.



Ellen M. Muir, CDR
Senior Guardian
AAERT Certified Deposition Reporter

Today's date: June 24, 2026

To: Franklin Ihekwoaba

Copied to: Lindsay Bailey

From: Ellen M. Muir

Taken: June 17, 2026

Action: Congolese Alert for the Environment of Human Rights, et al. v. Winds Exploration and Production, LLC

Enclosed is a copy of your deposition in the above-referenced matter is now complete and ready for your review. Pursuant to the Rules of Civil Procedure, you have thirty days to sign the deposition from today's date.

Please sign the enclosed signature page. If there are any errors, please mark the page, line and error on the enclosed correction sheet. You should not mark the transcript itself. This addendum should be forwarded to all interested parties.

Thank you for your cooperation in this matter.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISIN

Civil Action No. 25-mc-2083

****

ALERTE CONGOLAISE POUR L'ENVIRONNEMENT
ET LES DROITS DE 'HOMME; ACTIONS POUR
LA PROMOTION ET PROTECDTION DES PEUPLES
ET ESPECES MENANCES,

Plaintiffs,

v.

WINDS EXPLORATION AND PRODUCTOIN, LLC;
UNITE OIL AND GAS PRODCUTION, LLC;
FRANKLIN IHEKWOABA,

Defendants.

****

I, FRANKLIN IHEKOWABA, do hereby certify, under the pains and penalties of perjury, that the foregoing testimony is true and accurate, to the best of my knowledge and belief.

WITNESS MY HAND, this ___ day of _____, 2026.

_____
FRANKLIN IHEKWOABA

emm

CORRECTION SHEET

DEPONENT: Franklin Ihekwoaba

CASE: Congolese Alert, et al. v. Winds Production, et al.

DATE TAKEN: 06/17/24

****

Page /Line CHANGE OR CORRECTION AND REASON

****

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____

____/____/_____