

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

MARINA J. BOYD, )  
 )  
 PLAINTIFF, )  
 )  
 VS. ) No. SC 117126  
 )  
 CITIMORTGAGE, INC., SKYWAY REALTY, )  
 MARK ALSTON, ET AL., )  
 )  
 DEFENDANTS. )  
 \_\_\_\_\_ )

DEPOSITION OF MARK ALSTON  
LOS ANGELES, CALIFORNIA  
FRIDAY, OCTOBER 9, 2015

REPORTED BY:  
MARY JO SAUL

CSR No. 8820, RPR, CLR

1 DEPOSITION of MARK ALSTON, taken on behalf of  
2 the Plaintiff, at 11500 West Olympic Boulevard,  
3 Suite 400, Los Angeles, California, on Friday,  
4 October 9, 2015, at 1:25 p.m., before MARY JO SAUL,  
5 CSR 8820, RPR, CLR, pursuant to Subpoena.

6

7 APPEARANCES:

8

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1 LOS ANGELES, CALIFORNIA; FRIDAY, OCTOBER 9, 2015

2 10:25 P.M.

3

4 MARK ALSTON,

5 having first been duly sworn, was

6 examined and testified as follows:

7

8 EXAMINATION

9

10 BY MS. BOYD:

11 Q. Before we start can you state your name  
12 and spell your name for the record.

13 A. Mark, M-a-r-k; Alston, A-l-s-t-o-n.

14 Q. Have you ever gone by any other names?

15 A. No.

16 Q. Have you ever had your deposition taken  
17 before?

18 A. Yes.

19 Q. How many times?

20 A. I don't know.

21 Q. Is there anything you believe that would  
22 keep you from being able to testify truthfully?

23 A. No.

24 Q. Have you taken any medications or anything  
25 like that that would impede you?

1           A.    No.

2           Q.    I want to try to talk slowly enough and  
3 get through my questions before you answer so that  
4 the court reporter can get everything down, and she  
5 will let us know if there are any names that she  
6 needs us to spell.  As we go through this, if there  
7 is something where I am asking for an estimate for a  
8 question, I will let you know that.  Otherwise, if  
9 there is a question that you don't know the answer,  
10 you can let me know.

11          A.    Yes.

12          Q.    The question regarding the trash-out of  
13 the personal property that was left, was it all your  
14 fault?

15                   MS. GRANGER:  Objection.

16                   THE WITNESS:  I don't understand the  
17 question.

18 BY MS. BOYD:

19          Q.    Do you believe you are responsible for  
20 sending out the notice?

21                   MS. GRANGER:  Objection.

22                   MS. BOYD:  Are you representing the  
23 client?

24                   MS. GRANGER:  I am objecting to the  
25 form of that question.  It is vague, calling for

1 speculation and an expert opinion.

2 MS. BOYD: I was asking him for his  
3 personal opinion.

4 BY MS. BOYD:

5 Q. Do you believe that you should have sent  
6 out a notice, any kind of notice, in the mail or  
7 made a phone call regarding the personal property  
8 before you threw it away?

9 MS. GRANGER: Objection. Lacks  
10 foundation.

11 You can answer the questions even  
12 though I object.

13 THE WITNESS: I don't understand the  
14 question. It is complicated.

15 BY MS. BOYD:

16 Q. Were you instructed to throw the property  
17 away?

18 MS. GRANGER: Objection. Lacks  
19 foundation.

20 THE WITNESS: No, I was not.

21 BY MS. BOYD:

22 Q. You can go ahead and answer.

23 A. The question, again, calls for a  
24 conclusion of what happened to the property. It  
25 didn't just happen that way.

1 BY MS. BOYD:

2 Q. Okay. Do you want to explain to me in  
3 your own words how it happened?

4 MS. GRANGER: What property are you  
5 talking about?

6 BY MS. BOYD:

7 Q. The property being thrown away. We are  
8 still talking about the property being thrown away.  
9 Are you talking about the property being thrown  
10 away? I am giving you the opportunity in your own  
11 words, whether it was your own fault and decision to  
12 throw it away. So I am giving you the opportunity  
13 to explain in your own words how it happened.

14 A. This was a completely different statement  
15 as to what the original question was. You never  
16 asked whether it was the decision to dispose of the  
17 personal property. It was an independent decision  
18 that I made. Now you are characterizing it that  
19 way. This is a different question.

20 Q. I am going to give you an opportunity to  
21 explain to me in your own words, including whether  
22 it was an independent decision, so I am giving you  
23 the opportunity to explain in your own words. I  
24 understand that's a different question. Do you want  
25 to explain how it happened?

1 MS. GRANGER: Objection. It lacks  
2 foundation and calls for a narrative.

3 THE WITNESS: I prefer to refer to  
4 the documentation. There is documentation along  
5 with the order starting with the foreclosure notice,  
6 the lockout.

7 BY MS. BOYD:

8 Q. Sure, there is.

9 THE WITNESS: The notifications that  
10 were posted, the police being called, the break-ins,  
11 the inspections from the people who manage the  
12 agent, who manage the property and so on. All of  
13 that is in the documentation that I presented to you  
14 this morning.

15 BY MS. BOYD:

16 Q. If you can't answer the questions, let me  
17 know. If you don't want to give a narrative, let's  
18 move on.

19 A. It's been five years. I prefer not to  
20 give a narrative and refer to what's in writing.

21 Q. On October 4, 2011, there is an e-mail  
22 here from Ashley Drake that says 18-day notice  
23 expired on 10-1-2011. Have property secured.  
24 Ashley Drake.

25 Do you recall that?



1 A. No. I can refer to it. What year?

2 Q. 2011, October 4.

3 MS. GRANGER: What document are you  
4 referring to?

5 MS. BOYD: I will tell you in a  
6 minute.

7 THE WITNESS: 2011, October 4th?

8 BY MS. BOYD:

9 Q. Yes.

10 I will have you make copies, if that's  
11 okay, of anything I don't have.

12 A. What was your question?

13 Q. Do you recall?

14 MS. GRANGER: Are you referring to  
15 the document that Mr. Alston brought with us today?

16 MS. BOYD: Yes. It's the same  
17 document.

18 THE WITNESS: They are listed by year  
19 and the groups by year. Do you see 2011 at the top  
20 of the year? They run from the beginning of the --  
21 I don't know how they run, but it's toward the rear  
22 portion of that. One is in the copy of the file,  
23 and one is in the copy of the e-mails. This is in  
24 the copy of the e-mails. The first e-mail on the  
25 top of that stack is from Jim. The December 28,

1 2011, two-thirds of the way down at 12:01 p.m.

2 MS. BOYD: I will take a break so I  
3 can make copies of some of the documents.

4 THE WITNESS: I have a question. I  
5 have a funeral to go to at two o'clock, and the  
6 notice said the deposition was on the day of the  
7 document production. And you not having time to go  
8 through them is not my responsibility.

9 MS. BOYD: I wasn't aware of that.

10 THE WITNESS: You called me, and I  
11 told you I would deliver them. There is no notice  
12 to produce at a different date, and I indicated I  
13 would produce them today. What you are reading is a  
14 different document from what I am reading.

15 BY MS. BOYD:

16 Q. I understand that. Do you recall that  
17 e-mail?

18 A. Based on the document I have in front of  
19 me, it's an e-mail that I received.

20 Q. Do you recall if you replied to her or in  
21 any way notified her that this date was different  
22 from the notice that you posted?

23 A. No, I don't recall that.

24 MS. GRANGER: Can I have the question  
25 read back?

1 (The record was read by the reporter  
2 as requested.)

3 BY MS. BOYD:

4 Q. On October 17, 2011, an e-mail from  
5 Christian McCullick approving a trash-out bid of  
6 \$3,050; is that correct?

7 MS. GRANGER: Again, I object that it  
8 lacks foundation.

9 MS. BOYD: I haven't asked a question  
10 yet.

11 MS. GRANGER: Your reference to the  
12 document lacks foundation. That's my objection.

13 MS. BOYD: Okay.

14 MS. GRANGER: What's the date of the  
15 e-mail?

16 MS. BOYD: October 17, 2011.

17 MS. GRANGER: Who did you say it was  
18 from?

19 MS. BOYD: Christian McCullick.

20 MS. GRANGER: I am not finding that  
21 in this stack of documents. Will you please show us  
22 a copy of that?

23 MS. BOYD: I sure will.

24 THE WITNESS: I don't have that as  
25 well.

1 MS. BOYD: It starts at the beginning  
2 of the bottom of the second page. This is in  
3 reverse order.

4 MS. GRANGER: Will you be making  
5 these exhibits?

6 MS. BOYD: I am.

7 MS. GRANGER: Would you like me to  
8 show this to Mr. Alston?

9 MS. BOYD: Yes.

10 BY MS. BOYD:

11 Q. Do you recall that, or do you not recall  
12 that?

13 A. That's not an e-mail that I received.

14 Q. Do you recall getting an approval to  
15 proceed on the trash-out bid for \$3,050 from  
16 Citimortgage?

17 A. Yes.

18 I have a question. She has documents that  
19 I am not privy to. She has Res.Net. There is  
20 internal communications between people at Citi and  
21 people that asked whatever that aren't part of my  
22 e-mails, so I am not supposed to have this sort of  
23 stuff. I am not privy to the documentation that she  
24 is asking questions on.

25 MS. BOYD: I will be making copies of

1 what I have.

2 MS. GRANGER: I am not your lawyer,  
3 but all I can do is tell you what she can ask you  
4 questions on.

5 THE WITNESS: I understand.

6 BY MS. BOYD:

7 Q. Would that be this bid (indicating), and  
8 this is in your documents?

9 A. It appears to be.

10 MR. BALOUGH: Which document did you  
11 just show him, Ms. Boyd?

12 MS. BOYD: (Indicating.)

13 MR. BALOUGH: Are you going to make  
14 that an exhibit?

15 MS. BOYD: I will, and I will give it  
16 to her.

17 BY MS. BOYD:

18 Q. This is the copy of the document?

19 MS. GRANGER: Are you going to  
20 identify this for the record?

21 MS. BOYD: Work proposal from Daniels  
22 A and B Construction.

23 (The document referred to was  
24 marked by the CSR as Exhibit 1  
25 for identification and made a

1 part of this deposition.)

2 BY MS. BOYD:

3 Q. How did you contact this company for the  
4 bid?

5 MS. GRANGER: Objection.

6 BY MS. BOYD:

7 Q. How did you contact them to get a bid?

8 A. By telephone.

9 Q. Do you recall if you contacted Daniels  
10 A and B, 310-216-8752?

11 A. I don't recall.

12 Q. Do you recall where you got the name of  
13 the company to call?

14 A. Yes. I used them before.

15 Q. There was a preexisting business  
16 relationship with this vendor?

17 A. They had been used before.

18 Q. Several times? A couple of times?

19 A. I can't say. This is probably -- let me  
20 retract. Because this was in 2010 and '11, they may  
21 or may not have been used before. I have used them  
22 then or one other time, but this was early in using  
23 them, so I don't know.

24 Q. It may be fair to say you have used them  
25 since?

1 A. They have been used afterwards, yes.

2 Q. Were there any requirements fee used in  
3 developers, or were you able to select for bids  
4 whomever you chose?

5 MS. GRANGER: Objection. It's vague  
6 and ambiguous. Instructions from whom?

7 BY MS. BOYD:

8 Q. From anyone. From CitiMortgage from a  
9 broker association? From a real estate standard?  
10 Has there been any instruction or standard given to  
11 you in terms of a requirement? Do they have to have  
12 a particular type of license? Do they have to have  
13 any particular type of registration? Do you have to  
14 pick up someone who is waiting at the corner of Home  
15 Depot to work? Are you free to pick up whoever you  
16 want for work?

17 MS. GRANGER: Objection. Compound.

18 BY MS. BOYD:

19 Q. Are you able to pick up whoever you want,  
20 or is there a standard?

21 MS. GRANGER: Objection. Vague.

22 THE WITNESS: They have to be a  
23 contractor.

24 BY MS. BOYD:

25 Q. They have to be a contractor.

1                   Have you had any communication with anyone  
2 at Kevin Dupree, a General Contracting Company?

3           A.    I don't recall.

4           Q.    You don't recall ever having any contact  
5 with them?

6           A.    I don't recall.

7           Q.    Would it surprise you to know that Daniels  
8 A and B Construction Development has never been a  
9 division of Kevin Dupree or any license number?

10          A.    I am not familiar with who you are talking  
11 about.

12                               MS. GRANGER:  Objection.  Lacks  
13 foundation, vague and ambiguous.

14 BY MS. BOYD:

15          Q.    The question was would you be surprised at  
16 that information?

17          A.    Yes.

18          Q.    I wanted to makes sure I point out that it  
19 says that Daniels A and B Construction and  
20 Development, LLC is a division of Kevin Dupree,  
21 license No. 799861.

22                               You also received a bid from Wright  
23 Cleaning Services?

24          A.    This has been five years ago.  I need to  
25 see what you are talking about.  I don't recall.



1 Q. I am referring to the documents that you  
2 produced, which is a fax from Wright Cleaning  
3 Services.

4 A. Okay.

5 Q. Would it be proper or improper for,  
6 assuming that Wright Cleaning Services was a  
7 contractor?

8 MS. GRANGER: Object to the form of  
9 the question. Calls for speculation. Lacks  
10 foundation.

11 THE WITNESS: I don't know that the  
12 same standard -- there was some work that required a  
13 contractor license for and some work that I don't  
14 think that licensing is necessary, but I don't  
15 recall.

16 BY MS. BOYD:

17 Q. Do you know how you contacted Wright  
18 Cleaning Services?

19 A. The e-mail says that I met them the day  
20 before they sent me that, so it was probably by an  
21 advertisement offer, a solicitation.

22 Q. You didn't have -- let me rephrase that.  
23 Do you remember how you found out about  
24 their offering services for cleaning?

25 A. Again -- can I see that again?

1 Q. Sure.

2 A. It was probably through a solicitation.

3 MS. BOYD: This is the second  
4 exhibit, bid from Wright Cleaning Services.

5 (The document referred to was  
6 marked by the CSR as Exhibit 2  
7 for identification and made a  
8 part of this deposition.)

9 BY MS. BOYD:

10 Q. Would it surprise you to know 520 North La  
11 Brea Avenue, Suite 109, in Inglewood, is where this  
12 is listed?

13 MS. GRANGER: Objection. Calls for  
14 speculation.

15 BY MS. BOYD:

16 Q. I am asking you, would it surprise you to  
17 know that?

18 A. Yes.

19 Q. You have chosen not to defend yourself in  
20 this lawsuit; is that correct?

21 MS. GRANGER: Objection. Lacks  
22 foundation.

23 THE WITNESS: No, that's not correct.

24 BY MS. BOYD:

25 Q. You have defended yourself in this lawsuit

1 against this lawsuit?

2 MS. GRANGER: Same objection.

3 THE WITNESS: Again, that's not  
4 correct.

5 BY MS. BOYD:

6 Q. Did you ever respond to the lawsuit in any  
7 way? Did you answer the complaint?

8 A. I don't recall.

9 Q. You don't recall whether you answered the  
10 complaint or not?

11 A. No.

12 Q. No, you don't recall?

13 A. No, I don't recall.

14 Q. You don't recall whether you answered the  
15 complaint?

16 Do you know "this complaint," what I'm  
17 referring to in this case?

18 A. I'm confused. You said this deposition  
19 was about the disposition of the personal property  
20 inside the property, so I have to assume -- it  
21 seemed like the lawsuit was more inclusive than  
22 that, that you served, but this deposition you set  
23 the parameters as to the deposition of the personal  
24 property, so I'm a bit confused as to what you are  
25 referring to. Are you referring to the extent of

1 the entire lawsuit, or are you referring to the  
2 parameters of the deposition?

3 Q. I am referring to the lawsuit, any aspect  
4 of it. Have you filed anything in response to the  
5 complaint?

6 A. I thought the lawsuit was frivolous, and  
7 it is.

8 To my understanding, I am no longer a part  
9 of the lawsuit.

10 MS. GRANGER: You can use this  
11 deposition however you want. You know this is  
12 limited, and Mr. Alston is dismissed as a defendant  
13 in this lawsuit, but it is your privilege.

14 MS. BOYD: I am asking him -- I  
15 wouldn't want to confirm he has never filed  
16 responses to his answer to the complaint at all,  
17 frivolous or otherwise.

18 THE WITNESS: I don't recall spending  
19 any money to defend myself for this lawsuit.

20 BY MS. BOYD:

21 Q. Do you recall responding to it at all  
22 without spending any money?

23 A. I have responded to inquiries from you. I  
24 have responded to inquiries from Citi's lawyers as  
25 well.

1 Q. But you have not filed anything to the  
2 court in response?

3 A. You are asking the same question over and  
4 over.

5 Q. Before the Ocean Park property have you  
6 ever handled a REO foreclosure eviction?

7 A. Yes.

8 Q. You had. A few times?

9 A. Yes.

10 Q. Many times?

11 A. A few.

12 Q. A few?

13 A. From the -- a few.

14 Q. With an institutional client or owner of  
15 the property?

16 A. A few.

17 Q. Okay. Have you ever dealt with an  
18 eviction or foreclosure and eviction where there was  
19 personal property left behind?

20 A. Yes.

21 Q. Was this property disposed of retrieved?  
22 Stored? Do you have any recollection, I guess, as  
23 to whether or not you ever handled it any different  
24 way than you handled it in this case?

25 MS. GRANGER: Before this?

1 THE WITNESS: That was going to be my  
2 question. Each scenario, situation, the way we  
3 handled it was the same. The response was  
4 different.

5 BY MS. BOYD:

6 Q. Do you know how you were selected to  
7 handle the property?

8 MS. GRANGER: Objection.  
9 Speculation. Lacks foundation.

10 MS. BOYD: I asked if he knows.

11 MS. GRANGER: Still lacks foundation.

12 MS. BOYD: If he knows?

13 BY MS. BOYD:

14 Q. Do you have a relationship with Brenda  
15 Jenkins before working with her at Citi?

16 MS. GRANGER: Lacks foundation.

17 THE WITNESS: I don't even know who  
18 that is.

19 BY MS. BOYD:

20 Q. I assume the answer is no?

21 A. Again, I don't know Brenda Jenkins, so the  
22 answer would be no.

23 Q. Was this your first listing with  
24 Citimortgage?

25 A. I don't think so, but I'm not sure. I

1 don't think so.

2 Q. Was this your last listing with  
3 Citimortgage?

4 A. No.

5 Q. How many listings have you had with  
6 Citimortgage since this one?

7 A. I don't know.

8 Q. A few?

9 A. Yes.

10 Q. Are the listing agreements included in the  
11 documents that were produced?

12 A. We don't get these type of listing  
13 agreements. It's done online. You should have it  
14 if you have Res.Net.

15 Q. I don't have Res.Net. Are you registered  
16 as a broker through Res.Net? Is that something that  
17 you had to go through with them?

18 A. I don't understand that question.

19 Q. Have you ever registered with Res.Net?  
20 Did you have to go through the application process  
21 to become a Res.Net broker?

22 A. You have to join Res.Net.

23 Q. So you did fill out an application or some  
24 type of request to join Res.Net?

25 A. I don't recall what it was. It's online.

1 I don't know what the correct term for it is.

2 Q. I don't know what the correct term is,  
3 either. You did fill out something so you could use  
4 them, in their system as a broker in their system?

5 A. I don't recall what was in the form, but  
6 it is online. It is an application I suspect for  
7 Res.Net, and I don't recall what's on the form at  
8 all.

9 Q. Okay, but I would presume that you had to  
10 at least give them your name, your broker number,  
11 and your contact information?

12 MS. GRANGER: I object to the form of  
13 the question. What you presume is not a question.

14 MS. BOYD: I asked the question.

15 BY MS. BOYD:

16 Q. Is that correct to presume?

17 A. I don't recall what was on the form.

18 Q. How were you first contacted about the  
19 listing for Ocean Park?

20 A. By e-mail.

21 Q. From Res.Net or by the Citi?

22 A. You get both. No, now you get both an  
23 e-mail and a notification from Res.Net.

24 Q. Are you registered with other third-party  
25 asset managers or companies like Res.Net where you



1 have at least provided them your name, contact  
2 information and broker number so that you may be  
3 searched by people using the system?

4 A. What are you asking me? Because Res.Net  
5 is a platform, not a company.

6 Q. I understand.

7 A. Then I need you to ask me a question where  
8 I can answer it.

9 Q. You can be a user of a system where you  
10 just go in, and you use the system for whatever your  
11 personal purposes are, or you can be a user of a  
12 system where the system is using you, and you are  
13 there as an advertising, or you are there to get  
14 business. It is not there where you are using it as  
15 a bank account online.

16 A. What's your question?

17 Q. The question is, did you ever make any  
18 application to Res.Net or any other asset manager or  
19 company of that type where other companies can come  
20 and search you out based on you being a member or  
21 having been registered with this system to operate  
22 that business?

23 MS. GRANGER: Objection. Vague.

24 THE WITNESS: That's really vague.

25 Citimortgage is not the only company that uses

1 Res.Net, but I never need the Res.Net to get  
2 business. All the business I got was directly from  
3 the institution to use Res.Net.

4 BY MS. BOYD:

5 Q. That was my question.

6 A. You never asked that.

7 Q. Are there other companies where you have  
8 that same type of relationship that you have with  
9 Res.Net where the company may be using, for example,  
10 Keystone or REO Network and other companies that  
11 know about you based on your being a part or in that  
12 system?

13 MS. GRANGER: Objection.

14 BY MS. BOYD:

15 Q. Any company, not just Citimortgage?

16 MS. GRANGER: Vague.

17 THE WITNESS: I have no idea what  
18 other companies know.

19 BY MS. BOYD:

20 Q. I am not asking what they know. I'm  
21 asking have you ever given information to other  
22 companies in the same way you have given it to  
23 Res.Net?

24 A. I'm an approved broker for a lot of  
25 companies.

1 Q. Okay. Has anyone ever offered you  
2 anything in exchange for being uncooperative in  
3 these proceedings?

4 MS. GRANGER: You.

5 BY MS. BOYD:

6 Q. What were you offered?

7 A. I don't know, but you called me, and you  
8 said that you realized that it wasn't my fault.  
9 That somebody else told you to do it, and would I  
10 agree to testify for you.

11 Q. That's the way you remember it?

12 A. Yes.

13 Q. But you don't remember any other things  
14 that happened in this case?

15 A. I remember that.

16 Q. Were you instructed to do it?

17 MS. GRANGER: Objection.

18 THE WITNESS: I don't know what your  
19 question is.

20 BY MS. BOYD:

21 Q. Do you remember testifying in bankruptcy  
22 court in July 2013 when you were seeking to reopen  
23 your bankruptcy case?

24 A. I don't know what your question is.

25 Q. Do you remember testifying in bankruptcy

1 court in July 2013 in an effort to reopen your  
2 bankruptcy case?

3 A. Yes.

4 MS. GRANGER: Objection. Lacks  
5 foundation.

6 BY MS. BOYD:

7 Q. Do you recall testifying at that hearing  
8 that Citimortgage told you to dispose of the  
9 personal property that was left behind?

10 A. Absolutely. I do not remember that.

11 Q. Okay. Do you believe that you did not  
12 testify to that?

13 A. I don't remember.

14 Q. So you don't recall one way or the other?

15 A. No.

16 Q. If you had testified to this you believe  
17 that it would be a lie?

18 A. I object to the whole form of this  
19 question.

20 Q. Are you refusing to answer it?

21 A. I don't know what you are asking.

22 Q. If you had testified in bankruptcy court  
23 Citimortgage instructing you to dispose of the  
24 personal property that was left behind, would that  
25 be a lie, or would that be the truth?

1           A.    If I testified in court I would be telling  
2 the truth, whatever I said.

3           Q.    Okay.  Were you ever informed by either  
4 your staff or through your answering service machine  
5 at the number 310665 number that I called on October  
6 12 asking to retrieve my personal belongings?

7                   MS. GRANGER:  Objection.  Vague and  
8 ambiguous.  Lacks foundation.

9                   THE WITNESS:  Of what year?

10 BY MS. BOYD:

11           Q.    Of 2011?

12                   MS. GRANGER:  Can you read that back?

13                   (Whereupon, the question was read back by  
14 the reporter as requested.)

15                   MS. GRANGER:  Same objections.

16                   THE WITNESS:  Can you restate your  
17 question, please.

18 BY MS. BOYD:

19           Q.    Do you ever recall being informed, either  
20 by receiving a message on your answering service or  
21 by someone on your staff that I called on October 12  
22 asking to retrieve my personal property?

23           A.    The first time I heard anything from you  
24 was on October 28.

25 BY MS. BOYD:

1 Q. So that's no, you did not receive a  
2 message about that?

3 A. On October 12?

4 Q. Right.

5 A. No.

6 Q. Or any time before the property was  
7 disposed of?

8 A. No.

9 Q. So you never received any voice mail  
10 message before October 28 asking, from me or anyone  
11 else, asking to retrieve the personal property that  
12 was left at Ocean Park?

13 A. I just answered that question. The first  
14 time I heard from you was October 28 through this  
15 note that was left on my rear door on my office.

16 Q. Do you know if there was a problem on the  
17 answering service?

18 A. I don't know.

19 Q. I should read the whole number into the  
20 record. I guess I will. 310-665-8694 is the number  
21 that we are talking about right now.

22 A. The question was?

23 Q. Did you ever check to see if there was a  
24 problem, or were you aware of any problems with that  
25 message system when someone left a message where you

1 did not receive those messages?

2 A. The way the company is set up and was set  
3 up at that time is we have a live person from nine  
4 o'clock in the morning to six o'clock in the evening  
5 taking phone calls. Also, and the answering machine  
6 service would have been just for late night or half  
7 hour calls. Also, on any notice that I give I also  
8 give my cell phone number.

9 So the answer to your question is I never  
10 got a notice from or message from my receptionist.  
11 They usually check the messages the next morning. I  
12 never got a message from my receptionist, and I  
13 never got a cell phone or cell message or text.

14 Q. On October 28 when you did learn, or at  
15 least I told you that I had called, did you check to  
16 see if there was a problem with your answering  
17 service or your machine at that number?

18 MS. GRANGER: Objection. Lacks  
19 foundation.

20 THE WITNESS: I didn't understand  
21 that, and I told you. When?

22 BY MS. BOYD:

23 Q. If someone says I have been calling and  
24 leaving messages?

25 A. I am talking specifically, what did you

1 mean when I told you, then or now?

2 Q. On October 28 when I informed you that I  
3 had been calling and leaving messages at the  
4 aforementioned number, did you check to see if there  
5 was a problem with this message system or not?

6 MS. GRANGER: Lacks foundation.

7 THE WITNESS: Actually, I did not  
8 speak to you on October 28th.

9 BY MS. BOYD:

10 Q. Did you on October 31 when I spoke to you  
11 on October 31st?

12 A. To answer your first question, on October  
13 the 28th I came to work, we come in the rear, and  
14 there was the notice stuck in the back door, and  
15 when I opened it up, it says you have been trying to  
16 reach me, which I would have assumed you tried to  
17 call me direct. It also says that messages were  
18 left on the office phone. There were no messages,  
19 and it says there was multiple left on my property  
20 door in my Culver City office. I don't have a  
21 Culver City office.

22 Q. Did you ever have a Culver City office?

23 A. I did have a Culver City office at one  
24 time but not at this time.

25 Q. So the answer is no, you did not check to



1 see if the message machine was working?

2 A. Yes, my receptionist. I did ask my  
3 receptionist. I don't recall, but I would have.  
4 Again, this was the first notice that I received.

5 Q. But you didn't contact the vendor or --  
6 tell me about the system. This is a system that you  
7 own the hardware and the telephone where calls are  
8 read?

9 MS. GRANGER: You are talking about  
10 now or then?

11 BY MS. BOYD:

12 Q. Then.

13 THE WITNESS: The phone service  
14 provider.

15 BY MS. BOYD:

16 Q. Do you lease it?

17 A. I think it is in the system.

18 Q. Is there a phone or software server that  
19 was picked up when someone calls?

20 A. Absolutely.

21 Q. If someone left a message was that left on  
22 the software server somewhere?

23 A. I think my provider was CV, but I don't do  
24 the phones. I don't know how they pick up messages.  
25 I never have. My receptionist does. It is someone

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

1 money, go to Daniels A and B Construction?

2 MS. GRANGER: Objection. Lacks  
3 foundation.

4 THE WITNESS: I don't know what you  
5 mean.

6 BY MS. BOYD:

7 Q. You wrote this check to Daniels A and B  
8 Construction. There is nothing directly to Al  
9 Daniels?

10 MS. GRANGER: Objection. Lacks  
11 foundation.

12 THE WITNESS: I wrote that check  
13 right there.

14 BY MS. BOYD:

15 Q. Okay. Did you go through any of the  
16 property that was left behind before you had it  
17 disposed of?

18 A. No.

19 Q. You didn't go through any boxes?

20 A. No.

21 Q. Based on just your personal perception or  
22 personal opinion, was that a lot of junk relative to  
23 what you would expect to be at a property that size?

24 MS. GRANGER: Objection. Vague.  
25 Lacks foundation.

1 THE WITNESS: What do you mean?

2 BY MS. BOYD:

3 Q. I am asking for your general perception.  
4 Did you go through and say, I have never seen this  
5 much junk in this small of a space, or did you know  
6 it was a normal amount of property left behind or to  
7 be in there?

8 A. It wasn't typical.

9 Q. Was it more than typical?

10 A. Yes.

11 Q. A lot more than typical?

12 A. Referring to the pictures to help with my  
13 answer, I couldn't tell what was what because there  
14 was old food and stuff. I have no idea what all of  
15 this was. I had no idea. Yes, it was more than  
16 typical.

17 Q. How did you come up with a value of \$250?

18 MS. GRANGER: Objection. Lacks  
19 foundation.

20 BY MS. BOYD:

21 Q. Did you come up with a value that you  
22 assessed a value to be about \$250? Do you recall  
23 that?

24 A. Yes.

25 Q. The way you come up with a value in this

1 type of proceeding is how much would you get in a  
2 yard sale?

3 A. Yes.

4 Q. With that much trash in personal items?

5 MS. GRANGER: Objection. Lacks  
6 foundation.

7 THE WITNESS: I don't understand what  
8 you mean. Do you value the trash? You said with  
9 that much trash and personal items?

10 BY MS. BOYD:

11 Q. That's a lot of stuff.

12 A. What part is trash and what part is  
13 personal?

14 Q. Do you know the answer to that question?

15 A. That's why I am asking you. I didn't make  
16 the definition.

17 Q. I think you did. Maybe you didn't. Let  
18 me go back to that document.

19 A. You haven't referred to a document.

20 Q. The Res.Net REO tracking, but I will make  
21 the entire 223 pages an exhibit once I am done  
22 referring to it. These are her words. Per agent,  
23 the lockout was completed on this property. The  
24 unit is full of trash, personals and trash, and it  
25 says per agent.

1           I will let you take a look at that. It is  
2 right beneath the circled portion.

3           A. Okay. Per agent. Secure access to  
4 building. Exterior in good condition.

5           Where are we talking about?

6           Q. Do you see the part of the form that's  
7 circled? Underneath that.

8           A. I see that. Per agent.

9           Q. So you identified it, or did you not  
10 identify it as being trash or personals?

11          A. It sounds like an accurate description. I  
12 cannot tell you these are the words that I used. Is  
13 there an e-mail from me in there?

14          Q. I don't know. Did you send her an e-mail?

15          A. I don't recall. It says per agent.

16                   MS. GRANGER: Who are you talking  
17 about, sending who an e-mail?

18                   MS. BOYD: Ashley Drake. That was  
19 her comment, per agent. The unit is full of  
20 personals and trash, and I was asking him whether or  
21 not he told her that because there is no e-mail here  
22 telling her that that's her relating that  
23 information to another person, who I am not sure she  
24 is relating it to. Entering it into the system.

25                   THE WITNESS: If I were going to make



1 this assessment today, I would make that same  
2 assessment. It was full of personals and trash.

3 BY MS. BOYD:

4 Q. Did you prepare this list?

5 MS. GRANGER: Can you identify for  
6 the record what list you are talking about?

7 THE WITNESS: Yes.

8 MS. BOYD: This is the list of  
9 personal property that includes miscellaneous boxes,  
10 microwave, kitchen pots and pans, used clothes,  
11 miscellaneous used furniture, used electric portable  
12 fans. It says estimated value, \$250. I will mark  
13 this as an exhibit, but I have a few questions.

14 BY MS. BOYD:

15 Q. You didn't look at any of the boxes?

16 A. No.

17 Q. So you don't know what is in them?

18 A. No.

19 Q. Did you go through the clothes?

20 A. No.

21 Q. So you don't know if any of them were new  
22 with tags or not?

23 A. All I know, it was on the floor from the  
24 picture in the hallway. All I know is what I know  
25 from this picture in the hallway.

1 Q. But there was a lot of miscellaneous  
2 boxes, used clothes, personal pictures?

3 A. May I see this again?

4 Q. I think we established more than would be  
5 typical.

6 A. More than what would be typical what?

7 Q. Junk and personal and trash.

8 A. Stuff, and it says miscellaneous boxes.  
9 It didn't say a lot of boxes.

10 Q. Well, we have pictures that shows the  
11 boxes, so I am comfortable with that. So you didn't  
12 go in them. So you don't know if there is anything  
13 of value in the boxes?

14 A. No.

15 Q. Okay.

16 That's 3.

17 (The document referred to was  
18 marked by the CSR as Exhibit 3  
19 for identification and made a  
20 part of this deposition.)

21 BY MS. BOYD:

22 Q. According to the record, I have the trash  
23 is valued at \$250. You could have called me to get  
24 the stuff. Why not call and check and see if I  
25 wanted it if you hadn't heard from me?

1 MS. GRANGER: Objection. Calls for  
2 speculation.

3 BY MS. BOYD:

4 Q. Why didn't you call the presumed owner of  
5 the property and ask if you wanted the personals and  
6 trash that was left behind here?

7 A. Well, the answer is, that on the day of  
8 the lockout I got a call back that night from Mark  
9 as well as the tenants saying that you had reentered  
10 the property. Also, the notice that I posted had  
11 been taken down. The top lock was not locked. And  
12 there were things missing from the pictures, from  
13 what I had taken pictures of earlier that day. And  
14 that actually happened two or three times where the  
15 property was reentered, and the tenant said that  
16 they saw you go back in and so -- and my notices  
17 were taken down each time, and one time glue was put  
18 in the lock so we couldn't get back in, so I assume  
19 you were getting what you wanted.

20 Q. So you assumed I was going in and out on  
21 multiple occasions getting more property that was  
22 left behind?

23 A. Well the TV was gone the first time. The  
24 other owners are the ones who called and said they  
25 saw you going in or out, and I guess you had a red

1 car, and that your red car was there, and they would  
2 call. They called me several times to come back to  
3 that property, and the pictures from after the first  
4 day, the pictures in here are pictures I had in my  
5 e-mail, are the very first day on the lockout. The  
6 pictures in Res.Net will show there is some lesser  
7 stuff, and prior to the trash-out, and it was after  
8 the calls say that you had reentered.

9 Q. You didn't assume it was stolen. You  
10 assumed it was me coming in and out and taking  
11 things that were left behind?

12 A. It wasn't assumed. It was what was  
13 reported to me by the other owners in your building  
14 as well as the property management.

15 Q. Right. I understand. Because you believe  
16 that report you don't feel the need to make a police  
17 report?

18 A. I did call the police.

19 Q. Did you make a report that things had been  
20 stolen?

21 A. No, I didn't. I had no idea other than  
22 that TV was missing. I had no idea that the stuff  
23 was missing, so, no.

24 Q. I read in the paperwork you called the  
25 police because you thought that I was in the unit,

1 but subsequent to this, did you ever call them  
2 again?

3 A. That was the last time that I recall.

4 Q. Was there more than once?

5 A. Once what?

6 Q. That you called the police?

7 A. No.

8 Q. You only called once, and it was because  
9 you thought someone was in the unit?

10 MS. GRANGER: You thought she was in  
11 the unit?

12 THE WITNESS: I called because I  
13 thought someone was in this unit because someone  
14 went back to the front door after you went out the  
15 back window.

16 BY MS. BOYD:

17 Q. You had a report from people in the  
18 building that I was coming in and out?

19 A. This was prior to that.

20 Q. This was prior to that?

21 A. Prior to that. The very day I did the  
22 lockout I got this report later that day.

23 Q. How long after the lockout did you call  
24 the police; did you remember?

25 A. No. These were different days.

1 Q. I understand that.

2 A. No, I don't.

3 Q. When you called the police, was that after  
4 the last time you noticed property missing or  
5 before?

6 A. I don't understand exactly what your  
7 question is.

8 Q. When you called the police because you  
9 thought someone was in the unit, was this before the  
10 report of someone coming in and out and taking  
11 things, and you noticed things missing, or was it  
12 after?

13 A. After.

14 Q. It was after. It says on 9-30, 2011 you  
15 called the police?

16 MS. GRANGER: Objection. Lacks  
17 foundation.

18 MS. BOYD: I will show you the  
19 document. This is from the documents that I will  
20 make the entire 2 pages an exhibit.

21 It's right there (indicating).

22 A. Yes.

23 BY MS. BOYD:

24 Q. You never noticed anything missing after  
25 that, if I understood correctly, when you called the

1 police you heard any more reports from anyone coming  
2 or going or anything missing?

3 A. I don't think that's what I said.

4 Q. Maybe I misunderstood. Did you have  
5 reports of someone coming and going and noticed or  
6 hearing information, anything being taken or missing  
7 after 9-30?

8 A. That's a convoluted question. I need you  
9 to ask me one thing at a time. I can answer better  
10 if you ask me one thing at a time.

11 Q. Did you notice things missing on more than  
12 one occasion after 9-30?

13 MS. GRANGER: Objection. Lacks  
14 foundation.

15 THE WITNESS: I only noticed things  
16 missing specifically one time.

17 BY MS. BOYD:

18 Q. Was that before or after 9-30?

19 A. Before.

20 Q. Before 9-30.

21 Was it your belief that there had been, if  
22 I understand correctly, multiple entries during the  
23 period of time, not just once?

24 A. Yes.

25 Q. Is it possible that you are unclear on the

1 date?

2 MS. GRANGER: Objection. Calls for  
3 speculation.

4 THE WITNESS: There was an entry  
5 after that.

6 BY MS. BOYD:

7 Q. After 9-30?

8 A. Yes.

9 Q. That was my question.

10 A. The question said entry after 9-30 taking  
11 things.

12 Q. So you believe you noticed nothing taken?

13 A. There was nothing taken that last entry.  
14 The window was broken. The bedroom window was  
15 broken, and somebody entered from that bedroom  
16 window. You can find when the bedroom window stuff  
17 was from the documents here. We had to have the  
18 window replaced. That was after 9-30. That was  
19 after the rehab and repaint and recarpet and all of  
20 that.

21 Q. Now, I'm the one that is confused. There  
22 was an entry made after 9-30 but nothing was taken?

23 A. Yeah, that's what I said.

24 Q. Okay.

25 A. But the reason nothing was taken is



1 because this was well down the road, and it was  
2 after the property had been retrashed out,  
3 repainted, rehabbed and recarpeted. The window was  
4 broken, and someone went in, and the homeowner's  
5 association complained, and we had replaced the  
6 window and secured the building to try to keep  
7 people out.

8 Q. I realized you were talking about after  
9 the property was thrown away. How many times did  
10 you take pictures? How many separate times did you  
11 take pictures?

12 A. I have no idea.

13 Q. More than two?

14 A. Yes.

15 Q. In 2011, February, you filed for  
16 bankruptcy?

17 A. I don't know what the date was, but that's  
18 possible.

19 Q. That was dismissed?

20 A. I don't know.

21 Q. You don't know if it was dismissed?

22 A. No, I don't.

23 Q. In September of 2012, you filed for  
24 bankruptcy?

25 A. Okay.

1 Q. Do you recall that?

2 A. Datewise, no, but did I file for  
3 bankruptcy? Yes.

4 Q. A little over \$500 worth of personal  
5 belongings. Do you recall?

6 A. No. I need to review the documents.

7 Q. Who was the receptionist at the time that  
8 was working for you in October of 2011?

9 A. I believe it was Jogie Johnson.

10 Q. Was she also the person that was  
11 responsible for handling any issues with Cbeyond?

12 A. No. What do you mean by certain issues?

13 Q. Anything. If somebody wasn't working?

14 A. No. That would be asking generally.

15 Q. There was no one else that would handle  
16 that. Were you at all required to use approved  
17 vendors?

18 MS. GRANGER: Objection.

19 BY MS. BOYD:

20 Q. Were there any purchases that were  
21 required to new vendors that had --

22 MS. GRANGER: Objection. Calls for  
23 speculation. Lacks foundation.

24 THE WITNESS: My recollection, we  
25 just went to bid over the asset manger, who then had

1 them approved where they ever got them approved at.

2 They approved the people. We just got the bids.

3 BY MS. BOYD:

4 Q. Have you ever received a broker evaluation  
5 from Citimortgage?

6 A. Every month or every quarter or whatever  
7 it was.

8 Q. I want to go back to the incident with  
9 calling the police, because it looks like from your  
10 e-mail that occurred September 23rd. I want to  
11 clarify because I know you were not sure about the  
12 date. If September 23 was the day that you called  
13 the police would that have been before you noticed  
14 anything missing from the unit?

15 A. No.

16 Q. It would not have been before?

17 A. No, I don't think so.

18 Q. I had some pictures that were date-stamped  
19 at a later date. I will do it on follow-up. Who is  
20 Jennifer Lorant?

21 A. I do not know.

22 Q. You don't know?

23 A. Jennifer Lorant?

24 Q. Yes.

25 A. She may have been someone who worked in my

1 office.

2 Q. When you may have been --

3 A. Because I think I had an employee for a  
4 short period of time.

5 Q. Do you know what her role was?

6 A. I don't recall. She was an assistant in  
7 the office, but I don't think she ever worked where  
8 my office is now. I think she only worked on  
9 Larson. She didn't make the transition to  
10 Centinela. I think she was only there for two or  
11 three weeks.

12 Q. Did you ever receive contacts from anyone  
13 at Citimortgage advising you needed to save your  
14 correspondence related to this case and save all  
15 your files?

16 A. No.

17 Q. You never received any information from  
18 any employee telling you that you needed to preserve  
19 documents or hold or save them related to this  
20 matter?

21 A. No.

22 Q. Did you ever receive anything from anyone  
23 saying that they had been instructed to save it?

24 A. No.

25 Q. If you had received that you would have

1 done so, I assume or no?

2 A. I'm not sure. What do you mean? Is that  
3 a question?

4 Q. Yes. If you had received a notification  
5 to save all of your e-mails and records related to  
6 this case from Citimortgage, you would have done so?

7 A. Actually, I didn't need instructions from  
8 Citimortgage related to this case.

9 Q. So you didn't save anything?

10 A. Yes.

11 Q. So outgoing e-mails or incoming e-mails,  
12 you saved correspondence?

13 A. I save information.

14 Q. Would you release e-mails from Yahoo?

15 A. No.

16 Q. Why not?

17 A. I don't see why I would.

18 Q. I thought it would help with the  
19 recollection of some of those things that you don't  
20 remember. Did you have any other telephone number  
21 besides the telephone number we discussed earlier  
22 and the cell phone number during October of 2011?

23 A. I have a hunt system on my phone. The  
24 cell number is forever. It starts with 665-8685  
25 maybe through 94, maybe. I'm not sure exactly what

1 all the numbers are. If you dial 94 it goes over  
2 into something else.

3 Q. I understand. Would Jan Oak have been the  
4 person responsible for checking messages on your  
5 landline?

6 A. Yes.

7 Q. She would have been. Do you have contact  
8 information for her?

9 A. No.

10 Q. You do not. Does she still work for you?

11 A. No.

12 Q. When you learned that there was a car --  
13 when did you first learn that there was a car that  
14 belonged to this unit?

15 A. I have to look. What year is it?

16 Q. I see -- the first conversation I see is  
17 in 2012.

18 A. Tell me when you see the first  
19 conversation.

20 Q. September of 2012.

21 A. It is probably -- it may be that August 3  
22 e-mail. I don't know, but it may be that August 3  
23 e-mail. I don't recall when I found out.

24 Q. Was it a good deal later than, for  
25 example, it was after the lawsuit was filed?

1           A.    I don't think so, but I don't know.  I  
2  have no -- it's been five years.  My connection with  
3  chronology with regard to the time of events has to  
4  be refreshed.

5           Q.    You sent out a notice that someone could  
6  pick up the car.  Because I recall a man calling me  
7  about a car that it was available for pickup.

8                       MS. GRANGER:  Is that a question?

9                       MS. BOYD:  Information preceding the  
10 question.

11 BY MS. BOYD:

12           Q.    Did you send out a notice to anyone  
13 regarding the storage of the car?

14           A.    What do you mean?

15           Q.    What did you send out regarding the notice  
16 of the car?

17           A.    What do you mean?

18           Q.    Anyone at all.  Did you check to see who  
19 the owner was?  Did you send a notice to the  
20 registered owner?

21           A.    Actually, I think there was a series of  
22 notices regarding the car and the legal department.  
23 Actually, and I would have to refresh myself with --  
24 as a matter of fact, there was an e-mail on July 23,  
25 2012 where it says the account is in REO legal.

1 They have requested for us to have the borrower's  
2 vehicle removed due to HOA complaints. Please  
3 review bids to have removed.

4 I followed instructions from the legal  
5 department, and I really don't -- attached from the  
6 broker. The homeowner's association complained  
7 about the car.

8 Q. You didn't know about it before that,  
9 though?

10 A. I don't recall.

11 Q. You were removed from this listing before  
12 the property was sold?

13 A. Yes.

14 Q. Do you know why?

15 A. Because -- because of the lawsuit.

16 Q. Is there a statutory requirement that  
17 doesn't allow you to sell the property with the  
18 pending litigation, or was this a judgment call?

19 MS. GRANGER: Objection. Lacks  
20 foundation. Calls for an expert conclusion.

21 THE WITNESS: I don't know.

22 BY MS. BOYD:

23 Q. If you don't know, that's the answer I'm  
24 looking for. How did you learn that you had been  
25 removed from the listing?



1           A.    The asset manager told me.

2           Q.    That was the first you heard of it that  
3 you recall?

4           A.    I don't recall that there was any other  
5 conversation.  I may have heard of it from the agent  
6 who got the deal.  I don't recall.

7           Q.    Did you communicate with your contact  
8 people at Citimortgage primarily through e-mail?  
9 Let me rephrase.  Did you do it primarily through  
10 e-mail or through the Res.Net system?

11          A.    Both.  Your question, again, is ambiguous  
12 because you said your contact people at  
13 Citimortgage.

14          Q.    Ashley Drake?

15          A.    I guess so.

16          Q.    Did she work with Citi?

17          A.    I don't recall, though, but some  
18 communication -- most communication was through the  
19 Res.Net system.

20          Q.    Okay.

21          A.    There were some e-mails that would be in  
22 this e-mail list.

23          Q.    Did you consider yourself an independent  
24 contractor for Citimortgage with regard to listing  
25 this property?

1           A.    I never considered myself anything other  
2 than a real estate broker.

3           Q.    Were there any duties that you made  
4 decisions on your own, for example, repairs, or was  
5 it strictly based on directions of them deciding  
6 what would be repaired or whether or not to put in  
7 more higher end repairs like maybe new cabinets or  
8 appliances? Did you make those decisions?

9           A.    I am the eyes and ears for people that are  
10 in charge.

11          Q.    You report back to them, and they instruct  
12 you what they want to happen based on that?

13          A.    Basically.

14          Q.    I noticed the base changed for Daniels A  
15 and B Construction from the trash-out. Was that  
16 based on them changing the scope of the work?

17                   MS. GRANGER: Objection. Lacks  
18 foundation.

19                   THE WITNESS: I don't have any idea  
20 what you are talking about. Do you have  
21 documentation to show me?

22 BY MS. BOYD:

23          Q.    I do (indicating).

24          A.    I don't know. I don't recall.

25          Q.    Do you have contact information for

1 Daniels A and B Construction or Al Daniels?

2 A. It's on the paper there.

3 Q. That No. 310 is not in service, and would  
4 it surprise you to know there has never been a  
5 company Daniels at 6824 La Tijera Boulevard?

6 MS. GRANGER: Objection.

7 THE WITNESS: I don't understand what  
8 you are asking, there has never been a company at  
9 that address?

10 BY MS. BOYD:

11 Q. Would you be surprised to -- if you  
12 learned that there had never been a company of that  
13 name at that address? Would that surprise you? Did  
14 you ever visit that office?

15 A. I have never been to the office of Daniels  
16 A and B.

17 Q. Did you contact them at that number  
18 (indicating)?

19 A. I don't recall, but if that's the number  
20 on there I would suspect that that's the number.

21 Q. I was unable to find that number on your  
22 phone records. Would there be a number I could not  
23 find that -- would it be on some other number?

24 A. You are, in fact, privy to any phone  
25 records that I have.

1 Q. Your landline and your cell phone?

2 A. I don't have them.

3 Q. Would there be any other number that you  
4 called them from?

5 A. Five years ago? I would have called them  
6 from there. I would imagine, but it's possible, but  
7 I doubt it.

8 Q. Earlier you said you felt that the lawsuit  
9 was -- I think you called it a sham?

10 A. No, I didn't.

11 Q. Maybe you can rephrase for me. What did  
12 you call it?

13 A. I said I felt it was frivolous.

14 Q. Why you believe it is frivolous?

15 A. I think this is what you like to do, is  
16 file lawsuits. I think that you were aware that the  
17 property was being foreclose on. There was more  
18 than one lockout attempt. I think that you went  
19 back in the property several times. I think that  
20 you took the TV out. I think a person, someone, in  
21 there was hiding. I think I saw you. I think that  
22 you probably wrecked the window. I think you took  
23 my postings.

24 Q. Wouldn't it have been very simple to avoid  
25 the lawsuit, to come and get it?

1           A.    All of this was after the property was  
2 gone. I think you had plenty of opportunity had you  
3 wanted the property to take it. You had plenty of  
4 time. There was way more than 18 days. You put  
5 glue in the lock from what I know. I think you had  
6 plenty of time.

7           Q.    You think there was no phone calls to  
8 reach the property?

9           A.    I think you had made earnest attempt to  
10 reach me. You didn't call my cell.

11          Q.    Why?

12          A.    Because there was the alternate number and  
13 with my experience with human beings, I've got two  
14 numbers, and try the other. Especially if it's  
15 important to me.

16          Q.    Are you aware that I did get through on  
17 this number, each time I got a person or an  
18 answering service?

19          A.    I'm not interested in having a discourse  
20 with you about what you think.

21          Q.    I would not be able to file a lawsuit if  
22 the property hadn't been thrown away. Can we agree  
23 on that?

24          A.    I am not in agreement with you.

25          Q.    You are not?

1 A. No.

2 Q. If the property had not been thrown away  
3 what would be the complaint?

4 A. Again, you are asking me to surmise what  
5 you're thinking. I have no idea.

6 Q. Do we agree that the property was thrown  
7 away?

8 A. I don't agree with anything. I agree we  
9 are at a deposition table waiting for the next  
10 question.

11 Q. Do you agree the property was given away  
12 or thrown away?

13 A. I have no idea whether the property was  
14 thrown away or given away.

15 Q. Did you give access to the property to  
16 clean everything out that was there?

17 A. They were given access to the property.

18 Q. You did know that the belongings that  
19 were in there, or did you believe that these  
20 belongings belonged to me?

21 A. I believe they had been abandoned.

22 Q. Did you believe that before they were  
23 abandoned they belonged to me?

24 A. I have no idea.

25 Q. Did you think that they belonged to

1 someone else?

2 A. I have no idea.

3 Q. Why not report the items that were missing  
4 stolen if you didn't know who they belonged to?

5 MS. GRANGER: Objection. Vague.

6 THE WITNESS: I don't know what you  
7 are asking me now.

8 BY MS. BOYD:

9 Q. You said you saw things missing from the  
10 property?

11 MS. GRANGER: Objection.  
12 Mischaracterizes his testimony.

13 BY MS. BOYD:

14 Q. Correct me.

15 A. On the day of the lockout there was a TV  
16 that was on. On the next day that TV was gone. My  
17 postings were down, and I saw you go by.

18 Q. Okay.

19 A. That's what I believe.

20 Q. You said earlier -- I won't have her read  
21 it back now because I know we have a schedule for a  
22 later time to finish -- that you had the homeowners  
23 report that says that I came in and out several  
24 times; correct?

25 A. That's correct.

1 Q. And several things were missing?

2 A. That's why I am concerned about the  
3 recharacterization of my comments and the joining  
4 nature of the conversation because you put more than  
5 one thing in one sentence, and you want a single  
6 answer.

7 Q. I am not trying to put more than one thing  
8 in a single sentence. You are going by the reports  
9 from the homeowners. If you made more than one call  
10 to the police on September 23, but I don't believe  
11 anything was missing after that time period, the day  
12 of the lockout --

13 A. That's not what my previous communication  
14 was.

15 Q. I am not saying it is.

16 A. The lockout was September 30.

17 Q. You said there was only one call to the  
18 police?

19 A. That's true.

20 Q. That was not on September 30th?

21 A. Now we are having a conversation. I don't  
22 want to have a conversation.

23 Q. I want to clarify. I wasn't stating there  
24 was a second police call on the 23rd, that I was  
25 incorrect on the 30th, it was on the 23rd, and you



1 said there was only one.

2 A. So are you changing the nature of your  
3 question that you asked me earlier that I answered  
4 earlier based on the nature and date of the question  
5 before? Now we are changing this whole time frame  
6 because my answers before were based on the time  
7 frame that you gave me before.

8 Q. I am asking you based on the new time  
9 frame.

10 A. Now I need you to ask the question.

11 Q. Having called the police on the 23rd of  
12 September and not the 30th of September, when you  
13 called the police on the 23rd, were you calling to  
14 report things missing, or were you calling to report  
15 a trespasser?

16 A. I was calling to report a broken --

17 Q. But you did at some point noticed that  
18 things were missing?

19 A. I noticed the TV was missing.

20 Q. You never noticed anything else missing  
21 aside from the TV?

22 A. It's impossible for me to identify what  
23 could have been missing or not missing. The only  
24 big item that was obvious that was missing was the  
25 TV.

1 Q. I don't know if you have those pictures in  
2 your production. I was under the assumption that  
3 you had taken those pictures. Are you aware of  
4 anyone else having taken pictures of the property  
5 aside from you after the lockout between the lockout  
6 and the trash-out?

7 A. I have no idea.

8 Q. Are you aware of anyone?

9 A. I have no idea.

10 Q. Did you give access to go take pictures?

11 A. I am not the only one that had access.  
12 Citibank.

13 Q. Who at Citibank?

14 A. Anyone.

15 Q. So --

16 A. Citibank assigns the lockbox code. I  
17 don't. I only do my job. Citibank assigns the  
18 lockbox code.

19 Q. So Citibank employees could have stolen  
20 things from the property?

21 A. I have no idea.

22 Q. They could have?

23 A. I have no idea.

24 Q. A person reported seeing someone coming  
25 and going could have seen someone from Citibank?

1           A.    No.  The people told me they saw you  
2 coming and going.

3           Q.    Did they ever report seeing anyone else  
4 coming and going?

5           A.    No.

6           Q.    They did not?

7           A.    No.

8           Q.    So if someone else saw someone coming and  
9 going they reported it to you?

10          A.    No.

11          Q.    Do you know if there were any other police  
12 reports or calls made by anyone about a break-in  
13 besides you?

14          A.    I don't know of any.

15          Q.    No one called you.  And so I just want to  
16 clarify that without having gone through any of the  
17 belongings, you came up with a value without  
18 checking to see whether anyone wanted the  
19 belongings, you didn't know where they were, you  
20 determined that throwing the property away was the  
21 proper cause of action?

22                   MS. GRANGER:  Objection.

23                   THE WITNESS:  I didn't make that  
24 call.

25                   MS. GRANGER:  Let me put my objection

1 on the record. It is vague and ambiguous, compound,  
2 it calls for speculation, and it lacks foundation.

3 BY MS. BOYD:

4 Q. You didn't make that call. Would you make  
5 a different call if this call was yours to make?

6 A. I wouldn't speculate.

7 Q. Would you not? Are you completely --  
8 would it be fair to say that you had no independent  
9 exercise of judgment in determining what happened to  
10 that property?

11 A. Yes. I don't -- it wasn't my call.

12 Q. If it was improper you would say this was  
13 not your fault?

14 MS. GRANGER: Objection. Vague,  
15 ambiguous.

16 THE WITNESS: Based on my experience  
17 prior and thereafter, generally after 20, 30 days  
18 anything left in the property has pretty much been  
19 abandoned.

20 BY MS. BOYD:

21 Q. Even if someone is coming in and out and  
22 taking things, and you believe it to be the owner,  
23 wouldn't that suggest that there is something still  
24 there that they want?

25 A. We posted our phone number and our office

1 contact number. Always available to allow entry to  
2 the previous owner. To remove whatever it is. The  
3 more the previous owner removes, the less it is for  
4 us to work with, to have to work with.

5 Q. Do you believe that I set you up to throw  
6 the property away?

7 A. I am not a conspirator.

8 Q. Okay.

9 I will have it made a part of the record,  
10 but I want to show it to him first.

11 At the top of these phone records you will  
12 see my name, and I want you to identify it being  
13 called. Some of them were off the trash-out.

14 MS. GRANGER: Objection.

15 MS. BOYD: These are my phone  
16 records, the telephone No. 310-663-4811.

17 THE WITNESS: What was your question?

18 BY MS. BOYD:

19 Q. I want to know if you can identify your  
20 telephone number on there as calls made to you, to  
21 your phone number.

22 A. To my office phone number?

23 Q. Yes.

24 A. Yes.

25 Q. How many do you see before the trash-out?

1 A. I don't know. Do you want me to count  
2 them?

3 Q. Please.

4 A. Before the trash-out?

5 Q. Yes.

6 A. What day was the trash-out on?

7 Q. According to my records, October 23rd.

8 A. I see three.

9 MS. BOYD: Do you want to take a  
10 look? I don't know if you have seen these or not.

11 BY MS. BOYD:

12 Q. And that's your number that you did see on  
13 here; correct?

14 A. My office?

15 Q. Correct.

16 A. The first call was on 10 -- what day?

17 Q. 10-8, and this call is at 4:10 p.m. So  
18 there would be someone in the office or should be  
19 someone in the office answering the phone at that  
20 time?

21 A. Should be.

22 Q. I will ask the question again. Based on  
23 the fact that calls were made, do you believe I set  
24 you up to throw the property away so that I could  
25 sue?

1 MS. GRANGER: Objection. Calls for  
2 speculation.

3 THE WITNESS: I don't understand that  
4 question. I think you should have called my cell  
5 phone. I think you should have called the other  
6 contact number.

7 BY MS. BOYD:

8 Q. I believe you think that's your opinion?

9 A. That's my only opinion.

10 Q. You do have a person there answering a  
11 phone, and you have a message machine that didn't  
12 refer to the other number. That's correct?

13 A. That does refer to the other number.

14 Q. The message machine, it does refer to the  
15 other number?

16 A. I believe it always has, as far as I know.

17 Q. Okay. Can we agree that the property  
18 didn't move itself?

19 MS. GRANGER: Really?

20 MS. BOYD: Really.

21 BY MS. BOYD:

22 Q. The personal property, it didn't move  
23 itself?

24 A. I don't even know what you are asking me.

25

1 Q. It was moved based on the instruction of  
2 someone to have it removed?

3 A. Again, I don't know what you are asking  
4 here. The property doesn't move itself.

5 Q. The property was removed based on someone  
6 having it removed, arrange to have it removed?

7 A. I think that's here by the documentation.

8 Q. What I am not clear about, then, is why  
9 you are not protected from liability of disposing  
10 from someone's personal property if you don't  
11 dispose of it?

12 MS. GRANGER: Objection. Calls for  
13 speculation and calls for an expert conclusion.

14 THE WITNESS: I don't know what you  
15 are talking about.

16 MS. GRANGER: And it lacks  
17 foundation.

18 BY MS. BOYD:

19 Q. I am saying, you said the lawsuit was  
20 frivolous.

21 A. I said in my opinion I feel this is a  
22 frivolous lawsuit.

23 BY MS. BOYD:

24 Q. But the property was thrown away, and you  
25 don't know what was in there?



1 A. I think the property was abandoned.

2 Q. But the property was thrown away?

3 A. I don't know what was thrown away or not.  
4 They didn't report back to me. I only passed on the  
5 order based on what is typical for business after a  
6 given period of time.

7 Q. When you received the note on your door  
8 that said I want my personal belongings, did you  
9 call Daniels A and B Construction and say, hey, have  
10 you thrown any of that stuff away yet? Have you  
11 auctioned any of that stuff off?

12 A. I reported it to the action or assett  
13 manager.

14 Q. Did you report it to the Law Offices of  
15 Leszieve & Associates?

16 A. Who?

17 Q. The law firm that handled the eviction,  
18 the unlawful detainer?

19 A. I put it in Res.Net to whoever it goes to.

20 Q. To?

21 A. I don't know.

22 Q. Did you call me?

23 A. I don't remember.

24 Q. Do you know how much it would have cost to  
25 put the property in storage?

1 A. No.

2 Q. Are you familiar with the statutes that  
3 allow for that?

4 A. I am familiar, yes.

5 Q. Would it be fair to say you did not check  
6 on that because you were instructed to put the  
7 property away or trash it out by Citimortgage?

8 MS. GRANGER: Check on what?

9 MS. BOYD: The cost of storage.

10 THE WITNESS: That determination  
11 wasn't my purview.

12 BY MS. BOYD:

13 Q. I understand that. Anything that you  
14 didn't do was because you were not instructed to do  
15 it; is that correct?

16 MS. GRANGER: Objection. Vague and  
17 ambiguous and calls for speculation.

18 THE WITNESS: That's not necessarily  
19 correct. You need to be specific.

20 BY MS. BOYD:

21 Q. You never double checked in any way, shape  
22 or form despite all of the -- I don't want to force  
23 you to say or don't know -- it's not a requirement  
24 so much as the various ways that you can handle  
25 property that you believe to be abandoned. You made

1 a determination of value of the property, which is  
2 mentioned in the statute because that determines how  
3 you may or may not dispose of it, but you didn't go  
4 through any of the information or any of the boxes,  
5 any of the belongings to determine if there was  
6 anything that might be of value. Did you do any  
7 independent research to determine whether or not the  
8 instruction that you were given was proper?

9 A. No.

10 Q. Did you feel that it was outside of the  
11 scope of your responsibility to do so?

12 A. No. Never crossed my mind.

13 Q. Did anyone from Citimortgage ever ask you  
14 if you had heard from the former homeowner, anyone  
15 claiming the property, from me about the personal  
16 property before authorizing \$3,000 something?

17 A. We were looking forward to hearing from  
18 you.

19 Q. So they did ask?

20 A. I believe so.

21 Q. More than once?

22 A. I don't know. It would have been in the  
23 e-mails.

24 Q. If I said there was no e-mail in the  
25 record that mentions it, would you say that it was

1 missing?

2 A. I would say that you were incorrect.

3 Q. Really? Okay.

4 MS. GRANGER: I object. The  
5 documents speak for themselves.

6 MS. BOYD: Agree.

7 BY MS. BOYD:

8 Q. Why don't you take time and go through  
9 those dates and see if you can find it.

10 THE WITNESS: Please advise when the  
11 18-day notice expires. Here is the first one  
12 (indicating). That would be in response, an  
13 inquiry.

14 BY MS. BOYD:

15 Q. Okay.

16 A. It would be communications from Jim  
17 Bagiers or the eviction people to see whether we  
18 have heard from the previous occupant.

19 Q. Is it your belief that someone  
20 specifically asked you about that? You just don't  
21 recall who?

22 A. It would be my belief that we had  
23 questions with regard to the status of personal  
24 property, whether it's been arranged to be picked  
25 up.

1 Q. This is Citimortgage's representation of  
2 all the conversations that took place, so I am  
3 wanting to know if you see anything in there that  
4 reflects conversations that you recall?

5 MS. GRANGER: Objection.

6 THE WITNESS: Your characterization  
7 of this particular document, what is that document?

8 BY MS. BOYD:

9 Q. This is what Citimortgage produced in my  
10 question to production of e-mails between you and  
11 all of the employees that worked on this property  
12 regarding this property.

13 A. But your characterization to me was a  
14 document that represented all the conversations that  
15 took place.

16 Q. All the e-mail conversations that took  
17 place?

18 MS. GRANGER: I object to the  
19 characterization.

20 MS. BOYD: Okay.

21 THE WITNESS: So I believe that there  
22 is an e-mail conversation, but there were also  
23 verbal conversations as well.

24 BY MS. BOYD:

25 Q. You believe there was an e-mail

1 conversation. The only thing I'm asking whether or  
2 not the conversation that you recall would be  
3 reflected in here. I don't know what that  
4 conversation was and I don't know how it may have  
5 been interpreted from what I may have read it and  
6 what you read into it. I don't see anything in  
7 these e-mail records that you mentioned at all,  
8 whether or not anyone had made contact about the  
9 property.

10               So I am asking if it sounds like -- and I  
11 don't want to put words in your mouth -- it sounds  
12 like that's the way you recall it -- there was a  
13 specific conversation as to whether anyone had made  
14 contact?

15               MS. GRANGER: Objection. Vague and  
16 ambiguous as to whether anyone had made contact.

17               THE WITNESS: My recollection is that  
18 there was ongoing conversations or communication as  
19 to the status of the property, especially weekly.

20 BY MS. BOYD:

21               Q. Okay.

22               A. That's my recollection and a lot of the  
23 conversation was with the eviction attorneys. There  
24 were conversations.

25               Q. Did you -- did the eviction attorneys

1 represent you, or did they only represent  
2 Citimortgage?

3 A. Citimortgage.

4 Q. Do you have an objection -- are the  
5 conversations between the eviction attorneys  
6 included in the production of documents that you  
7 provided?

8 A. Any e-mail that I received is in the  
9 production documents that I provided.

10 Q. You didn't put e-mails in this system; is  
11 that correct?

12 MS. GRANGER: What system? The  
13 Res.Net system?

14 THE WITNESS: I answered  
15 notifications in Res.Net, absolutely.

16 BY MS. BOYD:

17 Q. If it came to you through Res.Net, that  
18 you could reply in Res.Net?

19 A. Absolutely.

20 Q. But all of your conversations didn't go  
21 through here?

22 A. Absolutely.

23 Q. At what point did you decide that I file  
24 lawsuits, and that's just what I do?

25 A. I am not sure that was exactly what I

1 said.

2 Q. Then correct me.

3 A. Can you read that back? You asked me why  
4 I thought it was frivolous.

5 (The record was read by the reporter as  
6 requested.)

7 THE WITNESS: I am speaking to this  
8 particular lawsuit.

9 BY MS. BOYD:

10 Q. You are basing me liking to file lawsuits  
11 just based on this particular one?

12 A. That's the same question.

13 Q. I just want to confirm because it is  
14 confusing.

15 A. I am not confused.

16 Q. Are you suggesting that there was no  
17 property lost?

18 A. I still have the same opinion.

19 Q. It was abandoned?

20 A. That you abandoned the property.

21 Q. Do you have hindsight -- either I was  
22 attempting to set up a lawsuit, or I actually wanted  
23 to come get it, and you also said that I went in and  
24 out, and I took things during this time. Do you  
25 still believe I didn't want the property?



1           A.    Yes.

2                       MS. GRANGER:  Objection.  His  
3 hindsight is irrelevant.  Relevance.  That's the  
4 objection.

5 BY MS. BOYD:

6           Q.    Because a person could have been wrong at  
7 the time and may look at additional evidence and  
8 maybe I was wrong?

9                       THE WITNESS:  I still think you  
10 didn't want the property.

11 BY MS. BOYD:

12           Q.    You think I may have wanted to set up the  
13 property?

14           A.    Even by your phone records the lockout was  
15 October 22, and you didn't call until October 28th.

16           Q.    Do you think I didn't have a place to put  
17 it?

18           A.    You made no contact until October 28th  
19 other than you went in to remove, you know, the TV.  
20 You took the postings out of the kitchen repeatedly,  
21 and you were seen by the tenants, so you had the run  
22 of the place.

23           Q.    What I am asking is, maybe if there was  
24 nothing that I wanted in there, then there would be  
25 no purpose.

1                   That is not a question. Do you think I  
2 went in for some other purpose than to get things  
3 that were there?

4                   MS. GRANGER: Objection. Calls for  
5 speculation.

6                   THE WITNESS: I am not going to  
7 change what I think. I think you had this lockout.  
8 You went back several times, and then there was a  
9 period of time you didn't go back anymore, and I  
10 thought you were complete with what you are going to  
11 do. I never knew why you didn't contact me.

12 BY MS. BOYD:

13           Q. If a person didn't have a place to put the  
14 belongings would that be a reasonable reason to you  
15 why they would not call to claim the property?

16           A. No.

17           Q. Why?

18           A. No, because I still would contact me.

19           Q. But it's possible someone would have  
20 contacted you before that and you didn't know?

21           A. No. I had a cell phone that was on that  
22 number as an alternate contact, and I see that you  
23 contacted the number, and I see that was missed and  
24 that was October 8. I can't imagine -- if it were  
25 me, I can't imagine me not making sure that I

1 protected the things that I valued.

2 Q. Even if you knew that they weren't going  
3 anywhere?

4 A. Again, if it were me.

5 Q. Okay. Do you believe that that's the only  
6 way, that no one would ever see it in other way?

7 MS. GRANGER: Objection.

8 Argumentative.

9 BY MS. BOYD:

10 Q. Do you believe it is unreasonable that  
11 anyone would see it any other way?

12 MS. GRANGER: Objection.

13 Argumentative.

14 THE WITNESS: I believe that people  
15 see it a lot of ways.

16 BY MS. BOYD:

17 Q. I am just asking for this basic  
18 conclusion.

19 Would you agree that you could have had a  
20 more -- well, I understand that you could say it was  
21 outside of the scope. Would you have felt it was  
22 improper for you to call and check to see if anyone  
23 wanted the property?

24 MS. GRANGER: Asked and answered.

25 THE WITNESS: I'm not sure I

1 understand that.

2 BY MS. BOYD:

3 Q. You had this number on file in your files.  
4 Do you feel like it would have been improper for you  
5 to call and say, we are throwing this away tomorrow.  
6 If you want it, you need to call me on this phone  
7 number. Do you think it was improper to  
8 Citimortgage?

9 MS. GRANGER: Objection. Vague.

10 THE WITNESS: That's a different  
11 question.

12 BY MS. BOYD:

13 Q. Do you think it was improper for you to  
14 make that call?

15 MS. GRANGER: What do you mean  
16 improper?

17 BY MS. BOYD:

18 Q. Improper as your role?

19 THE WITNESS: You asked the question.  
20 Do you think it is improper is outside the scope and  
21 then improper for my relationship to my mortgage  
22 company.

23 BY MS. BOYD:

24 Q. My question of the worth would have been  
25 improper.

1           A.    No.  What I think is that you took the  
2 posts down off the window regularly, and that you  
3 had all the contact information, that you were in  
4 the property all the time.  That's what I think.

5           Q.    Did you throw it away because you were  
6 angry?

7           A.    I wasn't angry.  I don't own the property.

8           Q.    Did it delay you getting a commission?

9           A.    I didn't get a commission.

10          Q.    Did it prevent you from getting a  
11 commission?

12          A.    It's not a consideration.

13                   MS. BOYD:  I heard yesterday I would  
14 be receiving records, but I have not received them.

15                   MS. GRANGER:  It was your choice to  
16 make the deposition, so Citimortgage has not agreed  
17 that you have the right to extend this deposition  
18 because you have not received documents yet.

19                   MS. BOYD:  It wouldn't be for this  
20 purpose.  He has to leave at two o'clock, so I will  
21 get to a good stopping place.  And we will be gone  
22 at two o'clock.  I believe I put down until 5:00 but  
23 I don't wish to force you to be on a time crunch.

24 BY MS. BOYD:

25          Q.    At any point did you specifically inform

1 anyone at Citimortgage that you had received no  
2 communication from me?

3 A. I am sure that that conversation was had.

4 Q. Okay. Have you ever provided a notice to  
5 anyone -- are you familiar with California Civil  
6 Code 1984, which gave a draft of a notice that you  
7 would send if you were going to send a notice to a  
8 tenant who has left a property behind?

9 A. Do you have a copy of it? You said  
10 California Civil Code 1984?

11 Q. If you are not familiar off the top of  
12 your head, I won't ask you about it.

13 Are you attempting to protect Citimortgage  
14 in any way to attempt to get listings from them in  
15 your handling of this matter?

16 A. No.

17 Q. Do you know when this was posted  
18 (indicating)?

19 A. Yes. I don't know what day it was posted,  
20 but I posted it.

21 Q. Was it before or after you made the call  
22 to the police?

23 A. I don't know. It may have been before.  
24 It may have been after.

25 Q. I am referring to a notice that says:

1 Warning, Theft, Trespassing or vandalism will be  
2 prosecuted to the full extent of the law.

3 A. I don't want to guess.

4 Q. Do you know whether or not it was posted  
5 in response to something having been stolen?

6 A. No. We post those at all of our  
7 properties.

8 Q. Okay.

9 Exhibit 4.

10 (The document referred to was  
11 marked by the CSR as Exhibit 4  
12 for identification and made a  
13 part of this deposition.)

14 BY MS. BOYD:

15 Q. Do you believe the value of the property  
16 was irrelevant because it was abandoned?

17 A. No. I believe the value of the property  
18 was \$250.

19 Q. I noticed earlier in one of the e-mails  
20 that you gave consent for telephone records to  
21 Citimortgage. But I hear you saying you are not  
22 willing to give me consent to receive my records.  
23 Is there any particular report those records are  
24 still relevant? Would you be willing to give  
25 consent to those records?

1 MS. GRANGER: Objection.

2 THE WITNESS: I gave consent to  
3 Citimortgage because I didn't think -- because you  
4 had called because I wanted to see as well, but I am  
5 not just giving consent for anything else.

6 BY MS. BOYD:

7 Q. Can those records that you received  
8 satisfy you that I had called?

9 A. What satisfied me was what you showed me  
10 today.

11 Q. Do you believe that I was calling for no  
12 real purpose?

13 MS. GRANGER: Objection. Calls for  
14 speculation.

15 THE WITNESS: No. I believe that you  
16 called me on October 8th, and that you didn't really  
17 try to get me. I don't know why you didn't try to  
18 get me.

19 BY MS. BOYD:

20 Q. I am happy to try to explain.

21 A. It's too late.

22 Q. I reached someone at that number. I don't  
23 believe there was a purpose to call any other  
24 number, and I didn't expect it to be thrown away  
25 based on reading the Code.



1 A. Are you saying you reached a live person?

2 Q. Yes.

3 A. Did you get their name?

4 Q. I didn't at the time. I had several names  
5 written down.

6 A. So you got a live person?

7 Q. Yes.

8 A. What did they tell you?

9 Q. They said they would pass a message on to  
10 you, and the only time I was ever transferred was  
11 after the trash-out.

12 A. Our phone doesn't transfer.

13 Q. One got through the office. I called this  
14 same number, and someone said I will put him on  
15 because this was after the trash-out. I had no  
16 expectation that the property would be thrown away.

17 A. So why didn't you call before October 8,  
18 and why didn't you call my cell phone?

19 Q. I didn't call before October 8 because I  
20 didn't have anywhere to put the property.

21 A. Why didn't you call before October 8?

22 Q. Because I reached someone at that number.  
23 You get a number. It's a good number. I didn't  
24 think it to be urgent except suddenly it was thrown  
25 away, because I knew the value of the property,

1 according to my opinion, and I did not expect for  
2 the property to be thrown away. I expected possibly  
3 there was a desire for Citimortgage or someone to  
4 move it as opposed to access given at that location.

5 A. What day did you know the property had  
6 been disposed of?

7 Q. I am sure I called immediately, so 10-27.

8 A. 10-27?

9 Q. It looks like 10-27 -- 10-25. That  
10 lawsuit has been going on for three-and-a-half  
11 years.

12 A. So 10-25, 2011. That's when you noticed  
13 that the property had been disposed of?

14 Q. That's when I noticed the property was no  
15 longer at that location, and without going into it  
16 just because I had, on the reading of the statute,  
17 it seemed reasonable to assume that the property  
18 would be placed in storage pursuant to the statute  
19 as opposed to being throw away, particularly since I  
20 knew I had called. And there is not really any  
21 expectation you would do something like that. But  
22 that's just for your information.

23 A. What's the next question?

24 Q. Do you still have contact with Al Daniels?

25 A. I might be able to find him if I tried.

1 Q. Okay. If you were able to locate him I  
2 would appreciate that. And you said you had no  
3 contact with Kevin Dupree?

4 A. I don't know who that is.

5 Q. Do you have any belief that any of the  
6 companies that provided bids being Daniels A and B  
7 Construction, Wright Cleaning Services or Wings  
8 International were not real companies?

9 A. No.

10 Q. Would it surprise you to find that there  
11 is a Wright Cleaning Services with a Sherry Wright,  
12 same spelling on the name who runs a cleaning  
13 service in Alabama?

14 A. I think there are a lot of names. No, I  
15 wouldn't be surprised at anything. As far as  
16 Daniels, you said not a real company, but I have  
17 seen real property, so I don't know what you are  
18 talking about when you say that. I don't know what  
19 you mean.

20 Q. They are not a licensed contractor?

21 A. I don't know. I don't know how this  
22 operates. They are not on any job.

23 Q. They don't have a licensed contract to do  
24 business in the state of California?

25 A. I don't know. I have seen them do work

1 around this neighborhood. That's all I know.

2 Q. They are not an associated with Kevin  
3 Dupree and his license number?

4 A. I have no idea.

5 Q. Was there any responsibility on your part  
6 to do due diligence?

7 A. I did do due diligence. I would get their  
8 license number and their W-9, and I gave it to the  
9 people that were supposed to get it. That is my due  
10 diligence.

11 Q. None of these people were resident  
12 developers?

13 A. I beg your pardon?

14 Q. Wings International, Daniels or Wright  
15 Cleaning Services, was any of these developers from  
16 Res.Net?

17 A. I don't know that Res.Net has developers.

18 Q. They talk about it on their website?

19 A. I think we are the vendor.

20 Q. Okay.

21 Did you receive any kickback money from  
22 Daniels Construction Development?

23 A. Absolutely not.

24 Q. Did you ever advise Citimortgage of the  
25 bankruptcy filing in February of 2011?

1 A. No.

2 Q. Did you feel it wasn't relevant?

3 A. To what?

4 Q. Anything.

5 A. What do you mean?

6 Q. If I understand correctly, as the person

7 who is responsible for paying bills ahead of time,

8 getting those taken care of and getting

9 reimbursement, did you feel there was any reason you

10 might need to let them know there may be some

11 difficulty, or did you feel there was no difficulty?

12 A. I don't feel my personal bankruptcy had

13 anything to do with it.

14 Q. So the assets are not separate?

15 A. What are you talking about?

16 Q. Separate from the Skyway bankruptcy?

17 MS. GRANGER: Argumentative and

18 harassment.

19 THE WITNESS: I don't know.

20 BY MS. BOYD:

21 Q. If you felt like --

22 A. I didn't think it was relevant.

23 Q. Then that's the answer to the question.

24 There is some disciplinary actions on your broker

25 record. Did anyone ever ask you about them or

1 indicate that they knew about them before you were  
2 selected for this property?

3 MS. GRANGER: Objection. Lacks  
4 foundation.

5 THE WITNESS: Who is "anyone"?

6 BY MS. BOYD:

7 Q. From Citimortgage?

8 A. I don't recall. I don't think so.

9 Q. Do you know who Andrea Ayres is?

10 A. No.

11 Q. Ayres, A-y-r-e-s.

12 Are there any other disciplinary actions  
13 besides the two that are listed?

14 A. I don't know which two you are talking  
15 about.

16 Q. I am not going to enter those into the  
17 record because I am not going to ask about them at  
18 this time. Has anyone from Citimortgage ever  
19 indicated to you that they felt like you handled  
20 everything properly and thrown away as instructed  
21 the personal property?

22 A. There has never been that conversation.

23 Q. You never had a conversation about it?  
24 Did anyone explain to you why they thought it was  
25 appropriate to take you off that listing because of

1 the lawsuit?

2 A. They felt like there might be a conflict  
3 of interest, but it is a conversation I had with  
4 Jeannie Smith.

5 Q. Did you think that you should have been  
6 taken off the listing? Did you think it was a  
7 conflict of interest?

8 A. No.

9 Q. The e-mails at Malston@Austonmortgage.com,  
10 is that an e-mail address that you ever used?

11 A. It is.

12 Q. Do you know when you stopped using it?

13 A. No.

14 Q. Do you know if you were using it at all in  
15 2011?

16 A. That's an e-mail address.

17 Q. Malston@Austonmortgage .com?

18 A. I can't tell you.

19 Q. There is an e-mail from Anita Bode?

20 A. That's not the e-mail. I doubt it. Did  
21 it bounce back?

22 Q. No.

23 A. Who is Anita Bode?

24 Q. Sister.

25 A. Where did they get the e-mail address?

1 Q. Online.

2 A. My e-mail is Malston@55.com, and there  
3 were several variations we used back then. Malston,  
4 Markalston. There were several e-mails when we got  
5 it changed, but it changed.

6 Q. You don't know the time frame?

7 A. In the early 2000s.

8 MS. GRANGER: Can I see that?

9 MS. BOYD: I will put that in the  
10 record.

11 MS. GRANGER: It's an e-mail dated  
12 10-7.

13 (The document referred to was  
14 marked by the CSR as Exhibit 5  
15 for identification and made a  
16 part of this deposition.)

17 BY MS. BOYD:

18 Q. Did you testify earlier that you did not  
19 know how you were identified for this listing?

20 A. Yes.

21 Q. But it was not your first listing with  
22 Citimortgage?

23 A. I don't think so.

24 Q. Approximately, if you know, how many REO  
25 listings have you had in your 14 years of licensing?



1 A. I have been licensed longer than that.

2 Q. How long?

3 A. Since 1990.

4 Q. That time, approximately, if you know, how  
5 many REO listings?

6 A. I have no idea.

7 Q. More than 50?

8 A. I think so, yes.

9 Q. Have you ever been licensed as a real  
10 estate lister in any other state?

11 A. No.

12 Q. Would you be surprised if there were  
13 documents that had been filed by Citimortgage in  
14 response to this lawsuit that said they did nothing  
15 wrong. It was all you?

16 MS. GRANGER: Objection.

17 MS. BOYD: I asked if he would be  
18 surprised by it.

19 MS. GRANGER: It lacks foundation.

20 MS. BOYD: It didn't, because I  
21 already said that the only thing he did was follow  
22 directions at Citimortgage.

23 MS. GRANGER: Why don't you show him  
24 the document because this mischaracterizes it.

25 MS. BOYD: I asked if he would be

1 surprised.

2 THE WITNESS: I am not surprised,  
3 which means I am really not surprised by anything,  
4 so I am really not surprised.

5 MS. BOYD: I think it is probably a  
6 good stopping point because the other questions  
7 would be a lot longer and more detailed and go  
8 specifically into the complaint. If you want to  
9 start on those now we can. If you would rather go  
10 ahead and break now, we can do that.

11 THE WITNESS: How much more time do  
12 you need because you said you needed an hour an hour  
13 and a half ago. How much more time did you need?

14 MS. BOYD: It's going to take more  
15 than an hour.

16 MS. GRANGER: How much more time do  
17 you need?

18 MS. BOYD: Probably two to  
19 two-and-a-half hours.

20 MS. GRANGER: It's Citimortgage's  
21 position that the deposition is allowed to consume a  
22 total of seven hours, and that your part was  
23 three-and-a-half hours. You began this deposition  
24 at 10:30. It's now 1:30. I don't think you have  
25 your two-and-a-half hours in your allowable time.

1 THE WITNESS: I will stay an  
2 additional 30 minutes.

3 BY MS. BOYD:

4 Q. This is kind of small print. I will --  
5 you can read it. Then I will ask you some questions  
6 about it. 1983?

7 A. What is this?

8 Q. California Civil Code section 1983.

9 A. And you want me to do what?

10 Q. I want you to read through it.

11 A. For what? Ask me the questions.

12 Q. Okay. How many days did you believe that  
13 the property needed to remain on the property after  
14 the vacating of the premises?

15 A. I didn't understand that question.

16 Q. I haven't finished it. How many days did  
17 you believe that you needed to retain a property  
18 following an eviction before you were allowed to  
19 throw it away?

20 MS. GRANGER: Objection. Lacks  
21 foundation. It's vague and ambiguous. You don't  
22 identify whether you are talking about a  
23 requirement, Citimortgage or some other entity.

24 MS. BOYD: A requirement of the  
25 California Civil Code.

1 MS. GRANGER: In that case, you are  
2 calling for an expert opinion.

3 BY MS. BOYD:

4 Q. Do you believe there were a certain number  
5 of days that you needed to maintain it before you  
6 could lawfully throw it away?

7 A. You are referring to, you said, California  
8 Civil Code 1983?

9 Q. Yes. Earlier you said California Civil  
10 Code 1984.

11 A. That's a different statute. My  
12 understanding of the days is 18. I don't know if  
13 that's California Civil Code 1983 or not. My  
14 understanding is that it's 18.

15 Q. When you received notice from Ashley Drake  
16 advising you that the time had expired as of October  
17 1, did you mention or say to her at all that you  
18 felt like that time was incorrect?

19 A. Yes. Actually, that time was probably  
20 based on your first lockout that was rescinded; that  
21 she probably had the wrong date. We did not adhere.  
22 As a matter of fact, that didn't go anywhere.

23 Q. Did you advise her?

24 A. I don't recall. It was in whatever  
25 e-mails we have. You may have had an e-mail from

1 Ashley Drake, but there was another girl that would  
2 call, and we would probably get it straight. This  
3 was the wrong date. This wasn't disposed of for  
4 well over 18 days.

5 Q. I would agree with that. I am talking  
6 about the communication.

7 A. I am adding some clarity.

8 Q. Okay.

9 A. And I don't know. California Civil Code  
10 1987 allows for me to put property in storage and  
11 charge this person or the tenant of the property for  
12 the cost of the storage, if you have to pay for the  
13 cost of the storage, moving it off-site.

14 Q. You can charge for that before you allow  
15 them to reclaim it. Are you aware of that?

16 MS. GRANGER: Your contention is not  
17 a proper basis to this witness.

18 MS. BOYD: I am asking if he had a  
19 belief of it.

20 MS. GRANGER: You characterized the  
21 contention of the statute and asked a question based  
22 on it. That's an improper question. It lacks  
23 foundation and not a proper question.

24 BY MS. BOYD:

25 Q. Would you like to read it?

1 A. You said California Civil Code 1987.

2 Q. I did.

3 A. So that's a different question.

4 Q. Yes.

5 A. So what?

6 Q. If you are familiar with the ability to  
7 charge the property owner for storage if you place  
8 it in storage?

9 MS. GRANGER: Objection. Form.

10 BY MS. BOYD:

11 Q. Do you want to read it?

12 A. No.

13 Q. Are you familiar with that statute?

14 MS. GRANGER: Objection.

15 THE WITNESS: It seems to me there  
16 are some other caveats as well.

17 BY MS. BOYD:

18 Q. There were?

19 A. I am familiar with storing property, yes.

20 Q. I am not asking you whether or not you  
21 thought you were required to do it. I am only  
22 asking if you were aware?

23 A. Yes.

24 Q. Did you keep any of the property for your  
25 own personal use?

1           A.    No.

2           Q.    My understanding of your earlier testimony  
3 is that -- I am not trying to put words in your  
4 mouth.  Whether you feel like whether or not the  
5 disposal of the property was proper or whether it  
6 wasn't because none of our opinions about whether it  
7 was proper really matters.  There is a legal  
8 standard that would be applied to this to make that  
9 determination, whether it was or wasn't.  You were  
10 not responsible for that and are not responsible for  
11 this because these are not your determinations to  
12 make.

13          A.    I didn't say anything of that.

14          Q.    Do you believe that?

15          A.    No.  I don't have an answer to whether I  
16 believe that or not.  That's complicated,  
17 convoluted, a multitude of beliefs.  I believe that  
18 you abandoned the property.

19          Q.    I understand that.  Just because you  
20 believe that I abandoned the property that is not  
21 what happened under the law.

22          A.    I believe that you abandoned the property  
23 under the law.

24          Q.    If it turns out you were not correct and  
25 that was not abandoned under the law, do you believe

1 you bear any of the responsibility for it being  
2 disappeared?

3 A. It calls for something that goes against  
4 what I believe. I believe that you abandoned the  
5 property.

6 MS. GRANGER: It calls for a legal  
7 conclusion.

8 BY MS. BOYD:

9 Q. If your legal conclusion is incorrect do  
10 you believe that you are responsible or someone else  
11 is responsible?

12 A. I believe you abandoned the property.

13 Q. What you are saying, there is no  
14 circumstances under which you are wrong, and if  
15 someone said you were wrong they would be wrong?

16 MS. GRANGER: Objection. It's  
17 argumentative.

18 THE WITNESS: I understand what  
19 that's about. Are we looking for a moral point?

20 BY MS. BOYD:

21 Q. If it is improper under the judge?

22 A. I think your lawsuit will determine that.  
23 That's not what I believe.

24 Q. It is to a certain extent. If you feel  
25 you were strictly following the instruction of the



1 group, and it was your responsibility to follow that  
2 direction and to not do something different than  
3 what you were told, and you were told to do  
4 something wrong, then there is a level of liability  
5 because someone told you to take something under the  
6 law -- and I am making an example -- you can be in  
7 possession of stolen property, as you know, and not  
8 know it is stolen and still be liable.

9 MS. GRANGER: Objection.

10 BY MS. BOYD:

11 Q. If you are wrong, you are saying I am not  
12 wrong or don't believe I am wrong, but if you  
13 unknowingly took part in something wrong, do you  
14 believe you are responsible for that?

15 MS. GRANGER: Objection.

16 THE WITNESS: I don't know what the  
17 question is about.

18 MS. GRANGER: That's not a proper  
19 question.

20 BY MS. BOYD:

21 Q. If you don't want to answer that I can't  
22 force you to answer that, obviously. Do you believe  
23 that there was nothing in that of value more than  
24 \$250?

25 A. Yes.

1 Q. Did you make the decision that because of  
2 the value it's your opinion it didn't matter whether  
3 anyone wanted it or not?

4 A. That didn't come into consideration.

5 Q. Did you know whether anyone else lived  
6 there?

7 A. No.

8 Q. You never knew a child lived there?

9 A. You never disclosed that. You asked the  
10 question. The answer was not until the lockout, and  
11 I do not know that was a child that lived there.

12 You never disclosed that. I came to your door and  
13 knocked on your door several times, and I asked.

14 Q. I am asking you the questions.

15 A. But I asked.

16 Q. The question that I am asking is a  
17 question that you don't want to answer, but I will  
18 try to rephrase it in a simplified way. If you had  
19 received those phone calls would you have returned  
20 then and returned the property upon request?

21 A. Absolutely. I would not have returned the  
22 property. I would have made arrangements for you to  
23 retrieve the property.

24 Q. Even if you were told not to?

25 A. That would never have happened.

1 Q. How do you know that?

2 A. We had people retrieve property after the  
3 date. Whenever you can get your property, please  
4 get it.

5 Q. Are you aware of any other circumstances  
6 where someone's property may have been thrown away  
7 where they claimed they are trying to get it back?

8 A. No.

9 Q. You never heard they have had that with  
10 Citimortgage?

11 A. You are asking the same question more than  
12 once.

13 Q. I will wrap up. I want to ask about Faye  
14 Mosely. There was a judgment against you from her,  
15 and it had to do with real property. Was that at  
16 all related to real estate as your work as a real  
17 estate agent?

18 MS. GRANGER: Objection. Lacks  
19 foundation.

20 THE WITNESS: No.

21 MS. BOYD: That's all of my questions  
22 for now. I am going to have some issues with the  
23 objections and the time just because of the vast  
24 amount of objections and disruptions that has gone  
25 on here. So it may or may not go across but I am

1 letting you know now.

2 MS. GRANGER: I don't know if we had  
3 the opportunity to put this on the record, but prior  
4 to the proceedings I approached Mr. Alston to see if  
5 he would be willing to allow Citimortgage to take  
6 his testimony at a later date after today. He  
7 agreed. He has to leave shortly, anyway, for an  
8 emergency situation, so it seems to be working out  
9 for us all that that's the way to proceed.

10 MS. BOYD: We are done.

11 THE WITNESS: Send the transcript to  
12 15018 Centinela Avenue, Unit B, Inglewood, CA 90302.  
13 310-963-1415. My cell. And a copy.

14 MS. GRANGER: Counsel wants a copy.

15 MS. BOYD: This is Exhibit 6.

16 (The document referred to was  
17 marked by the CSR as Exhibit 6  
18 for identification and made a  
19 part of this deposition.)

20 (The deposition was concluded at  
21 1:37 p.m.)

22

23

24

25

1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF LOS ANGELES)

4 I, the witness herein, hereby certify  
5 under penalty of perjury under the laws of the State  
6 of California that the foregoing is true and  
7 correct.

8 Executed this \_\_\_\_\_ of

9  
10 \_\_\_\_\_, \_\_\_\_\_,

11  
12  
13  
14

15 \_\_\_\_\_  
16 THE WITNESS

17  
18  
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20  
21  
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23  
24  
25

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES) ss.

3

4 I, Mary Jo Saul, a Certified Shorthand  
5 Reporter, do hereby certify:

6 That prior to being examined, the witness in  
7 the foregoing proceedings was by me duly sworn to  
8 testify to the truth, the whole truth, and nothing  
9 but the truth;

10 That said proceedings were taken before me  
11 at the time and place therein set forth and were  
12 taken down by me in shorthand and thereafter  
13 transcribed into typewriting under my direction and  
14 supervision;

15 I further certify that I am neither counsel  
16 for, nor related to, any party to said proceedings,  
17 nor in anywise interested in the outcome thereof.

18 In witness thereof, I have  
19 hereunto subscribed by me.

20

21 Dated: \_\_\_\_\_

22

23

\_\_\_\_\_  
Mary Jo Saul  
CSR No. 8820, RPR, CLR

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