

1 else's job.

2 Q. Have you ever contacted CV to check if it
3 was a problem?

4 A. We never had any other problems, so I
5 assumed this was a misrepresentation.

6 Q. Have you seen the phone records relative
7 to those phone calls?

8 MS. GRANGER: Objection. Lacks
9 foundation.

10 THE WITNESS: I haven't seen the
11 phone records.

12 BY MS. BOYD:

13 Q. You haven't seen them?

14 A. No.

15 Q. If I understand you correctly, you are
16 saying you don't believe there was any messages
17 left?

18 A. What I am saying, the first message I got
19 was this one (indicating).

20 Q. I understand. In determining whether or
21 not there was a problem with the message system
22 where someone would leave a message, did you not
23 check to see if this was problem? Did you assume
24 there was no problem left?

25 A. Because my cell phone number is on the

1 notice, and it says contact me directly, then I
2 would assume if there was any real attempt to
3 contact me I am very, very easy to contact, and if
4 there was any attempt to contact me, they would have
5 contacted more than one number. I receive messages
6 regularly.

7 The other part of that, my cell phone
8 number didn't ring or had a message with regard to
9 this property, so there is no indication, no
10 reasonable or logical reason, to believe that my
11 system was not working. Thus, no, I did not check
12 to see if my system was working because all
13 indications were that my communication was solid and
14 working.

15 Q. Well, this number was also listed on your
16 communication in 310 -- this was a good number for
17 you?

18 MS. GRANGER: Objection. Lacks
19 foundation.

20 BY MS. BOYD:

21 Q. We are still talking about the same
22 number?

23 A. It's still a good number.

24 Q. If someone called you at a number that was
25 a good number, and they reached someone there, you

1 find it unreasonable that they wouldn't call another
2 number if it is a nonurgent matter?

3 A. I didn't understand that.

4 Q. If someone reaching -- if you call a
5 number that's a good number -- what's the necessity
6 to call an alternate number if you made contact with
7 that business that you are trying to reach?

8 A. Personally if it was my property or
9 something of that nature, or something important,
10 and I got an answering machine, and I am going to
11 have to guess it was after or before hours because
12 during hours we are manned, that I would call the
13 alternate number. Personally, I would.

14 Q. Have you had anyone tell you that your
15 receptionist didn't deliver a message that they
16 called --

17 A. The history of me having a receptionist?

18 Q. Yes.

19 A. Yes, and they usually call the cell phone
20 because it is always available.

21 Q. But you haven't seen the phone record that
22 showed that --

23 A. You said that already.

24 Q. -- the phone calls that were made to that?
25 Did all of the money, \$3,050, the amount of this