

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
THIRD DISTRICT

CASE NO. 3D24-1164
L.T. No. 2022-014076 CA 01

WALLACE ROTHSMAN,

Appellant,

v.

JAGUAR LAND ROVER NORTH DADE, LLC,

Appellee.

On appeal from the Circuit Court
for the Eleventh Judicial Circuit, in and for Miami-Dade County

**APPENDIX TO APPELLEE, JAGUAR LAND ROVER
NORTH DADE, LLC'S, ANSWER BRIEF**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of Court through the Florida E-Filing Portal, which will serve the following by email service, on this 20th day of November, 2024:

Wallace Rothsman
Pro se Appellant
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/s/ Jeffrey A. Sudduth
JEFFREY A. SUDDUTH

APPENDIX TO APPELLEE’S ANSWER BRIEF

DOCUMENT	PAGES
Deposition Transcript of Appellant, Wallace Rothsman	App. 001-239

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 2022-014076-CA-01

WALLACE ROTHSMAN,

Plaintiff,

v.

JAGUAR LAND ROVER NORTH DADE, LLC,
d/b/a JAGUAR LAND ROVER NORTH DADE,
and JAGUAR LAND ROVER NORTH AMERICA,
LLC,

Defendants.

----- x

1031 Ives Dairy Road,
Bldg., 4, Suite 228
North Miami, Florida 33179
Monday, June 26, 2023
10 o'clock a.m. - 2:38 p.m.

DEPOSITION OF WALLACE ROTHSMAN

Taken Before Jeffrey M. Goldstein, Registered
Professional Reporter and Notary Public for the
State of Florida at Large, pursuant to Notice of
Taking Deposition filed in the above cause.

APPEARANCES

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 I N D E X

Examinations	Page
WALLACE ROTHSMAN	3
	3
DIRECT EXAMINATION BY MR. SUDDUTH	3
CROSS EXAMINATION BY MR. CREMEENS	193
REDIRECT EXAMINATION BY MR. SUDDUTH	203

E X H I B I T S

No.	Page
Defendants' Exhibit 1 for Identification	17
Defendants' Exhibit 2 for Identification	19
Defendants' Exhibit 3 for Identification	19
Defendants' Exhibit 4 for Identification	75
Defendants' Exhibit 5 for Identification	153
Defendants' Exhibit 6 for Identification	163

(EXHIBITS RETAINED BY COUNSEL)

1 Thereupon--

2 WALLACE ROTHSMAN

3 was called as a witness by the Defendant and,
4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. SUDDUTH:

7 Q. Please state your name for the record.

8 A. Wallace Rothsman.

9 Q. Mr. Rothsman, what's your current home
10 address?

11 A. 2221 Northeast 164th Street.

12 Q. How long have you lived there?

13 A. Over 15 years.

14 Q. Have you ever had your deposition taken
15 before?

16 A. First time.

17 Q. Okay. Well, I am sure that you're able
18 counsel kind of went over kind of how the things
19 would proceed today, but let me just kind of go
20 over some of the ground rules --

21 A. Sure.

22 Q. -- just as a refresher probably. We're
23 here for your deposition in this lawsuit that you
24 filed, and I'm going to ask you a series of
25 questions. The court reporter here Jeff is going to

1 take down both my questions and your answers. It's
2 important to answer audibly with yes, no,
3 explanation. There's a tendency when we communicate
4 outside of depositions to use hand gestures, nods
5 of the head, um-hm, things like that. It's just the
6 way we generally communicate, but for purposes of
7 today it's important that you answer audibly so
8 that he can give me an accurate transcript of the
9 proceeding.

10 It's important for us not to speak over
11 one another. I have a tendency sometimes, you might
12 think that I'm done with my question and may not.
13 I will do my best not to interrupt you when you're
14 giving an answer, I'll wait for you to finish.

15 A. Um-hm.

16 Q. There may be a time where we just
17 inadvertently --

18 A. Okay.

19 Q. -- talk over one another, but let's do our
20 best to try to not speak over one another.

21 Your counsel -- well, strike that. If
22 there's a question that I ask of you that you don't
23 understand, by all means ask me to either repeat
24 it, rephrase it, do my best to ask you either the
25 same question or to rephrase the question in a

1 manner that you can understand it. Because if
2 you answer it and I receive an answer I'm going
3 to assume that you understood the question as I
4 presented it to you. Do you understand that?

5 A. Correct, I understand.

6 Q. Okay. Your counsel may object to a
7 question that I ask. Typically in depositions
8 that's as to form. If there's something that you
9 believe is improper with the form of the question
10 that I ask, if that occurs the only thing I would
11 ask is that you pause for a second so that the
12 court reporter can take down the objection and --
13 but unless Patrick instructs you not to answer the
14 question notwithstanding the objection he raised,
15 then it's important to answer the question to the
16 extent that you're able to. Do you understand that?

17 A. I understand that.

18 Q. Okay. I don't know how long we'll be. You
19 know, we're starting at 10. I'd like to maybe go
20 for a couple hours, see where we're at. If everyone
21 wants to take a break, that includes Jeff, to take
22 a short lunch I'd be up to doing that. We can maybe
23 reevaluate and see where we're at to work through
24 it. It just depends and I'll be flexible in that
25 regard. If there is a situation where you need to

1 take a break, I may ask for that, Patrick, Jeff may
2 ask for a five minute break. Obviously you know
3 where the restroom is. So we can take a recess at
4 any time that you feel that you need to, just ask.
5 The only thing I would request is that if you do
6 ask to take a break, if there's a question that's
7 outstanding, that you answer that question and then
8 we can take a short recess, is that fair?

9 A. Sure, fair.

10 Q. Okay. Did you do anything to prepare for
11 today's deposition?

12 A. Took a nice shower and meditate.

13 Q. Okay. That's all?

14 A. Yeah.

15 Q. Okay. Did you review any documents prior
16 to today's deposition in preparation for today?

17 A. Yeah, last week.

18 Q. Okay. Do you recall specifically what
19 documents you reviewed?

20 A. Everything that was filed by my counsel.

21 Q. Filed by your counsel Patrick in this
22 particular lawsuit?

23 A. Correct.

24 Q. Okay. Did you meet with Patrick?

25 A. No, first time.

1 Q. Okay. Did you have a -- I don't want to
2 know anything about what you two discussed, but did
3 you have a phone conversation regarding today's
4 deposition?

5 A. That we would meet today, yeah.

6 Q. Okay. Did you go over specifics as far as
7 the lawsuit and things like that?

8 A. No.

9 Q. Okay. Let me just -- before we get to
10 that, can you tell me briefly about your
11 educational background? Did you graduate high
12 school?

13 A. Yes, I did.

14 Q. Okay. What year was that?

15 A. 2000.

16 Q. Okay. And where did you graduate high
17 school from?

18 A. Miami.

19 Q. What particular high school?

20 A. Well, I didn't go to a high school here. I
21 went to a high school in Haiti. When I came here I
22 did a test and -- because I was an ex student when
23 I was in Haiti. So when I came back they just hand
24 me the test and I pass it and I went to college.

25 Q. Okay. So if I understand you went to high

1 school in Haiti?

2 A. Correct.

3 Q. Okay. And then you moved to Miami?

4 A. Yeah.

5 Q. When was that approximately?

6 A. Well, I was here before. They sent me to
7 Haiti on eight seven.

8 Q. Okay.

9 A. So I spent 10 years in Haiti --

10 Q. Okay.

11 A. -- and then I came back at 17.

12 Q. Okay. And at that point you already
13 finished what was the high school equivalent in
14 Haiti?

15 A. Equivalent, correct.

16 Q. And then you took a test here in Miami for
17 the high school --

18 A. Yeah.

19 Q. -- like GED equivalent kind of thing, is
20 that what it was?

21 A. It was South Florida International
22 Academy.

23 Q. Okay. And then you said you went to --

24 A. Nova.

25 Q. Nova Southeastern University?

1 A. Yes.

2 Q. Okay.

3 A. I did the undergrad at Nova.

4 Q. Okay. What years were you at Nova?

5 A. Well, between 2021 through -- so three
6 years.

7 Q. Oh, are you currently still a student?

8 A. No. 2001 I meant.

9 Q. Oh, okay. I heard '22. Okay, understood.

10 A. Undergrad.

11 Q. Okay. 2001 to about 2004?

12 A. Yeah, exactly.

13 Q. And did you obtain a bachelor's degree?

14 A. Yes.

15 Q. In what?

16 A. In business administration and finance.

17 Q. Okay. And did you obtain any post-
18 baccalaureate, any master's?

19 A. Yes, I got a master's MBA.

20 Q. Okay. You got an MBA from where?

21 A. Nova.

22 Q. Okay.

23 A. Then I went to another graduate school at
24 Harvard for a master's.

25 Q. Okay, one second. You obtained an MBA

1 at --

2 A. Nova Southeastern.

3 Q. From Nova. When was that?

4 A. 2009 or 2010. 2009 or 2010.

5 Q. Okay. Is there a specific specialty within
6 the MBA that you obtained your degrees or --

7 A. Finance --

8 Q. Okay.

9 A. -- yeah.

10 Q. Okay. And then you said you went to --

11 A. Harvard University.

12 Q. Okay. When did you attend --

13 A. 2012.

14 Q. Okay. Was that an in-person program?

15 A. Yes.

16 Q. And what kind of degree or certificate did
17 you get?

18 A. Master's.

19 (Discussion held off the record).

20 BY MR. SUDDUTH:

21 Q. You said in 2012 you graduated from
22 Harvard and you got a --

23 A. No, I started. I didn't graduate.

24 Q. Oh, okay.

25 A. You asked me what date I started.

1 Q. Fair enough. You started around 2012. And
2 how long was that program?

3 A. A year and a half.

4 Q. Okay. So around mid-2013 you finished at
5 Harvard?

6 A. Correct.

7 Q. And you were issued an actual degree?

8 A. Well, I didn't finish my thesis. So I
9 didn't get issued a degree.

10 Q. Okay. And that was also a specialty in
11 finance?

12 A. No.

13 Q. What were you going to Harvard for?

14 A. Sustainability management.

15 Q. Okay.

16 (Discussion held off the record).

17 BY MR. SUDDUTH:

18 Q. What is your current occupation?

19 A. So I run a startup.

20 Q. Run a startup?

21 A. Um-hm.

22 Q. Okay. What is the startup?

23 A. It's a healthcare technology company.

24 Q. Is there a name?

25 A. ByteHealth, B-y-t-e-H-e-a-l-t-h.

1 Q. Okay. And how long have you been doing
2 that?

3 A. Two years.

4 Q. Okay.

5 A. Well, not doing, but developing the start-
6 up.

7 Q. Okay. Has it actually launched?

8 A. It's launched.

9 Q. Okay. And you've been involved in that for
10 two years?

11 A. Correct.

12 Q. Is there a specific title that you hold
13 with --

14 A. CEO.

15 Q. Do you have employees?

16 A. Two.

17 Q. Who are your employees?

18 A. Techs. Software developers.

19 Q. Okay. So for two years that would be --
20 we're here now at the end of June 2023. That was
21 approximately Summer of 2021 when you started that?

22 A. End of 2021, correct.

23 Q. Okay. What did you do prior to that?

24 A. Well, I have three other things that I do
25 besides ByteHealth.

1 Q. Okay.

2 A. I sell luxury real estate, and I'm also on
3 the mortgage loan company.

4 Q. Okay. Do you have a real estate license?

5 A. I do.

6 Q. Okay. How long have you had a real estate
7 license?

8 A. Over 10 years now.

9 Q. Okay and that license is in Florida?

10 A. Correct.

11 Q. Are you licensed to sell real estate in
12 any other state?

13 A. Now I'm licensed through many multiple
14 states.

15 Q. Okay. Are you affiliated with any
16 particular real estate brokerage firm?

17 A. Yes.

18 Q. Who's that?

19 A. I don't know. I don't remember the name.

20 Q. Okay. And you also -- you have a business
21 that is in the mortgage lending business?

22 A. Correct.

23 Q. Okay. Is there a name of the company?

24 A. Zealty Loans.

25 Q. Can you spell that?

1 A. Z-e-a-l-t-y Loans, L-o-a-n-s.

2 Q. Okay. Do you have a mortgage brokerage
3 license?

4 A. I do.

5 Q. Okay. How long have you had that?

6 A. Since 2002, in and off. I left and came
7 back.

8 Q. Okay. How long have you said that you've
9 been involved with Zealty Loans?

10 A. Well, Zealty Loans a new company I
11 started.

12 Q. Oh, okay. How long ago did you start that
13 company?

14 A. Less than seven months ago.

15 Q. Okay. Do you have an office or do you work
16 from your house at Northeast 164th Street?

17 A. I work from home virtually.

18 MR. SUDDUTH: Make sure that we wait.

19 THE WITNESS: Okay.

20 BY MR. SUDDUTH:

21 Q. You work virtually you said?

22 A. Yeah.

23 Q. And how long is that that you've, in your
24 various, with ByteHealth or with real estate and
25 with Zealty Loans has it been the case, the last

1 several years that you've worked remotely in that
2 regard?

3 A. Since COVID.

4 Q. I'm sorry?

5 A. Since COVID.

6 Q. Since COVID? Okay. Which was -- we all
7 know all too well it was approximately March 2020,
8 is that correct?

9 A. Yeah.

10 Q. Okay. Do you presently own or lease any
11 motor vehicles?

12 A. Yes.

13 Q. Okay. What vehicles?

14 A. Range Rover Sport, 2020.

15 Q. Okay. 2020 Range Rover Sport. Any others?

16 A. You say presently, correct?

17 Q. Correct.

18 A. That's the only one.

19 Q. Okay. How did you get to today's
20 deposition?

21 A. I drove.

22 Q. Okay. Whose vehicle did you drive?

23 A. I've been renting cars since my car broke
24 down.

25 Q. Okay. What vehicle are you presently

1 renting?

2 A. Right now?

3 Q. Yes.

4 A. I'm driving an Audi A5.

5 Q. Okay. Who are you renting that vehicle
6 from?

7 A. National Rent-A-Car.

8 Q. Okay. Do you have a long term rental
9 agreement? What are the terms of your rental
10 agreement with National?

11 A. It's varies.

12 Q. Okay. How long have you been driving the
13 specific Audi A5 that you drove here today?

14 A. Every week I change cars.

15 Q. Okay. With National?

16 A. Correct.

17 Q. How long have you been doing that, trading
18 cars weekly with National?

19 A. Since my Range Rover Sport didn't work,
20 let me down.

21 Q. Do you have any training in auto
22 mechanics?

23 A. No, I don't.

24 Q. Okay. Do you ever work on your own
25 vehicle?

1 A. Never.

2 MR. SUDDUTH: Mark this as Defendants' 1
3 please.

4 (Thereupon a document was marked
5 Defendants' Exhibit 1 for Identification in
6 the proceeding.)

7 BY MR. SUDDUTH:

8 Q. We're going to be looking at some
9 document.

10 A. Sure.

11 Q. I'm going to be showing you several
12 documents today Wallace.

13 A. Yes.

14 Q. And just as a matter of course, just so
15 you know I'm not trying to be rude, I will hand a
16 document to the court reporter, I will hand a copy
17 to your counsel so he can review it before he
18 presents it to you and then I'm going to review a
19 copy myself, okay?

20 A. Okay.

21 Q. Do you see this document?

22 A. Yes.

23 Q. This is Defendants' Exhibit 1 and I'll
24 represent -- first, have you seen this document
25 before?

1 A. No.

2 Q. Okay. I'll represent to you that this is a
3 Notice of Deposition, Taking Deposition Duces Tecum
4 in this matter for you, for today. The reason why
5 I'm showing it to you is, can you turn to Exhibit A
6 of this document? It's the very last page.

7 A. Yes.

8 Q. Exhibit A says, A complete copy of the
9 subject vehicle's manufacturer's written warranty
10 which plaintiff located in the glove compartment of
11 the vehicle a few days after he signed the lease,
12 and it continues. I see a document in front of me.
13 First, did you obtain a copy of the, or bring the
14 vehicle's warranty pursuant to the request today?

15 A. The book, yes.

16 Q. Okay. And that is what I see in front of
17 us on the table?

18 A. Correct.

19 Q. Okay. Can I?

20 MR. CREMEENS: Yes.

21 BY MR. SUDDUTH:

22 Q. So just to be sure, this is the booklet
23 that was in the glove box of the specific Land
24 Rover, Range Rover Sport that's at issue in this
25 case, correct?

1 A. Correct.

2 Q. Okay. You retrieved this from the vehicle
3 when it was in storage?

4 A. Correct.

5 Q. Okay. Where is the vehicle in storage
6 presently?

7 A. In Fort Lauderdale near the airport.

8 MR. SUDDUTH: Let's go off the record for a
9 quick second.

10 (Discussion held off the record).

11 MR. SUDDUTH: Mark that as 2 please.

12 (Thereupon a document was marked
13 Defendants' Exhibit 2 for Identification in
14 the proceeding.)

15 MR. SUDDUTH: Defendants' Exhibit 3 please.

16 (Thereupon a document was marked
17 Defendants' Exhibit 3 for Identification in
18 the proceeding.)

19 BY MR. SUDDUTH:

20 Q. Mr. Rothsman, Defendants' Exhibit 3, the
21 title of this document is Plaintiff's Motion for
22 Leave to File Second Amended Complaint. Do you see
23 that?

24 A. Yes.

25 Q. Okay. Could you turn to Exhibit A of this

1 document?

2 A. Yes.

3 Q. Okay. And this document is titled Second
4 Amended Complaint and Jury Demand. Do you see that?

5 A. Yes.

6 Q. Okay. I'll represent to you, I'm sure
7 Patrick will confirm, this is the operative
8 complaint in this case, the Second Amended
9 Complaint filed against my client, Jaguar Land
10 Rover North Dade, LLC, and Jaguar Land Rover
11 North America, LLC. Do you understand that?

12 A. I understand.

13 Q. Okay. Did you review this Second Amended
14 Complaint before it was filed?

15 A. First time I've ever seen this.

16 Q. First time you've seen this document?

17 A. Um-hm.

18 Q. Okay. Do you understand the distinction
19 between Jaguar Land Rover North Dade and Jaguar
20 Land Rover North America, LLC?

21 A. I do.

22 Q. Okay. Can you tell me what your under-
23 standing is --

24 A. Jaguar Land Rover North Dade is a dealer-
25 ship locally in Florida, whereas Jaguar Land Rover

1 North America is the manufacturer located in New
2 Jersey.

3 Q. Okay. Can you turn to the second page of
4 the Second Amended Complaint? You see where it says
5 Facts?

6 A. Yes.

7 Q. Okay. And it says that on or about June
8 25th, 2020 Plaintiff met together with JLRND's
9 sales personnel for the purpose of negotiating a
10 lease for a brand new vehicle. Do you see that?

11 A. Yes.

12 Q. Okay. I'll represent to you that JLRND
13 throughout this complaint is Jaguar Land Rover
14 North Dade which is the dealer. You understand
15 that?

16 A. Correct.

17 Q. Okay. Do you recall meeting with sales
18 personnel at JLRND on or about June 25th, 2020?

19 A. June or July, it's either of those.

20 Q. Okay.

21 A. I remember July 15th.

22 Q. July 15th being the date that you actually
23 signed and took delivery of the vehicle?

24 A. Correct.

25 Q. Okay.

1 A. That's my daughter's birthday, so that's
2 how I remember.

3 Q. July 15th is?

4 A. Correct.

5 Q. Okay. But do you recall having a meeting
6 at JLRND's facility or dealership prior to July
7 15th when you actually took delivery of the
8 vehicle?

9 A. I didn't have a meeting. I went there to,
10 you know, like you shop. You go around and see what
11 they have.

12 Q. Okay. So you didn't have a -- prior to you
13 signing a lease --

14 A. Um-hm.

15 Q. -- you didn't have a, per se a scheduled
16 meeting, but you went to the dealership to look at
17 vehicles?

18 A. Correct.

19 Q. Okay.

20 A. Nobody knew me, I didn't know anyone.

21 Q. Okay. That was the first time that you had
22 dealt with --

23 A. I was just browsing.

24 Q. Hold on a second.

25 A. Okay.

1 Q. That was the first time you had ever gone
2 to this particular dealership?

3 A. No.

4 Q. Okay. You had been to JLRND prior to that
5 time when you went to look at vehicles?

6 A. Correct.

7 Q. Okay. What was your prior experience with
8 the dealership?

9 A. I went there with a friend.

10 Q. Okay. How long ago before this instance
11 was --

12 A. Probably be a month prior.

13 Q. Okay. That visit was not for you
14 personally, it was just to accompany your friend?

15 A. Correct.

16 Q. Okay. So June/July you go back to the
17 store for purposes of looking at different vehicles
18 to possibly buy or lease, is that correct?

19 A. Correct.

20 Q. Okay. Do you recall having met and spoke
21 with anyone on that visit when you first went to
22 look?

23 A. Yeah, I met a gentleman.

24 Q. Do you remember the gentleman's name?

25 A. No, I don't remember his name.

1 Q. Okay. And you looked at various vehicles?

2 A. No. I was looking at the showroom --

3 Q. Okay.

4 A. -- what they have in the showroom.

5 Q. Okay. Did you know before going there that
6 you were interested in a Range Rover Sport as
7 compared to any other vehicle they might have
8 offered for sale?

9 A. I was interested in two cars, either the
10 Sport or the regular, the big body Range Rover.

11 Q. Understood. And so on that visit you went
12 there to look at both of those?

13 A. Correct.

14 Q. Okay. Did you test drive the vehicle on
15 that visit?

16 A. No.

17 Q. Okay. Did you make a decision on that
18 visit to lease the Sport as opposed to the full
19 body Range Rover, do you recall?

20 A. Not really.

21 Q. You don't recall?

22 A. No.

23 Q. Okay. On that visit did you discuss
24 possible terms of a lease or sale?

25 A. I discussed numbers.

1 Q. Okay. On that first visit.

2 A. I think so.

3 Q. And again, when I say first visit, not the
4 first visit with your friend, but the first
5 visit --

6 A. Right, right.

7 Q. You recall you may have discussed kind of
8 lease terms, rates, down payment, that kind of
9 thing on that visit?

10 A. When you say discuss payment, like I would
11 ask how much is this, how much is this. I would
12 compare the big body and the Sport.

13 Q. Okay. So you remember on that visit
14 discussing various terms and how they differed
15 between either the Sport or the full body?

16 A. Correct, because I was looking at the tag
17 in the window.

18 Q. Understood, okay. At some point after
19 that initial meeting, before you signed the lease
20 did you have any other discussions with anyone at
21 the dealership about selecting one vehicle over the
22 other?

23 A. No.

24 Q. Okay. Then was it on July 15th that you
25 went back --

1 A. Correct.

2 Q. -- and decided to go forward with leasing
3 a vehicle?

4 A. Correct.

5 Q. Okay. Had you decided on the -- I'm going
6 to call it Rover Sport, is that okay?

7 A. Sure.

8 Q. Okay. Had you decided on the Rover Sport
9 by the time you went back on July 15th to actually
10 go forward?

11 A. I decided because I went to Maserati --

12 Q. Okay.

13 A. -- and their price was -- the financing
14 was bad. So I say, I'll go back to Range Rover and
15 see if I can get a better deal.

16 Q. Okay. Because you were driving a Maserati
17 at the time, right?

18 A. Correct.

19 Q. And you say you went to Maserati. Was that
20 for the purpose of maybe --

21 A. Get a new car. I'm sorry.

22 Q. That's okay. Leasing a, or leasing or
23 buying a new Maserati?

24 A. Correct.

25 Q. But you were unhappy with the terms and

1 rates they were providing you for a new Maserati.

2 So then you said I'm going to go back to Land Rover
3 North Dade and look at the cars again.

4 A. Correct.

5 Q. Okay. Do you remember who you met with
6 when you went back on July 15th to go forward?

7 A. Yes.

8 Q. Who was that?

9 A. Laney, a wonderful lady. She came and she
10 had great customer service and I decided to go with
11 her.

12 Q. Okay. And at that point in time they had a
13 Rover Sport in stock and available for delivery,
14 immediate delivery to you that day?

15 A. Well, I didn't know what they had. They
16 took me upstairs and they said they'd find one --

17 Q. Okay.

18 A. -- and that's how I decided.

19 Q. Okay. And they told you then that they had
20 a Rover Sport, I think it's white, correct?

21 A. Fuji White.

22 Q. Fuji White. And did you go and actually
23 see the vehicle before you signed the documents?

24 A. Yes.

25 Q. Okay.

1 A. I test drove it.

2 Q. You test drove it that day?

3 A. Yeah.

4 Q. Okay. And then after your test drive I
5 assume, correct me if I'm wrong, but then you met
6 with someone in finance to go over the leasing
7 terms?

8 A. Correct.

9 Q. Okay. Do you remember who you met with in
10 finance?

11 A. I don't remember his name, but I remember
12 he say he speak Russian and we're having some
13 conversation.

14 Q. You were conversing in Russian?

15 A. Hello babe.

16 Q. You speak Russian?

17 A. No, not really, but I have a lot of
18 Russian friends.

19 Q. Understood, okay. Looking back at the
20 Second Amended Complaint, you said that during
21 ensuing conversations you and North Dade discussed
22 the subject vehicle. Was that correct?

23 A. During leaving.

24 Q. No, Paragraph 6 of the complaint. Is that
25 correct?

1 A. The subject vehicle -- on that day?

2 Q. Yes.

3 A. Yes.

4 Q. Okay. Do you recall specifically, other
5 than like the terms of the lease, did you discuss
6 anything specific regarding the vehicle do you
7 recall?

8 A. Yes, I did.

9 Q. What did you recall? What did you --

10 A. I remember I told him, It looks like this
11 vehicle is not brand new because I don't see
12 stickers like on the chair. So somebody drove it
13 already?

14 Q. Okay. And what was the response you
15 received, if any?

16 A. The response say they drove it a little
17 bit, but not particular client.

18 Q. Okay. Do you recall what the odometer was
19 on the vehicle?

20 A. Not really --

21 Q. Okay.

22 A. -- but it did have mileage. I don't
23 remember what was the amount.

24 Q. Okay. Do you recall discussing anything
25 else about the vehicle other than that issue

1 regarding you thought that maybe it wasn't new?

2 A. Yes.

3 Q. What else?

4 A. I ask them is there any issue with the
5 vehicle and they say no.

6 Q. Do you mean any issue with the vehicle,
7 this specific vehicle, or the model in general or
8 what?

9 A. No, the specific vehicle. Because in my
10 mind I didn't see any like brand new plastic on the
11 chair.

12 Q. Okay. Your concern that it was being
13 leased to you as new, and you were concerned that
14 maybe it wasn't a new vehicle based upon the fact
15 that it didn't have plastic on it?

16 A. Correct. Because my mind was like, I want
17 to see plastic in the chair. All that beautiful
18 stuff wasn't in this vehicle.

19 Q. Okay. Was it Laney that told you don't
20 worry, it's new or something --

21 A. No, it was another guy.

22 Q. Okay. The same guy that you were speaking
23 in Russian?

24 A. No, no. It was the previous guy that, when
25 I was browsing prior.

1 Q. Couple of weeks prior?

2 A. Yeah.

3 Q. Okay. And he assured you that it was new?

4 A. Yeah.

5 Q. Okay. Anything else other than that that
6 you remember --

7 A. No, that's it.

8 Q. Okay. You said that -- you say in your
9 complaint that -- Paragraph 7 says, Prior to
10 leasing the subject vehicle North Dade failed to
11 make the warranty available to you.

12 A. Um-hm.

13 Q. Is that correct?

14 A. Correct.

15 Q. Okay. Which warranty are you referring to?

16 A. Now I have a better understanding what the
17 warranty is, the book.

18 Q. Okay. So when you say the book, you're
19 referring to what we marked as Defendants' Exhibit
20 2 that was in the glove box?

21 A. Correct.

22 Q. Okay. And do you understand this to be a
23 warranty that's issued by North America the
24 manufacturer or North Dade the dealer?

25 A. The manufacturer.

1 Q. Okay. So your allegation in the Second
2 Amended Complaint is that North Dade the dealer
3 failed to make this particular document available
4 to you?

5 A. At the same date, yes.

6 Q. Okay. Did you request a copy of any
7 warranty?

8 A. Yes.

9 Q. Okay. Who did you ask for a copy of the
10 warranty?

11 A. The finance guy.

12 Q. Okay. And again the finance guy, not
13 certain of his name, knows he spoke some Russian,
14 that guy?

15 A. Correct.

16 Q. Okay. You asked him what the warranty
17 terms were?

18 A. No. I asked him am I fully covered.

19 Q. Okay.

20 A. Because I'm a professional. I don't have
21 time. Tell me how much. I want to be fully covered.
22 I don't want to have to worry about the car.

23 Q. Okay. So you didn't ask him what number of
24 years, what number of miles. You said, I want to
25 make sure that during the duration of my lease I'm

1 fully covered --

2 A. Yeah.

3 Q. -- is that right?

4 A. Yeah, and he answered four years.

5 Q. He said four years.

6 A. Yeah.

7 Q. Did he mention anything about miles or he
8 just said --

9 A. No. He just told me four years --

10 Q. Four years.

11 A. -- and I don't have to worry about any-
12 thing. Here's all my packages and I don't have to
13 worry about anything.

14 Q. Okay. And you were satisfied with that
15 because your lease term is less than four years,
16 correct?

17 A. Correct.

18 Q. I know you say that you discussed the
19 issue with him, he answered four years. Did you ask
20 to actually inspect or see the warranty, or did you
21 take him at his word that that was the warranty
22 terms, four years?

23 A. I take him at his word. He gave me a paper
24 that shows me other stuff that I thought I was with
25 a warranty, like paint, if anything scratch, all

1 that stuff, that was his response to fully covered.

2 Q. So when you said I want to make sure I'm
3 fully covered, his response was, A, it's got a four
4 year --

5 A. Um-hm.

6 Q. -- manufacturer warranty --

7 A. Um-hm.

8 Q. -- correct?

9 A. Um-hm.

10 Q. Yes?

11 A. Yes.

12 Q. And in addition they offered you paint
13 protection, wheel protection, things like that,
14 correct?

15 A. Correct.

16 Q. And you wanted to be fully protected, so
17 you -- you understood those to be options?

18 A. Not then.

19 Q. Okay.

20 A. He didn't explain to me --

21 Q. Okay.

22 A. -- purchase options.

23 Q. You were under the impression at that time
24 that you needed to purchase those other warranty
25 items?

1 A. When I asked him that I want to be fully
2 covered he offer.

3 Q. Okay. And you accepted those, correct?

4 A. Correct.

5 Q. Okay. But just to make sure the record's
6 clear you didn't ask for an actual copy of the
7 actual manufacturer's warranty, correct?

8 A. Again, he didn't give me that book.

9 Q. I understand. Did you ask for a booklet?

10 A. I didn't know what the difference.

11 Q. Okay.

12 A. I want it for me, could be a little
13 certificate, could be a driver's license. I didn't
14 know it was the book.

15 Q. Okay. Can you turn Mr. Rothsman to Exhibit
16 A of this document? It's about -- the complaint
17 is -- you're looking at Composite Exhibit A,
18 correct?

19 A. Yes.

20 Q. Okay. Do you recognize this document? I'll
21 give you a moment to look at it.

22 A. Yes, I do.

23 Q. Okay. What is this document?

24 A. That's my financing retail lease.

25 Q. The top page says Retail Lease's Order,

1 correct?

2 A. Correct.

3 Q. Okay. And I see a date of July 15th, 2020,

4 correct?

5 A. Correct.

6 Q. And you remember that is the day that you

7 signed this lease because it was your daughter's

8 birthday, right?

9 A. Correct.

10 Q. Okay. Do you see here, first it has your

11 name on this document, right?

12 A. Correct.

13 Q. And it says Model Year 2020. Do you see

14 where it says New and there's an X?

15 A. Yes.

16 Q. Okay. And the mileage according to this

17 document at that time was 19 miles. Do you see

18 that?

19 A. I see it.

20 Q. And Fuji White is the color?

21 A. Correct.

22 Q. And Shalain Lauer, do you see that?

23 A. Yes, I see it.

24 Q. Do you know who Shalain Lauer is?

25 A. No.

1 Q. Okay. Do you recall meeting with a Shalain
2 Lauer?

3 A. No.

4 Q. Okay. And the model is a Range Rover
5 Sport, correct?

6 A. Correct.

7 Q. Okay. Is that your signature at the bottom
8 of this document?

9 A. Yes.

10 Q. Okay. And can you turn the page? Do you
11 see there is a Lease Financing Credit Approval box,
12 do you see that?

13 A. Correct.

14 Q. Are those your initials?

15 A. Yes.

16 Q. Okay. And also, do you see on the right
17 side in that box, do you see halfway in that box at
18 the top it says Limitations of Liability. Do you
19 see that?

20 A. Yes.

21 Q. Is that your signature or initials?

22 A. Correct.

23 Q. Turn to the next page. Do you recognize
24 this document? Take your time.

25 A. Yes.

1 Q. Okay. What is this document?

2 A. It's a Closed End Motor Vehicle Lease
3 Agreement.

4 Q. Okay. And do you see it says parties? It
5 has Lessor, Jaguar Land Rover North Dade. Do you
6 see that?

7 A. Yes.

8 Q. And Lessee is you?

9 A. Yes.

10 Q. Okay. And do you see in the box below that
11 where it mentions JPMorgan Chase?

12 A. Yes.

13 Q. Okay. Is it your understanding that this
14 lease was assigned to JPMorgan Chase?

15 A. Yes.

16 Q. Okay. And is that the bank to whom you
17 remitted payments?

18 A. Correct.

19 Q. Okay. Now, the lease term was for 39
20 months, is that correct?

21 A. Correct.

22 Q. Okay. Ending on October 25th of this year,
23 correct?

24 A. Correct.

25 Q. And I know you traded in a 2017 Maserati

1 Ghibli, correct?

2 A. Yes.

3 Q. Okay. The monthly payments for your lease,
4 \$1,478.88, correct?

5 A. Correct.

6 Q. Is that the amount of your monthly pay-
7 ment?

8 A. Yes.

9 Q. Okay. Are you presently making lease pay-
10 ments to Chase?

11 A. I'm having hard time making payments.

12 Q. Okay. Are you current on your lease pay-
13 ments to Chase, do you know?

14 A. No, I'm not.

15 Q. Okay. How many months behind are you
16 presently, do you know?

17 A. Probably two months.

18 Q. Two months, okay. Have you received any
19 collection notices or demands from Chase as to pay-
20 ments?

21 A. Calls.

22 Q. Okay. Is it your intention to make those
23 payments to Chase?

24 A. Yes.

25 Q. Do you know how many miles you were

1 allotted under this lease?

2 A. No.

3 Q. Okay. Can you turn to the next page? First
4 of all, let me make sure that the initials on the
5 first, second and third page, wherever I see
6 initials, those are your initials or signatures,
7 correct?

8 A. Yes.

9 Q. Okay. The second page of this document, do
10 you see where it says Paragraph 13 --

11 A. Yes.

12 Q. -- excessive wear and use?

13 A. Yes.

14 Q. It says you may be charged for excessive
15 wear based on our standards for normal use and for
16 mileage in excess of miles per year during the
17 scheduled lease term at the rate of. \$.30 per mile.
18 It actually says, And for mileage in excess of
19 blank and it says 10,000 miles per year. Do you
20 that?

21 A. I see it.

22 Q. Did you understand at the time you leased
23 the vehicle that you were allotted 10,000 miles per
24 year?

25 A. No.

1 Q. Did you learn any time subsequent to
2 leasing the vehicle that you were allotted 10,000
3 miles per year?

4 A. No.

5 Q. It's the first time you're hearing, you're
6 learning of this is today?

7 A. Yes, from you.

8 Q. Okay. Had you leased any vehicles before
9 this?

10 A. First time.

11 Q. The Ghibli you purchased?

12 A. Financing.

13 Q. Okay. Did you have any understanding as to
14 how many, if there was any limit as to how many
15 miles you could drive the vehicle?

16 A. Yes.

17 Q. What was your understanding as to how many
18 miles you could drive the vehicle?

19 A. 12,000.

20 Q. 12,000 per year?

21 A. Correct.

22 Q. And what was that based on?

23 A. On the discussion I had with the finance
24 person.

25 Q. The same person who --

1 A. Yes.

2 Q. -- spoke some Russian?

3 A. Correct.

4 Q. He advised you that the allotted mileage
5 was 12,000 miles per year?

6 A. Allotted, no. He was saying make sure I
7 use 12,000 miles every year.

8 Q. Okay.

9 A. Don't go over on my lease.

10 Q. Okay. Was that something that you asked
11 him? Did you affirmatively say I want to know how
12 many miles per year I have, or was that something
13 that he volunteered without you asking --

14 A. No. He mentioned as a lease -- because he
15 asked me is this my first time. I say yes. He asked
16 me, you know, the certain mileage every year, not
17 to go over on the lease or when you return the car,
18 that's how we had this discussion.

19 Q. Understood. And he told you you had 12,000
20 miles per year?

21 A. Correct.

22 Q. Did he advise you or did you ask him what
23 kind of financial penalty there would be for going
24 over that?

25 A. No.

1 Q. Okay. Was it your belief that you would
2 drive within the 12,000 miles per year at that
3 time?

4 A. My belief was I work virtual. I go see
5 clients when I make appointment. If I go excessive
6 I will lease another car.

7 Q. So let me just make sure that I understand
8 correctly. So you weren't concerned at that time
9 about going over based upon the fact you had a
10 virtual office, you would go and see clients, and
11 if it came to a point where you were going to be
12 going over you could, you know, undertake other
13 alternatives, maybe lease another new vehicle,
14 something like that?

15 A. But it's not could, I did. I had two
16 vehicles.

17 Q. Okay. You had two vehicles at the time?

18 A. Yeah.

19 Q. Okay. Other than the Ghibli that you
20 traded in and the Sport?

21 A. After when I was traveling a lot from
22 Palm Beach to Miami to see clients I decided that
23 I don't want to go over that 12,000 mile, I'm going
24 to lease a second vehicle.

25 Q. Okay. What vehicle did you lease?

1 A. An Audi --

2 Q. Okay.

3 A. -- A3.

4 Q. And the reason for -- strike that. The
5 only reason for you leasing an Audi A3 was because
6 you were concerned about the mileage for the Rover
7 Sport?

8 A. Correct, my leased car. I didn't want to
9 go over that.

10 Q. At what point in time did you lease the
11 Audi A3?

12 A. I'm sorry, can I correct? It's A4.

13 Q. No problem, A4.

14 A. Audi A4.

15 Q. Sure. From whom did you lease the Audi A4?

16 A. Audi in Palm Beach.

17 Q. Okay. And when was that approximately?

18 A. Approximately January 2021 or end of
19 December 2020, around that time.

20 Q. Okay. So holiday time, Christmas, December
21 2020, January 2021 you leased an A4 from Audi Palm
22 Beach?

23 A. Correct.

24 Q. What was the lease term by months or years
25 for the A4?

1 A. Like amount?

2 Q. Yes. Not -- well, hold on. Strike that. I
3 appreciate the clarification. No. How long was the
4 lease?

5 A. It was for three years.

6 Q. Okay. And what were the monthly payment
7 obligations for that?

8 A. \$430.

9 Q. Okay. Now, do you still have that vehicle?

10 A. No.

11 Q. Okay.

12 A. I sold it.

13 Q. Okay.

14 A. I sold it to another dealer.

15 Q. When?

16 A. 2021. End of 2021.

17 Q. After less than a year --

18 A. Correct.

19 Q. -- of the lease?

20 A. Correct.

21 Q. Okay. When you leased the Audi A4 you had
22 only had the Rover Sport for about five months,
23 correct?

24 A. Correct.

25 Q. And you were concerned at the five month

1 mark about putting excessive miles on the Rover
2 Sport?

3 A. Correct.

4 Q. Okay. Did you continue driving the --
5 strike that. During that year, let's call it all of
6 2021, would you agree that almost all of 2021 you
7 had the A4 under lease. Is that more or less
8 accurate?

9 A. I had both leases.

10 Q. Both vehicles, I understand. During that
11 year how would you divide the driving between the
12 A4 and the Rover Sport?

13 A. Yeah. So I would split them between a
14 mortgage client and a real estate client.

15 Q. Okay. Which vehicle would you take for the
16 mortgage client?

17 A. The Audi.

18 Q. Okay. And which vehicle -- and you would
19 take the Rover Sport for the real estate client?

20 A. Correct. Because luxury real estate, I
21 have wealthy clients so I want to drive them in a
22 nice car. That's why I took it in the beginning.

23 Q. So during that 2021, if you had a real
24 estate client to take you'd take the Rover Sport.
25 If you had a mortgage client to meet with --

1 A. Um-hm.

2 Q. -- you would take the A4, correct?

3 A. Correct.

4 Q. I wouldn't expect you to know this
5 specifically, but what percentage would it be that
6 you would be taking the Sport versus the A4?

7 A. I don't remember because there was a
8 volume of both clients back and forth.

9 Q. Did you have more real estate clients
10 versus mortgage clients or --

11 A. I did, because Palm Beach, I had a lot of
12 clients in Palm Beach.

13 Q. Did something change between July 15th,
14 2020 and December 2020, five months later, as far
15 as your clients and where you would need to take
16 them, that you realized you were going to be
17 driving the Rover Sport by itself more than you
18 would otherwise?

19 A. I realize I didn't want to comingle the
20 client mileage for tax purposes --

21 Q. Um-hm.

22 A. -- because then, that's how I needed a
23 second car not only to reduce my risk of going over
24 my mileage for the first lease and then second, to
25 understand how do I dot my mileage for tax

1 purposes.

2 Q. Okay. So when you leased the Rover Sport
3 in July of 2020, at that point in time you were,
4 you had your mortgage license then, right?

5 A. Um-hm.

6 Q. Yes?

7 A. Yes.

8 Q. And you had your real estate license?

9 A. Yes.

10 Q. And when you leased the Rover Sport you
11 were conducting business for both mortgage clients
12 and real estate clients, correct?

13 A. Correct.

14 Q. Okay. About five months in you realized
15 I'm putting more miles on the Rover Sport than I
16 want to, and for taxes purposes I want to be able
17 to allocate my miles driven with the Sport for real
18 estate clients, for tax purposes?

19 A. For mileage purposes first.

20 Q. Mileage purposes first.

21 A. I don't want to go over my 12,000 miles.

22 Q. Your first concern --

23 A. Yes.

24 Q. -- was going over -- your first concern
25 was going over mileage. The second, other issue

1 that you took into consideration was the mileage on
2 the Rover Sport for tax purposes?

3 A. Yes, killing two birds with one stone.

4 Q. Sorry?

5 A. Killing two birds with one stone.

6 Q. Understood. Why did you decide to sell the
7 A4 after having it for approximately a year towards
8 the end of 2021?

9 A. I wanted to reduce my monthly lease pay-
10 ments.

11 Q. Any other reason?

12 A. No.

13 Q. And was it your understanding at that
14 point in time that when you sold the A4, that you
15 would use the Rover Sport, go back to using the
16 Rover Sport exclusively for both sets of clients?

17 A. Correct.

18 Q. Looking back at this closed end lease Mr.
19 Rothsman do you see Paragraph 18?

20 A. Yes.

21 Q. It says Warranties, and it says the
22 vehicle is subject to the manufacturer's standard
23 new car warranty. Do you see that?

24 A. Yes.

25 Q. And it says the vehicle's also subject to

1 any other express warranties or guarantees
2 disclosed here and it says NA. Do you see that?

3 A. Yes.

4 Q. And it says there are no warranties,
5 guarantees or other rights provided to you by us or
6 the vehicle's manufacturer other than those
7 disclosed in this lease. Did I read that correctly?

8 A. Yes.

9 Q. Okay. And it says that you were insured
10 with Geico?

11 A. Correct.

12 Q. Is that still your insurance company?

13 A. Yes.

14 Q. Okay. Next page, Paragraph 24. I'm sorry,
15 go to the next page after that. Sorry. Do you see
16 Paragraph 24?

17 A. Yes.

18 Q. It says maintenance and operating costs.

19 A. Yes.

20 Q. It says you will maintain, service and
21 repair the vehicle as recommended in the owner's
22 manual, and as needed to keep the vehicle in good
23 operating condition and free of physical damage. Do
24 you see that?

25 A. Yes, I see it.

1 Q. Okay. Would you agree with me that
2 pursuant to this provision, that it was your
3 responsibility to maintain and service the vehicle?

4 A. It was my baby, I want to take care of it.

5 Q. Okay. So the answer is yes?

6 A. Yes.

7 Q. Okay. Going back to the complaint, do you
8 see Paragraph 13 on Page 2? I think you're there.

9 A. Yes.

10 Q. You allege here, it says following the
11 lease and delivery of the vehicle plaintiff located
12 a copy of manufacturer's written warranty from
13 manufacturer inside the vehicle. Is that correct?

14 A. The book.

15 Q. Okay. And I'm not talking about, let's
16 make sure it's clear, I'm not asking about you
17 going and locating and retrieving the book from
18 storage which you did a few days ago, correct?

19 A. Yes.

20 Q. Okay. Prior to that you allege in the
21 complaint that following lease and delivery you
22 located a copy of the booklet from the glove box?

23 A. Yes, this book.

24 Q. Okay, this book. Did you read the book
25 when you located it in the glove box?

1 A. I read through by flipping, not really
2 reading it.

3 Q. You didn't sit down --

4 A. No, no.

5 Q. -- during dinner and --

6 A. Not at all.

7 Q. But you skimmed through it?

8 A. I skimmed through it.

9 Q. Okay. Was there a reason why you even
10 opened it? Were you looking for it?

11 A. I open it because I was having issue with
12 the screen.

13 Q. Okay.

14 A. For me the book was about fixing little
15 issues like screen, music or sound. So that's why.

16 Q. You understood it to be an owner's manual,
17 right?

18 A. Correct.

19 Q. And you thought that if you were having a
20 specific issue, before maybe calling the dealer you
21 could look at the booklet and see if it had any
22 instructions for you.

23 A. Correct.

24 Q. Okay. And when you first went to look for
25 it it was because you were having an issue with the

1 entertainment screen on the vehicle?

2 A. No.

3 Q. Okay. What specific issue was it that
4 caused you to look for the owner's manual at that
5 time?

6 A. Just curiosity.

7 Q. Okay. You were just curious. You located
8 it in the glove box and you skimmed through it and
9 put it away?

10 A. Correct.

11 Q. Okay. Was there another occasion in which
12 you refer to the owner's manual when you had the
13 vehicle other than going and retrieving it for
14 today's purposes?

15 A. No.

16 Q. Okay. Now, this particular paragraph says
17 that the written warranty that you located from
18 inside the vehicle is attached as Exhibit B,
19 correct? You see Paragraph 13?

20 A. Yes.

21 Q. Okay. Can you turn to Exhibit B of your
22 Second Amended Complaint?

23 A. Yes, Exhibit B.

24 Q. Okay. Is this a copy of the owner's manual
25 that was in your glove box?

1 A. This copy particular I'm looking at?

2 Q. Correct, correct.

3 A. No. I found a book, this book.

4 Q. Okay. Did you copy -- have you ever copied
5 this book?

6 A. Never.

7 Q. Okay. Do you know why there is a copy-
8 right Jaguar Land Rover Limited 2019 across the
9 front of this page and the other pages for this
10 exhibit?

11 A. Someone left it in the car.

12 Q. I'm sorry?

13 A. Someone left it in the car.

14 Q. Someone left what in the car?

15 A. This paper.

16 Q. You're saying that this physical paper was
17 inside the vehicle?

18 A. Inside the car was a sticker in the
19 window --

20 Q. Right.

21 A. -- and they had paperwork.

22 Q. I'm sorry, they had what?

23 A. They had papers on the floor.

24 Q. Okay, hold on. Make sure I understand. The
25 day you took delivery of the vehicle that was July

1 15th, 2020.

2 A. Correct.

3 Q. When you left with the vehicle that day
4 there were papers in the car?

5 A. When I left it was nighttime.

6 Q. Okay.

7 A. They were rushing to get out.

8 Q. Okay.

9 A. But two days after, I went to clean my
10 car, I wanted to put tint, window tint. I was
11 thinking of making it nice and I find papers inside
12 the car.

13 Q. Where? I'm sorry, go ahead.

14 A. Papers like the listed price, that was a
15 sticker on the window.

16 Q. Ah-huh.

17 A. And I saw other paperwork that --

18 Q. Okay. And this paperwork was in there as
19 well?

20 A. Probably.

21 Q. Okay. And what did you do with that paper-
22 work?

23 A. Well, I throw it away. In relation it say
24 2019. I'm figuring it's not for my car.

25 Q. Okay.

1 A. My car's a 2020.

2 Q. You remember seeing this document laying
3 with the other papers in the car when you went to
4 clean it, and you recall specifically that the
5 papers you saw had this Jaguar Land Rover Limited
6 2019 written across it?

7 A. Right.

8 Q. Yes?

9 A. I don't recall, but yes.

10 Q. Okay.

11 A. It look similar.

12 Q. Okay. And do you recall if the document
13 had these numbers at the bottom, 0001 through --

14 A. I don't recall.

15 Q. Okay. Did you make a copy of it when you
16 found it in the car?

17 A. No. I put them in a folder.

18 Q. Okay. And then what did you do with the
19 folder?

20 A. I put the folder in the back of the car.

21 Q. And that's where it stayed?

22 A. Yeah.

23 Q. What did you throw away? You said you
24 threw something away.

25 A. Other trash like the sticker price.

1 Q. Okay. But this specific document you kept
2 in the folder?

3 A. I put it in a folder. I remember I put
4 some, those papers in a folder, and the sticker I
5 throw it away because I didn't need the sticker
6 price.

7 Q. Did you provide a copy of this to your
8 counsel to attach to the complaint?

9 A. No.

10 Q. Okay. Do you know how it was that it got
11 attached to your Second Amended Complaint if you
12 kept it in your folder?

13 A. I don't recall.

14 Q. But this document as you testified, it was
15 not important to you because it said that it was
16 for a 2019. You knew the vehicle that you leased
17 was a 2020, correct?

18 A. Correct.

19 Q. Did you review this document in any --
20 when I say this document, I mean Exhibit B to your
21 complaint that has 2019 on it. Did you read this
22 after you saw it other than seeing 2019, or did you
23 know at that point it was a different vehicle so
24 you didn't bother reading it?

25 A. It was irrelevant to me at that point. It

1 said 2019, my car's 2020.

2 Q. So you find this with the other papers,
3 you see it says 2019, you say this doesn't apply to
4 my vehicle, put it in a folder and that was the end
5 of it?

6 A. First of all, I didn't get it from the
7 people I signed the paperwork from, it was just
8 found in the car. So probably somebody left it for
9 another car but I put it in a folder.

10 Q. Understood, okay. And you didn't read it
11 in any detail because you knew it was the wrong
12 vehicle?

13 A. No, I did not.

14 Q. And just to be clear, can you turn to
15 Page -- you see at the bottom of this document it
16 has numbers?

17 A. Um-hm.

18 Q. Can you turn to 00004?

19 A. Yes.

20 Q. And do you see where it says new vehicle
21 limited warranty? Halfway down it says bumper-to-
22 bumper, 5 years/60,000 miles, whichever occurs
23 first. Do you see that?

24 A. I see that.

25 Q. Okay. Now, that's different than what you

1 understood the warranty was for the vehicle. You
2 said it was four years. That's what was represented
3 to you, correct?

4 A. Correct.

5 Q. And also when you turn to Page 16 --

6 A. Yes.

7 Q. Do you see in the bottom of 16 it says
8 Range Rover Velar and then it has different, 2.0 L
9 Gas and 3.0 L and 5.0 L Gas. Do you see that?

10 A. Yes.

11 Q. That's a Range Rover Velar. Do you under-
12 stand that as being a different model Range Rover
13 than the one that you leased?

14 A. Yes.

15 Q. So would you agree with me that this
16 Exhibit B that's attached to your complaint does
17 not apply to your vehicle?

18 A. Well today by looking at it and by the
19 decision I made that day, I realize and assume
20 that, yeah, those are two different vehicles.

21 Q. One being a 2019 Velar versus the one that
22 you leased being a 2020 Range Rover Sport, correct?

23 A. At that day I didn't know it was a Velar.
24 I was reading a paper from a Velar. Today I see
25 it's a Velar.

1 Q. Okay. Do you know if your Range Rover
2 Sport is a V-6 or a V-8?

3 A. I don't know.

4 Q. Okay. Do you know what V-6 or V-8 means?

5 A. I imagine different engine.

6 Q. Right.

7 A. Speedy. More speedy I guess.

8 Q. Do you know if yours is a 6-cylinder or an
9 8-cylinder engine?

10 A. I think mine is a six.

11 Q. Okay. This is going to be a little
12 challenging only because we have this only copy to
13 work with but -- I'm looking at Defendants'
14 Exhibit 2. This is the Owner's Manual that you
15 found in your glove box and arrived with today.
16 It's a Range Rover Sport it says. First I'm going
17 to ask you -- and I'm going to refer to the actual
18 page numbers on this, in this booklet. Do you see
19 where it says Page 463?

20 A. Yes.

21 Q. And it says new vehicle limited warranty
22 covers your vehicle for and it says USA, 4 years/
23 50,000 miles, whichever occurs first. Do you see
24 that?

25 A. I see it.

1 Q. Okay. Obviously you leased this vehicle in
2 the USA, correct?

3 A. Yes.

4 Q. Okay. Is that consistent with your under-
5 standing as far as what the manufacturer's new
6 vehicle limited warranty was for the vehicle, 4
7 years/50,000 miles?

8 A. It's consistent to what I understand that
9 4 years, I'm covered for 4 years.

10 Q. Okay. Or 50,000 miles, correct, whichever
11 comes first?

12 A. I didn't know the mileage but I know four
13 years.

14 Q. Okay. And that is consistent with what the
15 agent at Rover North Dade told you four years that
16 you were covered under the manufacturer's warranty,
17 correct?

18 A. Why it's not consistent because he didn't
19 tell me 50,000 miles.

20 Q. Okay.

21 A. So it's inconsistent.

22 Q. Fair enough. The duration of the warranty,
23 four years, is consistent with what the
24 representative at Rover North Dade advised you as
25 far as the warranty coverage, four years, correct?

1 A. Yes.

2 Q. Okay. And do you see on Page 465 bumper-
3 to-bumper, new vehicle limited warranty. It says
4 US, 4 years/50,000 miles, whichever occurs first,
5 is that correct?

6 A. Yes.

7 Q. And again that would cover the entire
8 duration, at least length of the lease because you
9 had a 39 month lease, correct?

10 A. Correct.

11 Q. Do you see Page 469 in the warranty or
12 owner's manual, it says what is not covered. Do you
13 see that?

14 A. Yes.

15 Q. Okay. And it says damage caused by
16 accident, alteration or misuse of the vehicle,
17 correct?

18 A. Correct.

19 Q. And then it has examples. Examples are,
20 and one is damage caused by negligence, misuse of
21 the vehicle, improper repair, lack of or improper
22 maintenance, overloading, racing or using the
23 vehicle as a stationary power source. Do you see
24 that?

25 A. Yes.

1 Q. And on Page 470, damage caused by improper
2 maintenance, do you see that?

3 A. Yes.

4 Q. And it says, damage caused by failure to
5 maintain the vehicle, improperly maintaining the
6 vehicle, or using the wrong fuel, oil, lubricants
7 or fluids is not correct. Did I read that properly?

8 A. Yes, you did.

9 Q. Okay. Page 482 of the owner's manual it
10 has Owner's Responsibilities. Do you see that?

11 A. Yes.

12 Q. And it says Note, all warranties except
13 for the corrosion protection limited warranty. It
14 says it is the owner's responsibility to follow the
15 recommended Land Rover maintenance schedule, and
16 all Range Rover vehicles with 2.0 L, 3.0 L or 5.0 L
17 Gasoline Engine should have their first scheduled
18 maintenance at 16,000 miles or 12,000 miles from
19 the date of delivery, whichever occurs first. Did I
20 read that correctly?

21 A. Yes.

22 MR. CREMEENS: Form.

23 BY MR. SUDDUTH:

24 Q. Okay. Subsequent maintenance must be
25 performed out at intervals not to exceed the

1 recommended distance or 12 months, whichever occurs
2 first. Did I read that correctly?

3 A. Yes.

4 Q. Okay. And it says the owner must maintain
5 a record of when and where each scheduled
6 maintenance service was performed. JLR may request
7 proof that the required scheduled maintenance
8 service has been performed at the correct times.
9 Did I read that correctly?

10 A. Yes.

11 Q. And it says scheduled maintenance may be
12 performed by any service agency that is in the
13 business of servicing this type of vehicle,
14 correct?

15 A. Correct.

16 Q. The vehicle owner may also perform the
17 maintenance; however, he may be required to show
18 that the proper parts were used and that he was
19 able to perform the maintenance correctly. Did I
20 read that correctly?

21 A. Yes.

22 Q. Page 493, Service Requirements. It says
23 routine services must be carried out throughout the
24 life of the vehicle. All vehicles have a service
25 interval indicator in the instrument panel when a

1 service is required. Service is displayed in the
2 instrument panel when the engine start/stop button
3 is pressed. Did I read that correctly?

4 A. Yes.

5 Q. Okay. Page 493 through 498, do you see
6 where it has a chart for different vehicles? The
7 first one is a Range Rover Sport 2.0 L (PHEV).

8 A. Yeah.

9 Q. Do you see that?

10 A. Yes.

11 Q. Do you believe your model was a 2 Liter
12 (PHEV) vehicle?

13 A. I don't know.

14 Q. Okay. Do you know if your vehicle was a
15 3.0 Liter gas engine?

16 A. I don't know.

17 Q. Do you know if yours was -- is it a
18 diesel?

19 A. No.

20 Q. You know for sure it's not a diesel?

21 A. No, because I put 93 all the time.

22 Q. Okay. Is yours a 5.0 Liter gas?

23 A. I don't know.

24 Q. Okay. Page 495 of the owner's manual, it
25 says Range Rover Sport 3.0 L Gas. Do you see that?

1 A. Yes.

2 Q. Okay. And it says interval miles times
3 1,000. It has also kilometers times 1,000. Do you
4 see that?

5 A. Yes.

6 Q. And then it has 21, 34, 42, 70. Do you see
7 that?

8 A. Yes.

9 Q. Okay. Do you interpret this chart to mean,
10 this 21 means 21,000 miles, 34,000 kilometers? 21
11 interval miles times a thousand?

12 A. I don't know what it is.

13 Q. Okay. Is your odometer, does it read in
14 miles or kilometers, do you know?

15 A. Miles.

16 Q. Okay. Do you see where it says replace
17 engine oil and filter on this, for a Range Rover
18 Sport 3.0 L Gas?

19 A. Yes.

20 Q. Okay. And it says replace engine oil and
21 filter, and you can see a checkmark under 21 for
22 the interval miles times a thousand and interval
23 years two, is that correct?

24 A. Correct.

25 Q. You knew that the vehicle when you leased

1 it had a gasoline engine, right?

2 A. Yes.

3 Q. And you know that gasoline engines require
4 certain maintenance and service, right?

5 A. Yes.

6 Q. Okay. You know that gasoline engines
7 require oil changes?

8 A. Yes.

9 Q. Okay. Is that based on, and when I say
10 they, the oil changes, is that based upon mileage,
11 or years, or how do you understand it when oil
12 changes need to be performed?

13 A. For me I have a standard since I have
14 luxury car before, every 6,000 miles I will bring
15 it to the dealer to check it.

16 Q. That's not based on any owner's manual or
17 service requirement. That's just based on your
18 history, if you have a luxury vehicle it's your
19 practice or policy to have the oil changed every
20 6,000 miles?

21 MR. CREMEENS: Form. Go ahead.

22 THE WITNESS: Correct.

23 BY MR. SUDDUTH:

24 Q. Okay. I just want to make sure that I
25 understand. You said that it's your policy to bring

1 to the dealer to check or to actually replace it?

2 A. I buy expensive car. I know I want to keep
3 it and maintain it. So I go to them and say check
4 if anything wrong. I will replace filters and oil.

5 Q. And you've done that before you leased the
6 Rover Sport in this case? That's what you've done
7 in prior instances?

8 A. Yes, with my Maserati.

9 Q. Okay. Did you have -- let me ask you this,
10 when you say the Maserati, you're referring to the
11 Maserati Ghibli that you traded in to lease the
12 Sport?

13 A. Correct.

14 Q. Okay. For the Maserati did you have any
15 free scheduled maintenance or anything like that
16 for the vehicle that came with the purchase?

17 A. Free?

18 Q. Well, some dealers when they advertise
19 vehicles for sale or lease they may offer some
20 included maintenance. Are you aware of that?

21 A. Yeah, but not with my Maserati.

22 Q. Okay. And you purchased the Maserati you
23 said, correct?

24 A. It was financed.

25 Q. It was financed, right. It was not a

1 lease?

2 A. No.

3 Q. But it was your practice to take the
4 Maserati to the dealer every 6,000 miles to have
5 everything checked and to change the oil if
6 necessary, right?

7 A. Correct.

8 Q. Okay. The Maserati had a manufacturer's
9 warranty, correct?

10 A. No, it was done.

11 Q. It was expired?

12 A. Almost --

13 Q. Okay.

14 A. -- yeah.

15 Q. At some point after you purchased it did
16 the warranty expire?

17 A. Was almost.

18 Q. It was almost expired at the date you
19 purchased it?

20 A. No.

21 Q. Oh.

22 A. Okay. So it had warranty --

23 Q. Right.

24 A. -- but it wasn't a brand new warranty,
25 like it was a brand new car.

1 Q. It was not a brand new car?

2 A. It was a used Maserati.

3 Q. Okay. So when you bought that it was used.

4 It still had some of the original manufacturer's

5 warranty with it?

6 A. Correct.

7 Q. But at some point after, during the time

8 that you purchased it and were driving it before

9 you traded it in, the manufacturer's warranty

10 expired?

11 A. No, it was still there.

12 Q. It was still there?

13 A. Yeah.

14 Q. Okay. Did the warranty cover you, when I

15 say cover, cover the costs of maintenance of the

16 Maserati or was it just for issues that arose that

17 would be, you know, mechanical covered under the

18 warranty, that type of thing?

19 A. I always pay out-of-pocket when I bring

20 it.

21 Q. Okay. So if you went to Maserati and said

22 listen, I've driven 8,000 miles, check everything.

23 If they said you're due for an oil change, you

24 would say okay and you would pay for it?

25 A. Correct.

1 Q. Okay. Did you ever have the oil changed
2 for the Maserati -- strike that. Where did you
3 purchase the Maserati from?

4 A. In Maserati, Fort Lauderdale.

5 Q. Okay. And is that the same dealer where
6 you would take it to for service?

7 A. Always. Wherever I buy it that's where I
8 bring my cars.

9 Q. Okay. And that was the only location you
10 took the Maserati for any service or oil changes,
11 anything of that nature?

12 A. Yes. Any issue with the car I would bring
13 it back to the dealer where I bought the car.

14 Q. Okay. So you took that same policy
15 every 6,000 miles, take to the dealer, checkup,
16 things like that, you adopted that same policy as
17 it related to the Rover Sport that you leased from
18 North Dade?

19 A. Correct.

20 Q. Okay. Can you turn back to the Second
21 Amended Complaint Mr. Rothsman? At the beginning of
22 the document.

23 A. Okay.

24 Q. Paragraph 12 -- I'm sorry, strike that.
25 Paragraph 22. Turn back on Page 3.

1 A. Yes.

2 Q. Okay. It says during the warranty period
3 the vehicle suffered from several defects and
4 manufacturing workmanship and materials which
5 caused the following problems and failures, and you
6 list, or the complaint lists three issues. It says
7 check engine light, infotainment system will not
8 work intermittently and the engine will not start.
9 Do you see that?

10 A. Yes.

11 Q. Okay. Is that consistent with your
12 recollection as to issues you had with the vehicle?

13 A. Yes.

14 Q. Okay. As we sit here today did you have
15 any other issues while you were driving the vehicle
16 other than the check engine light, infotainment
17 system issues working intermittently and the engine
18 not starting?

19 A. I had one time a flat tire.

20 Q. A flat?

21 A. Yeah.

22 Q. And you took it to Midas, right?

23 A. Correct.

24 Q. Anything else other than those issues?

25 A. That's it.

1 Q. Okay. In Paragraph 24, it's the next page
2 of your Second Amended Complaint, and here it says
3 a summary of three repairs is as follows and then
4 it has information regarding the repair of 3/1/21,
5 and there's 5/15/21 for a date, and then the next
6 page at the top is 3/2/22. Do you see that?

7 A. Yes.

8 Q. Okay. So the first visit it says -- it's
9 dated 3/1/21, correct?

10 A. Correct.

11 Q. And it says the mileage on the vehicle at
12 that time was 6,687 miles, correct?

13 A. Correct.

14 Q. And there's a repair order associated with
15 that, 327211, correct?

16 A. Correct.

17 Q. Okay. At this point in time you had the
18 vehicle about eight months, right, July 15th of
19 2020 to March 2021?

20 A. Correct.

21 Q. Okay. And by this time you had already
22 leased the A4, right?

23 A. Correct.

24 Q. Did you have the same policy for the A4 as
25 far as bringing it to the -- where did you say you

1 bought it, Audi Palm Beach?

2 A. Correct.

3 Q. The same policy, you would bring it to
4 Audi, the A4 to Audi Palm Beach for the year you
5 had it, for every 6,000 miles to be checked up?

6 A. It's not a policy, it's a best practice
7 for me --

8 Q. Okay.

9 A. -- to keep my car in good shape.

10 Q. Okay. Did you utilize that same best
11 practice as it relates to the A4 for that year you
12 had it?

13 A. Correct.

14 Q. Do you recall if Audi -- well, strike
15 that. Do you know, the A4 when you leased it was it
16 new?

17 A. Brand new.

18 Q. Okay. When you sold it approximately a
19 year after having it do you recall what the mileage
20 was approximately?

21 A. I don't remember, but under 6,000.

22 Q. Under 6,000?

23 A. Yeah.

24 Q. Okay. So did there come an instance when
25 you had the A4, under your best practices, at least

1 every 6,000 miles, did there come a time when you
2 took the A4 to Audi Palm Beach for any issues?

3 A. Yes.

4 Q. Okay. What was that?

5 A. Tire.

6 Q. Okay. Flat tire or something like that?

7 A. No, just some -- the light in the engine,
8 tire pressure.

9 Q. Okay. And they addressed it?

10 A. They did.

11 Q. Okay. Did they charge you for that?

12 A. No, it's free.

13 Q. Okay. Did they change the oil?

14 A. They checked. I asked them to check.

15 Q. And what would they say?

16 A. They say you don't need oil change.

17 Q. Okay. And you didn't insist on one because
18 they told you it wasn't necessary?

19 A. They're the expert.

20 MR. SUDDUTH: Let's mark this
21 Defendants' 4.

22 (Thereupon a document was marked
23 Defendants' Composite Exhibit 4 for
24 Identification in the proceeding.)
25

1 BY MR. SUDDUTH:

2 Q. Mr. Rothsman, Defendants' Exhibit 4 I'll
3 represent to you is a composite exhibit. The first
4 document it has Invoice Number 327211. Do you see
5 that?

6 A. Yes.

7 Q. And you might -- actually can you refer to
8 the complaint, because these kind of go together.

9 A. Okay.

10 Q. So the invoice that you have in front of
11 you, 327211, that matches up with the RO Number on
12 Paragraph 24 of your complaint, correct?

13 A. Correct.

14 Q. And do you see on the actual invoice, a
15 few lines down, after it has the color, delivery
16 date it says RO opened and it's got March 1, 2001,
17 March '21. Do you see that?

18 A. Yes.

19 Q. Okay. And is this repair order, it
20 matches up, it's consistent with the repair order
21 identified in your complaint, correct?

22 A. Correct.

23 Q. And the mileage in on the actual repair
24 order, mileage in it's 6,887. That's the same as
25 alleged in your complaint, correct?

1 A. Correct.

2 Q. Okay. Now, looking at your complaint, you
3 said, it says Engine, customer states check engine
4 light comes on and off. Verify check engine light
5 is on. Connected pathfinder. It's got a bunch of
6 codes. Proceeded to follow guided diagnostics. Up-
7 date the PCM and TCM. Do you know what those are?

8 A. No.

9 Q. Okay. Clear DTCs. Road test the vehicle,
10 found check engine light still on. Proceeded to
11 perform DMTL test. Do you know what that is?

12 A. No.

13 Q. Me neither. On pathfinder which failed,
14 proceeded to replace the DMTL pump. Clear DTCs and
15 PCM adaptations. Road test the vehicle to verify
16 check engine light is no longer present. Did I read
17 that correctly?

18 A. Yes, you did.

19 Q. And it also says, Customer states while
20 driving at 40 mph or above there's a popping sound,
21 left rear vehicle. Do you remember that?

22 A. I remember.

23 Q. Okay. And you also, as you alleged
24 previously in your complaint, you mention that
25 there's the infotainment screen goes black at

1 times.

2 A. Um-hm.

3 Q. Is that correct?

4 A. Yes, correct.

5 Q. And you had to restart the vehicle to get
6 it to load back up?

7 A. Correct.

8 Q. Okay. And that's consistent with your
9 recollection of the issues you experienced back in
10 March of 2021 with the vehicle?

11 A. Correct.

12 Q. Okay. Now, Land Rover North Dade
13 according to this invoice they repaired the issues
14 that you came in and you complained of, correct?

15 A. Correct.

16 Q. Okay. And I see (N/C for all of these
17 issues on 37211. Does that mean that Land Rover
18 North Dade made those repairs at no charge to you
19 under the manufacturer's warranty?

20 A. I don't recall I paid for anything.

21 Q. Do you see where it says on Page 4 --

22 A. Yes.

23 Q. -- it says please pay this amount, 0.00,
24 do you see that?

25 A. Yes.

1 Q. Is that consistent with your memory, that
2 you didn't pay for, come out of pocket for any
3 repairs or service on this visit?

4 A. Correct.

5 Q. Okay. Now, based on the owner's manual we
6 looked at before where it said for a Range Rover
7 Sport, engine oil replacement and filter at 21,000
8 or, 21,000 miles or two years, the vehicle was not
9 due for an oil change on this visit per the
10 manufacturer's specifications, correct?

11 A. Well, based on the calculation, yes.

12 Q. Okay. At this point in time, I think we
13 said before March 1, 2021, 6,887 miles and you had
14 had the vehicle for approximately eight months,
15 correct?

16 A. Correct.

17 Q. Okay. Was it your understanding that Land
18 Rover North Dade changed the engine oil or oil
19 filter on this specific visit?

20 A. I asked Dylan.

21 Q. I'm sorry, who?

22 A. Dylan.

23 Q. Dylan.

24 A. The advisor.

25 Q. Okay. You asked him what?

1 A. Did you change the oil.

2 Q. And what did he say?

3 A. Oil is good.

4 Q. All is good?

5 A. Oil is good.

6 Q. Oil is good, okay.

7 A. Because there was a leak that time.

8 Q. What kind of leak?

9 A. Leak like under the car.

10 Q. Okay.

11 A. You'll see fluid on the floor.

12 Q. Okay. When you would park it at home?

13 A. Yeah.

14 Q. Okay. Did you park it in a garage or a
15 driveway or --

16 A. The driveway.

17 Q. Okay. And you noticed some leak underneath
18 the vehicle?

19 A. Yeah, fluid. I'm not sure what it is.

20 Q. Okay. You don't know if it was oil,
21 transmission?

22 A. No, that's why I ask him.

23 Q. You're not a mechanic?

24 A. No.

25 Q. The car's there. You had these other

1 issues.

2 A. Correct.

3 Q. You mentioned the fact that, listen, I
4 noticed some kind of fluid under the car in my
5 driveway, check it out.

6 A. Correct. Well, at a client's driveway,
7 because the client call me, complain, piss off.

8 Q. So just to make sure it's clear -- I
9 understand. So to make sure that the record's
10 clear --

11 A. Yeah.

12 Q. -- you had visited a client.

13 A. Yes.

14 Q. And after you left, the client called you
15 and said hey listen, you parked your car, left some
16 kind of oil on my driveway.

17 A. Correct.

18 Q. Okay. And so when you went and visited on
19 this visit in March of 2021 you said to Dylan,
20 listen, there was some oil underneath the vehicle,
21 please check it out. And the response was oil is
22 good.

23 A. I didn't say there was oil. I told him,
24 Dylan --

25 Q. There was fluid.

1 A. -- there was fluid leaking and it's a
2 brand new car. I was pissed off myself. I have a
3 brand new car, what's going on. And he said I'll
4 check it. And he said oil is good. Everything is
5 good, oil is good.

6 **Q. Okay. Everything is good, everything**
7 **checks out, oil is good?**

8 A. Oil is good, correct.

9 **Q. Okay. And so did you understand that he**
10 **said oil is good? Did you interpret that, that they**
11 **changed the oil or that they just said it was good**
12 **and didn't change it?**

13 A. Well, as a guy who's very ignorant and
14 mechanical with cars I took the guy word. He's the
15 advisor, he's the expert.

16 **Q. You took his word that it was changed?**

17 A. I took his word that he checked it --

18 **Q. Right.**

19 A. -- and if it had really needed to change
20 he will he change it.

21 **Q. Right. So they're the experts, you're not**
22 **a mechanic.**

23 A. No.

24 **Q. You mentioned the fact that there had been**
25 **some fluid, asked to check it out. You were upset,**

1 it's a brand new vehicle or at that point eight
2 months old, 6,887 miles, check it out. He came back
3 and said car's good, oil's good.

4 A. I asked him did you change the oil and he
5 said oil is good, that was his answer.

6 Q. Okay. You said did you change the oil and
7 he said oil's good?

8 A. Yes.

9 Q. And that was the end of it?

10 A. So I took that as a -- I'm at the dealer-
11 ship. So he said oil's good, then oil is good.

12 Q. Okay. Now, looking back at your complaint,
13 the next visit to Land Rover North Dade was about
14 two and a half months later.

15 A. Um-hm.

16 Q. Yes?

17 A. Yes.

18 Q. May 15th, 2021, correct?

19 A. Correct.

20 Q. Okay. And one day -- is that -- when it
21 says Days 1, did you interpret that to be the
22 number of days that the vehicle was with the
23 dealership?

24 A. Yeah.

25 Q. Yes?

1 A. It lasted there.

2 Q. Okay. And on this particular visit it had,
3 the vehicle had 11,864 miles on the odometer?

4 A. Correct.

5 Q. There's a Repair Order Number 332587,
6 correct?

7 A. Correct.

8 Q. Can you go back to Defendants' Exhibit 4,
9 and I believe the fifth page of that you'll see
10 332587?

11 A. I see it.

12 Q. Okay. And this repair order -- first of
13 all, the service advisor, I should have asked this
14 before, Service Advisor Dylan Ramjohn, is that who
15 you're referring to when we discussed the vehicle
16 on the March 21 visit?

17 A. I don't know his last name, but I know he
18 goes by Dylan.

19 Q. Understood, okay. This Invoice 332587,
20 that's the same that's alleged in your complaint,
21 correct?

22 A. Correct.

23 Q. And the RO opened has 15 May '21, correct?

24 A. Correct.

25 Q. And mileage in 11,864, correct?

1 A. Correct.

2 Q. So is it your understanding that what the
3 complaint alleges and identifies as this repair
4 order is the one we're looking at, Defendants'
5 Exhibit 4?

6 A. Correct.

7 Q. Okay. Now, looking at your complaint it
8 says electrical. Customer states auto high beam
9 assist indicator. Do you see that?

10 A. Yes.

11 Q. Does that refresh your memory that there
12 was an issue with the high beam assist indicator
13 coming on the vehicle?

14 A. Yes.

15 Q. Okay. And it also says below that
16 electrical. Customer states coolant light comes on.
17 Please see your service advisor. No action taken.
18 Verified customer's concern. Found coolant level at
19 minimum level. Coolant system was topped off.
20 System was pressure-tested at 30 psi for 10
21 minutes. Coolant system did not lose any pressure.
22 At no time during a physical or visual inspection
23 was there any sign of a coolant leak. Does that
24 refresh your memory that there was a, that the
25 coolant light had come on in the vehicle?

1 A. Yes.

2 Q. Looking back at the invoice I see here
3 that the first page of this repair order, it says
4 auto high beam assist indicator and it looks like
5 it says replace ECU. Do you see that?

6 A. Yes.

7 Q. And then it also -- power control module
8 update, do you know what that consisted of?

9 A. I have no idea.

10 Q. Okay. Customer states coolant light comes
11 on. That's consistent with your complaint, correct?

12 A. Correct.

13 Q. And if you go to the second page it seems
14 to confirm what's alleged in your complaint, that
15 they pressure-tested it and didn't find a leak and
16 no action was taken, correct?

17 A. Based on this --

18 Q. That's at least what this document says?

19 A. Yes.

20 Q. And it also says perform complimentary
21 Land Rover multipoint inspection. It has zero N/C
22 and a total. Please pay this amount. It says 0.00,
23 is that correct?

24 A. That's correct.

25 Q. Is that consistent with your understanding

1 that you didn't come out of pocket any monies on
2 this particular service visit?

3 A. Correct.

4 Q. At this point in time you had the vehicle
5 May 15th. You got it July 15th, 2020. So you had
6 the vehicle for 10 months, correct?

7 A. Correct.

8 Q. Okay. Ten months and the mileage again
9 when you brought it in -- did you drive it in that
10 day?

11 A. I always drive them in, yeah.

12 Q. Okay. When you drove it in that day on
13 May 15th you were driving it for 10 months. It had
14 11,864 miles on the odometer, correct?

15 A. Correct.

16 Q. Okay. Now, just to make sure, according to
17 the chart that we saw in the owner's manual for
18 service intervals, for a 3.0 Liter Gas Range Rover
19 Sport, replace engine oil and filter 21,000 miles,
20 two years. Would you agree with me that according
21 to the Passport to Service, that the engine oil was
22 not scheduled to be replaced on this visit on May
23 15th?

24 A. If my car is 3.0 as you said, yes.

25 Q. Do you recall anything specific, any

1 discussions you had with Dylan or anyone else
2 regarding the vehicle on this May 15th, 2021 visit
3 for the coolant and the high beam light?

4 A. I remember I was pissed of because I have
5 to always come back here. It was two months prior I
6 was there and now I'm back again. And I told him
7 I'm a businessman. I'm very busy, that's why I buy
8 a brand new car. I even went over there to Lenny
9 and said listen, did you guys send me a new car or
10 not, because I remember I was pissed.

11 Q. Okay. You were pissed because you had
12 had the issue of two and a half months prior when
13 the engine light came on --

14 A. Right.

15 Q. -- and you had the popping sound in the
16 suspension and you had the infotainment go black at
17 times, correct?

18 A. Correct.

19 Q. And then two and a half months later you
20 had this issue where the coolant light came on and
21 your high beam light came on.

22 A. Basically I was pissed by coming back
23 often, the frequency of coming back --

24 Q. The fact that you had been there twice --

25 A. -- with a brand new car.

1 Q. Okay. Let me ask you this, when you took
2 the vehicle in in March when you had the issue with
3 the check engine light and the popping sound and
4 the infotainment screen, first, did you ever
5 experience the popping sound with the suspension
6 after it was fixed in that March visit, did it ever
7 come back?

8 A. I don't recall.

9 Q. Okay. Did the infotainment system ever
10 have issues again where it would go black?

11 A. No, that was fixed.

12 Q. Okay. After the May visit we were just
13 speaking of, did the high beam light indicator ever
14 come on after they, after you took it that time in
15 May 2021?

16 A. I only take my car to the dealer when my
17 light telling me hey, there's a problem.

18 Q. No, I understand. My question is a little
19 more specific. You took the vehicle in May. You
20 said very clearly you were upset about it because
21 you had gone back now twice. One of the things you
22 complained about on that visit was the fact that
23 your high beam indicator light had come on,
24 correct?

25 A. Correct.

1 Q. And it was repaired on that visit,
2 correct?

3 A. It was repaired based on when I look at
4 the screen. I look at the screen.

5 Q. Okay.

6 A. I go by the screen. The screen tell me
7 this is the issues you're having.

8 Q. I understand. After that May visit in
9 2021 --

10 A. Yes.

11 Q. -- did you have any issues on the screen
12 showing that you had any problems with the high
13 beam lights --

14 A. No.

15 Q. -- after that visit? Okay.

16 Did the coolant light ever come back on
17 after that visit, the May 2021, when you brought it
18 in for that specific issue?

19 A. After?

20 Q. Correct.

21 A. Not right away, but I remember a few
22 months after, yes.

23 Q. The coolant light came back on?

24 A. Correct, April 2022.

25 Q. So sometime in 2021 the coolant light came

1 back on?

2 A. Correct.

3 Q. Did you take the vehicle to Land Rover --

4 A. I did.

5 Q. Okay. For that specific issue?

6 A. I don't know if it was specific, that
7 issue, but I did remember I brought it back.

8 Q. Was it repaired on that visit that second
9 time?

10 A. It didn't even last 20 minutes.

11 Q. I'm sorry?

12 A. It didn't last 20 minutes.

13 Q. What didn't last 20 minutes?

14 A. He gave me back the car in 20 minutes.

15 Q. Okay. Is that the visit that he

16 referenced --

17 A. It's not even there.

18 Q. Okay.

19 A. So I don't know.

20 Q. Okay, we'll get to that. Did you have any
21 discussions -- I know you said that on the March
22 visit you had the discussion with Dylan. You said
23 that there was some fluid under the vehicle, asked
24 to check it out. He said car's good, engine's good,
25 oil's good, right?

1 A. Yes.

2 Q. During the May visit when you brought it
3 back, I know you said that you were unhappy, did
4 you have any discussions with anyone about changing
5 the vehicle's oil?

6 A. No, because too much prior. They told me
7 everything was good.

8 Q. Okay.

9 A. So I didn't think after two months I
10 needed to ask the same question.

11 Q. And no one advised or told you, listen
12 Wallace, you need to change the oil now. No one
13 said that to you, correct?

14 A. No. I remember he told me, look, our job
15 is to plug it in, in the machine. The machine will
16 tell us if there's an issue.

17 Q. Okay. Turning back to your complaint. If
18 you can go to the next page, Page 5, and it says --
19 it has date 3/2/22, and it has 205 plus days which
20 I assume that means that as of this complaint,
21 that's the number of days that the vehicle had been
22 out of service, is that accurate?

23 A. Yes.

24 Q. Okay. And 33,000 miles, the odometer?

25 A. I don't recall.

1 Q. Okay. And in your complaint it says
2 engine, customer states the engine will not start,
3 is that accurate?

4 A. Correct.

5 Q. Okay. Can you go back to Exhibit 4, and
6 I'm going to ask you to go to the next page. I know
7 your complaint does not have a RO Number, but do
8 you see Invoice Number 350465?

9 A. Yes.

10 Q. First it says Service Advisor Roman
11 Hernandez. Do you know who Roman is?

12 A. I remember him.

13 Q. Okay. Did he replace Dylan as your service
14 advisor at some time?

15 A. I think he replaced two guys after him,
16 yeah.

17 Q. Okay. Now, the March -- first of all,
18 strike that. Do you recall, did you schedule a
19 service visit or make an appointment when you
20 brought the vehicle in in March the first time you
21 had the issue with the check engine light and the
22 fluid under the car, do you remember making an
23 appointment?

24 A. Yes.

25 Q. Okay. Were you provided a loaner? It says

1 two days in service. Were you provided a loaner, do
2 you remember?

3 A. In 2021?

4 Q. March of 2021 specifically.

5 A. Yeah, I remember I went into a rental car.
6 A rental car came to us --

7 Q. Okay.

8 A. -- and gave me a car.

9 Q. Okay. Did you have to pay for that, do you
10 remember that visit?

11 A. I don't think I had to pay. I don't
12 remember.

13 Q. Okay. What about on the May 15th, 2021,
14 did you make an appointment for that visit when you
15 had the issue with the high beams and the coolant
16 light, do you remember?

17 A. I remember I show up.

18 Q. You showed up and said I have this issue
19 and they looked at it?

20 A. Correct, yeah.

21 Q. Okay.

22 A. Because I had to wait for the car.

23 Q. Okay. And so because you waited that day
24 you didn't get a loaner?

25 A. I didn't need a loaner, no.

1 (Discussion held off the record).

2 BY MR. SUDDUTH:

3 Q. March 2, 2022 on your complaint where it
4 says the engine will not start, this invoice has an
5 RO open March 2, '22, correct?

6 A. Based on the paperwork, yes.

7 Q. Okay. Now -- and it says -- well, strike
8 that. Do you recall if you had an appointment for
9 that visit in March 2nd when the, when it says
10 engine will not start?

11 A. No, I didn't have appointment, because
12 I've been fighting for appointment for the past
13 three months.

14 Q. So you didn't have an appointment but --
15 okay. Did you drive the vehicle in for this, on
16 this March 2nd?

17 A. They had some procedures of COVID stuff.
18 So you couldn't just, the way I used to just bring
19 it in like anymore.

20 Q. Okay. So this is March 2nd, 2022. You
21 couldn't just -- before you would be able to just
22 drive it in and go up to like the service lane?

23 A. No. What I'm saying is, end of 2021 you
24 couldn't just bring it in like that. So I've been
25 fighting for appointment. So March --

1 (Discussion held off the record).

2 THE WITNESS: I've been fighting to get an
3 appointment and get a loaner with them.

4 BY MR. SUDDUTH:

5 Q. I think you're saying fighting, fighting.
6 Not physically fighting --

7 A. Not physically fighting. On the phone
8 arguing, hey, give me a date.

9 Q. All right. I thought maybe you had said
10 finding, but you meant -- I thought that maybe Jeff
11 thought you were saying finding.

12 A. No.

13 Q. I know you meant fighting, but I don't
14 think anyone here thought you meant that you were
15 physically --

16 A. No, no, no.

17 Q. -- getting into any confrontation.

18 A. So I was on the phone trying to get an
19 appointment basically.

20 Q. Thank you. And it's your understanding
21 that because of COVID issues, at that period of
22 time you couldn't just show up with the vehicle
23 anymore. You had to actually make an appointment,
24 is that correct?

25 A. Correct.

1 Q. And you were saying that you were having
2 issues getting an appointment for several months
3 prior. That's based on phone calls you had to try
4 to schedule to bring it in?

5 A. Correct.

6 Q. Okay. So in order to bring the vehicle in
7 on March 2nd, because you could no long just drop
8 it off, you had an appointment for that day?

9 A. No, I don't recall having an appointment.

10 Q. Okay.

11 A. I recall being tired of waiting and then
12 just drop it off.

13 Q. Okay. So did you drive the vehicle in that
14 day?

15 A. Yes.

16 Q. Okay. What were you experiencing at that
17 time, that March when you said I was tired of
18 waiting for an appointment, so I'm just taking it
19 and dropping it off, what were the issues with the
20 vehicle?

21 A. Well, you asked me what was I
22 experiencing. Emotional distress first of all.

23 Q. Not you personally or physically, but the
24 vehicle itself, what was it experiencing?

25 A. Check engine light, same thing.

1 Q. Was it stalling or stopping?

2 A. The car?

3 Q. Yes, sir.

4 A. Yeah, it stopped. I would have to wait for
5 10 minutes, press the bottom and it would start
6 again.

7 Q. Did it run rough, anything like that or --
8 I know you said that it would stop and you had to
9 turn it, shut off, you had to turn it back on, but
10 when it would actually run how would it drive?

11 A. Drive normal.

12 Q. Normal?

13 A. Yeah.

14 Q. You said that on your complaint for this
15 visit it says 33,000 miles. Do you see that in the
16 complaint?

17 A. Yes.

18 Q. Do you know where you got that information
19 from?

20 A. Probably from the advisor.

21 Q. Okay. You think that the advisor told you
22 33,000 miles --

23 A. I think so, yeah.

24 Q. Okay. Do you see this invoice, Repair
25 Order 350465?

1 A. Yes.

2 Q. And the mileage in says 38,427. Do you see
3 that?

4 A. Yes.

5 Q. Okay. Do you have any reason to believe
6 that that is not accurate?

7 A. I can't. I don't know.

8 Q. Okay. Have you checked the mileage on the
9 vehicle at all recently?

10 A. No, because you need to, a new battery.

11 Q. Okay. It won't start?

12 A. It won't start.

13 Q. Okay. It's not like the old days, old
14 cars, they would have an analog, but now it's
15 digital, correct?

16 A. Correct.

17 Q. This repair order says that, it says
18 inspected and found vehicle runs rough. Inspected
19 faults and found for SYL deactivation. No oil was
20 found and sludge was found in oil cap, and oil
21 filter is all sludge and fully clogged. Contacted
22 customer and customer states they have no service
23 history available. Did I read that accurately?

24 A. Yes.

25 Q. Okay. Do you remember being contacted and

1 requested for your service history?

2 A. Could you repeat?

3 Q. Do you remember anyone from Rover, Land
4 Rover South Dade contacting you on this particular
5 occasion and asking you for copies of any service
6 records?

7 A. No.

8 Q. Okay. Opened F-R-E-D, do you know what
9 that is?

10 A. No.

11 Q. Okay. For engine replacement and was
12 instructed to get customer's service records and
13 compression test of engine. Performed compression
14 test and attached results to FRED. Customer does
15 not have service records available for vehicle.
16 Response from FRED. FRED is declined for lack of
17 service records in the amount of sludge in the
18 engine. This is not a manufacturer defect, it is
19 due to lack of maintenance. Did I read that
20 correctly?

21 A. Yes.

22 Q. Okay. Now, according to your complaint
23 the visit, you had it -- Land Rover North Dade had
24 the vehicle on March 1, 2021, correct?

25 A. Correct.

1 Q. May 15th, 2021 they had it for one day,
2 correct?

3 A. Correct.

4 Q. The next time that they serviced the
5 vehicle was March 2nd, 2022 when, according to the
6 complaint, had 33,000 miles. The repair order says
7 38,427, correct?

8 A. Incorrect.

9 Q. What's incorrect?

10 A. Because they may send October, November
11 and December.

12 Q. Okay, hold on. October of what year?

13 A. 2021.

14 Q. Okay. Let's talk first about that. Is it
15 your testimony that you took the vehicle to Land
16 Rover North Dade in October of 2021?

17 A. Correct.

18 Q. Okay. You physically drove the vehicle to
19 the dealership?

20 A. Correct.

21 Q. Okay. And what was the purpose of driving
22 the vehicle to the dealership on October 2021?

23 A. The noise.

24 Q. I'm sorry?

25 A. Noise.

1 Q. Noise?

2 A. Um-hm.

3 Q. What kind of noise?

4 A. The front. Like the front.

5 Q. Noise was coming from the front of the
6 vehicle?

7 A. Yeah.

8 Q. Anything else?

9 A. That was it.

10 Q. Okay. Did you have an appointment for
11 that --

12 A. No.

13 Q. -- visit? No. You just showed up?

14 A. I drove in and showed up, yeah.

15 Q. Okay. And did anyone inspect the vehicle?

16 A. Yes.

17 Q. Who?

18 A. Well, your question did anyone inspect it,
19 somebody took the car from me, but I don't know if
20 they inspect it when they took it in the back.

21 Q. Okay. So you arrived at the dealership and
22 someone -- this is October twenty -- do you
23 remember specifically when in October 2020?

24 A. I don't remember.

25 Q. Okay. You know it was October of 2020?

1 A. I know it was October, yeah.

2 Q. Okay. Is there a specific thing and you're
3 just jogging your memory, that you know it was in
4 October as opposed to any other month?

5 A. Because I was dating someone. Her birthday
6 was not so far away.

7 Q. All right. So you were having an engine --
8 you noticed a noise issue.

9 A. Um-hm.

10 Q. You didn't have an appointment. Had you
11 tried to make an appointment or you just said I'm
12 going to just take it in?

13 A. No. I call in and they told me because of
14 COVID we book -- that's when they started telling
15 me about COVID --

16 Q. Okay.

17 A. -- all of a sudden.

18 Q. And they said we can't make an appointment
19 or we can't provide you with a loaner?

20 A. We can't give you an appointment right now
21 because we backlogged, something like that.

22 Q. They said you can't even get an appoint-
23 ment?

24 A. Correct, until next year.

25 Q. Until next year is what --

1 A. Yeah.

2 Q. Okay. Do you recall who -- and when you
3 were told that I assume it was over the phone?

4 A. Yeah.

5 Q. Do you remember who you spoke with?

6 A. It was a lady in service. I don't
7 remember.

8 Q. Did you tell her that you were having a
9 noise coming from the front end?

10 A. I didn't tell her anything, I just showed
11 up.

12 Q. No, no, no. I'm sorry. You said you called
13 to make an appointment --

14 A. Correct.

15 Q. -- and they told you, we don't have an
16 appointment available till next year.

17 A. Correct.

18 Q. During that phone call when you spoke to a
19 lady, did you describe anything to her over the
20 phone or did you just say I need to bring my car
21 in?

22 A. No. I introduced myself and I say my car's
23 making noise, I want to bring it in. Can you book
24 for me for next week?

25 Q. And the response was, we can't see you

1 till --

2 A. She say I'm sorry sir, we can't give you
3 any appointment right now.

4 Q. Okay. How long after that phone call --

5 A. Um-hm.

6 Q. Was it just one phone call you had when
7 the lady said we can't see you?

8 A. Yeah.

9 Q. How long after that phone call did you
10 decide, well, I'm just going to bring it in?

11 A. Showed up the next day.

12 Q. Next day, okay. And you -- someone met you
13 at the dealership, at the site when you drove in?

14 A. There was a lady always --

15 Q. Okay.

16 A. -- like a valet type.

17 Q. Okay. And what happened with the vehicle?

18 A. She took the car and she make me sit down
19 with this guy. It's not Dylan anymore, it's another
20 guy.

21 Q. Okay.

22 A. And then the guy said to me okay, give me
23 a minute, I'll check it.

24 Q. Do you remember who this person was?

25 A. No, I don't.

1 Q. Okay. And you told him, I'm having this
2 noise issue.

3 A. Correct.

4 Q. Okay. He said we'll take it back, we'll
5 look at it.

6 A. Correct.

7 Q. Okay. So they did agree to at least look
8 at it notwithstanding the fact that you didn't have
9 an appointment that day?

10 A. They did accept me. They took me in --

11 Q. Right.

12 A. -- because I didn't have appointment.

13 Q. Okay. They drove the vehicle out of your
14 eyesight? They took --

15 A. I have no idea what they did with the
16 vehicle.

17 Q. Okay. Because you were in the service
18 department lounge, right?

19 A. Correct.

20 Q. Okay. But the service advisor, you said
21 it's not Dylan. It wasn't Roman?

22 A. It wasn't Roman. It was my first time in
23 March --

24 Q. Okay. So it wasn't Dylan, but the service
25 advisor said we'll look at it. Give me how long?

1 A. He didn't say how long. He said just have
2 a seat.

3 Q. Have a seat.

4 A. Yeah.

5 Q. Okay. And then what happened?

6 A. Then in 20 minutes he came back. He said
7 all is good, everything's okay, nothing's wrong. I
8 don't see anything. I don't hear any noise.

9 Q. Okay. And what did you say?

10 A. I say I'm not crazy, there is noise. I
11 said well -- he said keep on driving it again. If
12 there's a noise come back.

13 MR. SUDDUTH: Off the record.

14 (Discussion held off the record).

15 MR. SUDDUTH: Okay. All right, back on.

16 BY MR. SUDDUTH:

17 Q. So he said listen, we checked it out,
18 there's no noise.

19 A. Correct.

20 Q. And you're like I'm not crazy, I heard
21 something.

22 A. Right.

23 Q. But nonetheless you left with the car that
24 day, correct?

25 A. Yes, I did.

1 Q. Okay. I assume you weren't charged any-
2 thing, right?

3 A. No.

4 Q. Okay. He said if you experience it again
5 come back.

6 A. Correct.

7 Q. Okay. Did the noise happen again?

8 A. The noise, not the first day, but after-
9 wards I started hearing cricky (ph) sounds up front
10 again, and then now the engine light keeps on
11 coming on.

12 Q. Okay, hold on. So not the same day, but
13 sometime afterwards you started to hear that
14 same --

15 A. The same noise.

16 Q. -- the noise and the engine light came on.

17 A. Correct.

18 Q. Okay. Now, was any, was there any
19 discussion regarding changing the vehicle's oil or
20 anything like that on this visit?

21 A. No.

22 Q. Okay. Do you recall what the vehicle's
23 mileage was on this visit?

24 A. I don't remember.

25 Q. Okay. I think you said before the March,

1 between the May 2021 and March 2022 there was also
2 a November instance?

3 A. Correct.

4 Q. Okay. What happened -- this is
5 November 2021, right?

6 A. Correct.

7 Q. And you still had the Audi A4 at this
8 time, right?

9 A. Yes.

10 Q. Okay. What happened in November of 2021?
11 That was a month after you had the noise --

12 A. That was a few weeks, so we can't assume
13 that. October, was at the end of October.

14 Q. Okay. End of October and a few weeks,
15 so --

16 A. And it was November.

17 Q. Okay. What happened in November?

18 A. Engine light is on.

19 Q. Okay. And by that time you also heard the
20 noise coming from the front?

21 A. Correct.

22 Q. Okay.

23 A. So it was noise and engine light.

24 Q. Okay. What did you do?

25 A. Now I call in. I say, I'm still having the

1 same issue that I came in a few weeks ago and now
2 my engine light is on. So now I know I'm not crazy.
3 So I need an appointment.

4 Q. Okay. So you said -- and you spoke to a
5 girl on the phone --

6 A. Yeah, a service lady.

7 Q. Okay, service lady. Okay. You said, I was
8 here a few weeks ago, I heard engine noise, you
9 guys said nothing, it came back, contact you, noise
10 is back and my engine light's on.

11 A. Correct.

12 Q. And what did she say?

13 A. She said the same thing, she told me
14 there's no appointment at this time.

15 Q. No. Did she say there's no appointment or
16 we can't get you a loaner?

17 A. I cannot get you appointment.

18 Q. Appointment period?

19 A. I didn't care about no loaner at this
20 point. I care about the appointment in December
21 when I came, the last time I went back.

22 Q. Okay. And did she offer an explanation as
23 to why you couldn't get an appointment?

24 A. COVID-19.

25 Q. Did she tell you that you could bring it

1 in as a walk-in?

2 A. No.

3 Q. Did you ask?

4 A. No.

5 Q. You're sure you did not ask if I can just
6 walk in, right?

7 A. I never ask, I just showed up.

8 Q. Okay. So she said, the same lady from
9 October said, can't give you an appointment --

10 A. I didn't know it was the same lady.

11 Q. Okay, I'm sorry. The lady in service.

12 A. The lady in service.

13 Q. And you decided at that point I'm going to
14 bring it anyway, right?

15 A. Correct.

16 Q. Okay. How long after that phone
17 conversation, give or take, was it that you decided
18 to bring it back in?

19 A. Probably a few days after.

20 Q. Three?

21 A. A few days after.

22 Q. A few days?

23 A. Yes. I don't remember how many days.

24 Q. Okay. And what happened then?

25 A. Then I drop off the car and same process,

1 they took the car, they made me go sit with the
2 same guy that I saw.

3 **Q. Don't know his name?**

4 A. I don't remember his name. And then I went
5 and sat down in the lounge area.

6 **Q. Okay. And how long were you there?**

7 A. I don't recall. I don't remember.

8 **Q. Okay. What happened then? You waited for**
9 **however long it was.**

10 A. Correct.

11 **Q. The service technician --**

12 A. I think he call me to his office --

13 **Q. Okay.**

14 A. -- yeah. Like they have their own little
15 desk.

16 **Q. Sure. And what did he tell you?**

17 A. And he told me the noise again, they drove
18 it. It's probably my tire, something like that he
19 was saying.

20 **Q. Now let me ask you, do you recall when you**
21 **went on that November visit and just as a**
22 **drop-in --**

23 A. Um-hm.

24 **Q. I know you said the noise had started**
25 **again. Do you remember hearing it the actual day**

1 you drove it into the dealership?

2 A. At that time I put the car away because I
3 didn't want to drive it.

4 Q. No, no, no. You drove it --

5 A. I drove it to them.

6 Q. You drove it to them.

7 A. Yes.

8 Q. The day that you drove it to them were you
9 experiencing the noise?

10 A. Yes.

11 Q. Okay. So the service guy at his cubicle
12 desk, whatever you call it, called you in there on
13 that November visit after having the vehicle for
14 however long and said what?

15 A. He said I didn't have an appointment
16 because I would have to leave the car. I told him
17 okay. Well, then if I leave the car I'll need -- at
18 this time I was going to sell my Audi. I told him
19 okay. Well, you'll be able to give me another car?
20 And he say, well, at this point you don't have an
21 appointment. You have to have an official appoint-
22 ment for me to even consider giving you -- I don't
23 know what he said.

24 Q. Okay. So, if I understand then, he told
25 you, you don't have an appointment so I can't get

1 you a replacement vehicle.

2 A. Correct.

3 Q. Okay. You can leave the car for us to
4 inspect and service. You can leave it but --

5 A. No, he didn't say to leave the car.

6 Q. Okay.

7 A. He said I have to come back when I have an
8 appointment.

9 Q. Understood, okay.

10 A. So he didn't even check my car.

11 Q. Okay. He didn't tell you, listen, we can't
12 give you a loaner, but leave the vehicle with us,
13 or he told you you got to leave and you got to take
14 the car with you?

15 A. Yeah, because I told him I don't care
16 about the loaner. Can you just fix the car.

17 Q. I'm not trying to trip you up. I'm trying
18 to understand, because you said at that point you
19 knew you were getting rid of the Audi --

20 A. Um-hm.

21 Q. -- correct?

22 A. Correct. So I know I needed the car, I
23 needed a car.

24 Q. Okay.

25 A. Whether it's the rental or loaner.

1 Q. Understood. So you couldn't be without --

2 A. A car.

3 Q. -- a vehicle because you were getting --
4 you had the A -- hold on. You had the A4, but you
5 knew that you were soon going to get rid of it. So
6 you needed either the Range Rover or a loaner for
7 that time, correct?

8 A. Yeah, because I was in negotiation with a
9 dealer to buy the Audi from me. So I know I needed
10 a car.

11 COURT REPORTER: Can you hold on one
12 second?

13 MR. SUDDUTH: Yeah.

14 (Thereupon a short break was taken.)

15 BY MR. SUDDUTH:

16 Q. So you left that November 2021 visit, and
17 it's your understanding that the car wasn't even
18 looked at because they told you you didn't have an
19 appointment, you had to go?

20 A. Well, he took my car away --

21 Q. Okay.

22 A. -- and then brought it back.

23 Q. Did he tell you that there was an issue
24 they found or that they needed to keep the vehicle
25 to do more work?

1 A. Well, he said I can't, I need an appoint-
2 ment. He said go set up an appointment and bring it
3 back.

4 Q. Right. He said set up an appointment, but
5 did he tell you anything that they noted regarding
6 the vehicle?

7 A. Yeah, he heard the noise.

8 Q. Okay. He said that he himself heard the
9 noise?

10 A. Correct, because he went to test drove it.

11 Q. Okay. He said I hear it, but you don't
12 have an appointment. So you're going to need to
13 bring it back --

14 A. Correct.

15 Q. -- when you have an appointment.

16 A. Correct. And I explained to him that I
17 cannot get no appointment lately because they keep
18 on telling me COVID-19 stuff. He said I'm sorry, I
19 know.

20 Q. Were you provided any documents from the
21 dealer on this visit?

22 A. No.

23 Q. Did you request anything in writing from
24 them?

25 A. No.

1 Q. Okay. While you were there did you request
2 an appointment?

3 A. I went to the lady outside.

4 Q. Yeah.

5 A. She said you had to call on the phone for
6 service.

7 Q. She said, I can't give you an appointment
8 today?

9 A. She doesn't know. She didn't even speak to
10 me very well.

11 Q. I'm sorry, didn't speak English very well?

12 A. No.

13 Q. Okay. But you drove the vehicle home?

14 A. I left with it.

15 Q. You left with the vehicle that day, right?

16 A. Correct.

17 Q. Okay. What did you do after that, did you
18 try to make an appointment over the phone or other-
19 wise?

20 A. I remember I had to travel. After I came
21 back I say, you know, when I come back I'll deal
22 with this again.

23 Q. Okay. And did you?

24 A. I did in December, yes.

25 Q. So in December. December '21, right?

1 A. Yes.

2 Q. By this point in time had you finalized
3 your deal to sell back the Audi A4?

4 A. Yeah. I only had one car now.

5 Q. The Range Rover Sport?

6 A. The Range Rover Sport.

7 Q. So what did you do in December of 2021?

8 A. I call in many times to try and get an
9 appointment and they told me March 2022. That's the
10 next time I could get an appointment.

11 Q. It's your testimony that they told you in
12 December, the next appointment we have for you to
13 see your vehicle is March of 2022?

14 A. Yeah. Well, after March.

15 Q. After March.

16 A. Correct.

17 Q. Now, I want to make sure I'm very clear
18 Mr. Rothsman. Is it your testimony that you were
19 told that we can't schedule you an appointment or
20 that we cannot provide you a loaner or rental?

21 A. It is my testimony first they cannot give
22 me an immediate appointment, an immediate, like
23 we'll see the car right now, today or next week,
24 and second I cannot get a loaner.

25 Q. Until when?

1 A. Until after March.

2 Q. And I appreciate the distinction. I need
3 to be very clear on this. In December when you were
4 told you cannot provide, we cannot provide you an
5 immediate appointment, did you interpret that as
6 being a day or a week, or is that what someone
7 specifically told you, we can't see you for what?

8 A. Someone specifically told me, I cannot see
9 you if you need a loaner till after March.

10 Q. Okay. What about if you just came in and
11 didn't get a loaner?

12 A. Probably February, but because of COVID,
13 backlogs --

14 Q. And it's your testimony today that in
15 December they told you we cannot -- if you want a
16 loaner it's going to be after March. If you don't
17 need a loaner or don't insist on a loaner it will
18 be February?

19 A. Okay. I asked them to see the car right
20 away. She say she has no appointment for now, there
21 is no appointment. She said -- and if I need a
22 loaner I would have to wait until March to bring
23 back the car.

24 Q. Okay. And you needed a loaner?

25 A. I needed a loaner because I didn't have a

1 car.

2 Q. And so you decided that rather than come
3 in for an appointment without a loaner you decided
4 to not bring it in, correct?

5 A. I decided to get an appointment.

6 Q. Okay. So you got the appointment for when?

7 A. Well, I didn't get an appointment. She
8 said she didn't, we didn't finalize an appointment
9 then because I just bring it up. I just brought it
10 for them, to them in December.

11 Q. Okay. So similar to the October --

12 A. October, November, December.

13 Q. She told you not until after March could
14 you get a loaner. Did you ask, well, when could I
15 get the vehicle if I'm not going to take a loaner
16 and I just go, can I get an appointment in -- did
17 you ask that question?

18 A. Not verbatim the way you said, but I ask
19 her, like can I just drop off the car then and then
20 I'll just pay for my own rental?

21 Q. Okay. And what was the response?

22 A. She say I have to see what we have after
23 January. We cannot get you right now right a way.

24 Q. Okay. So it wasn't -- you said December --

25 A. She mentioned next year after January.

1 Q. Okay. So she said we can see you, it will
2 be next year after January if you don't insist on a
3 loaner. We can't get you a loaner until after
4 March, but if you want to just come in --

5 A. Bring the car.

6 Q. -- bring the car next year in January.

7 A. Yeah, I would have to book it, yeah. She
8 could make me an appointment.

9 Q. Okay. She could make you an appointment --

10 A. Correct.

11 Q. -- not a loaner, but just an appoint-
12 ment?

13 A. For sure appointment, yes.

14 Q. Okay. But even that, the response you got
15 that it would take a month?

16 A. 30 days, yeah.

17 Q. I'm sorry, 30 days?

18 A. Over 30 days, yeah.

19 Q. And do you recall who it was that you
20 spoke to on this instance?

21 A. No, I don't.

22 Q. Okay. So what did you do after that? You
23 said you brought it in like you did in October/
24 November --

25 A. I didn't listen to her, I just bring it

1 in.

2 Q. You brought it in?

3 A. The car, yeah.

4 Q. Okay. Without an appointment?

5 A. Without an appointment.

6 Q. And what happened on that instance?

7 A. They refused, she refused. The valet
8 people refused to -- you got to have an appoint-
9 ment.

10 (Discussion held off the record).

11 THE WITNESS: She refused the key, because
12 usually you come in with the car and you give
13 the key and then they'll take the key to an
14 advisor. She didn't because I didn't have an
15 appointment.

16 BY MR. SUDDUTH:

17 Q. What was the specific -- if I asked this
18 before I apologize. What was the specific -- I know
19 we talked about October/November. Was the reason
20 for calling in December the same thing that
21 basically happened in November, you were having the
22 noise issue, the engine light was coming on?

23 A. Correct.

24 Q. Okay. So the December visit, 2021, they
25 didn't even accept the vehicle?

1 A. Correct.

2 Q. Okay. After the January -- I'm sorry,
3 strike that. The December 2021 call and then -- how
4 long was it between the call when they said we
5 can't give you an appointment until next year or a
6 loaner until after March, how long was it after you
7 made that call and you showed up again as you
8 described it?

9 A. Probably end of January.

10 Q. Okay. So the call was December, and you
11 said end of January you came in with the vehicle
12 and that was when you were --

13 A. No, I didn't come in with the vehicle. You
14 said if I had made any calls after that.

15 Q. I apologize then. Let me back up. You said
16 you called in December. During that call you spoke
17 to a woman and she said you can't make an appoint-
18 ment until next year which you interpreted as
19 January, or if you want a loaner not till after
20 March. You had that call, correct?

21 MR. CREMEENS: Form.

22 THE WITNESS: Correct.

23 BY MR. SUDDUTH:

24 Q. Okay. You said that you did like you did
25 before, you just drove the vehicle in, correct?

1 A. Correct.

2 Q. How long after that phone call and you
3 actually driving it in, how many days was that?

4 A. The next day.

5 Q. Okay. So that would have been sometime in
6 December 2021 when you were refused?

7 A. Correct.

8 Q. Okay. What did you do then, you drove the
9 vehicle, you continued to drive the vehicle?

10 A. I rented a car.

11 Q. When did you first rent a vehicle?

12 A. A week after probably.

13 Q. Okay. And why did you rent a vehicle?

14 A. Because the noise was getting very
15 annoying.

16 Q. Okay. What did you rent, do you remember?

17 A. I don't remember.

18 Q. Okay. Was it through National?

19 A. I don't remember.

20 Q. Huh?

21 A. I don't remember. I use National mostly --

22 Q. Okay.

23 A. -- but I use Enterprise also and Sixt --

24 Q. Okay.

25 A. -- but National's my main.

1 Q. Did you stop driving the Range Rover
2 altogether?

3 A. I put it away.

4 Q. Okay. Where did you put it away, at that
5 time?

6 A. I left it park.

7 Q. At your house?

8 A. Yes.

9 Q. Okay. Did anyone else have access to or
10 the permission to drive the vehicle?

11 A. No, only me.

12 Q. Only you?

13 A. Only, yeah.

14 Q. Okay. So then after December of 2021 you
15 drove it in. They said we can't see you. You drove
16 home, you parked the car and you started to rent
17 another vehicle, correct?

18 A. Correct.

19 Q. Okay. And then what happened with the
20 vehicle or with the dealership?

21 A. Well then I still continued to see if they
22 could get me a loaner.

23 Q. Get you a loaner?

24 A. Yeah, so I could stop paying those
25 rentals.

1 Q. Okay. And you called and made the request?

2 A. Correct.

3 Q. Okay. Because it was your intent to bring
4 the vehicle in, but you didn't have another vehicle
5 available. So you wanted to make sure you got a
6 loaner, correct?

7 A. Correct.

8 Q. Okay. And you made phone calls to the
9 dealership?

10 A. Correct.

11 Q. Okay. And this would have been, at this
12 point it would have been January '22?

13 A. Yeah, January '22. New Year.

14 Q. And do you recall specifically who you
15 spoke to in the January 2022 time frame?

16 A. No.

17 Q. Okay. Do you recall what you were told as
18 far as bringing the vehicle in during that January
19 2022 time frame?

20 A. I recall they want to set up a March
21 appointment for me.

22 Q. Okay. Was that because that was your
23 earliest they could give you a loaner?

24 A. Correct.

25 Q. Okay. Did they offer you an appointment

1 prior to that without giving you a loaner?

2 A. No.

3 Q. Did you ask them if they could see you
4 sooner than March if you didn't ask for a loaner
5 vehicle?

6 A. I told them I could bring the car in this
7 week and she say no, there's no appointment,
8 there's no space because they backlogged. There's
9 so many cars outside she said.

10 Q. So her response was, even if you don't
11 take a loaner we cannot give you an appointment
12 because we're backlogged?

13 A. Even if I drop it off they won't see my
14 car.

15 Q. Do you recall that being told to you in
16 January of 2022?

17 A. Correct.

18 Q. Okay.

19 A. Because at this point I had a rental car.
20 They need a loaner really. I was still in my rental
21 agreement. But she said, even if I drop it off they
22 wouldn't see my car. I go okay, might as well keep
23 it at the house then.

24 Q. You didn't drive it anymore. You had the
25 rental so you didn't drive it?

1 A. Correct, correct.

2 Q. Okay. Did you secure an appointment for
3 March?

4 A. No. I just showed up in March. I got fed
5 up.

6 Q. It's your testimony that you did not have
7 a March 2022 appointment?

8 A. I didn't have a appointment. They told me
9 to show up, to come, but they didn't say it's like
10 a official appointment.

11 Q. You weren't stuck in traffic and running
12 late for a March 2nd appointment. I'll be there in
13 20 minutes, nothing like that?

14 A. I don't recall.

15 Q. So when you showed up in March you drove
16 the vehicle in?

17 A. March 2nd I drove the vehicle. I drop it
18 off to them.

19 MR. SUDDUTH: Okay. All right. Let's go
20 ahead and take 30 minutes.

21 THE WITNESS: Okay.

22 MR. SUDDUTH: And then we'll come back,
23 because I do think I have a couple hours tops,
24 but I don't think we should push through to 2,
25 2:30.

1 THE WITNESS: Okay.

2 MR. SUDDUTH: So we'll come back and
3 reconvene at 1, okay?

4 THE WITNESS: All right.

5 (Thereupon a lunch break was taken).

6 BY MR. SUDDUTH:

7 Q. Mr. Rothsman, before we took a break we
8 were talking about October 2021 through January
9 2022 you were having these issues, you were calling
10 the dealership numerous times to make an appoint-
11 ment. Do you remember that?

12 A. Yes, I remember.

13 Q. Okay. Just going back again. October 2021
14 when you were having the front end noise issue,
15 remember that?

16 A. Correct.

17 Q. And you were not given an appointment, but
18 you showed up and you, they took your vehicle, and
19 it was on that first instance, October 2021 when
20 you were told, you know, we can't replicate the
21 issue, the noise issue, but if you have it bring it
22 back, right?

23 A. Correct.

24 Q. Okay. Did anyone at the dealership advise
25 you that they did any service or any work on the

1 vehicle during that October '21 visit?

2 A. Yeah. He say he plug it in to the machine.

3 Q. Okay. And he said that everything came
4 back normal, or what did he say after he plugged it
5 in the machine October 2021?

6 A. He said everything came back good.

7 Q. Okay.

8 A. Just probably keep on driving and if I
9 hear the noise again.

10 Q. Okay. Did he tell you that he did anything
11 as far as changing fluids, oil, anything like that
12 on that October 2021 visit?

13 A. No. I ask him filter, do I need a filter.
14 That was like a stupid question to ask him. He said
15 no, you don't need a filter. Everything's okay.

16 Q. He said you don't need a filter?

17 A. No.

18 Q. Okay. Do you remember if he specified
19 whether the oil had been changed?

20 A. No, because he told me everything is okay.

21 Q. Did you tell him that you had changed the
22 oil at any other location or anything like that?

23 A. I don't have the word for it. I'm very
24 about high qualities and OCD. I would never bring
25 my car somewhere else --

1 Q. Okay.

2 A. -- but to Land Rover.

3 Q. Okay. So that answers my other question.

4 You never took the vehicle to another Land Rover
5 service facility or other Jiffy Lube, that kind of
6 place to change the oil?

7 A. Well, my perception was with Land Rover
8 North Dade is that they look at it and everything
9 is good, I have no issue with oil. So in my mind I
10 never thought I would ever have issue with oil.

11 Q. So that answer is you never did take it to
12 another repair facility for oil changes, correct?

13 A. No.

14 Q. Okay. In October 2021 he told you, no,
15 everything looks good. So there's no need for any
16 kind of work, correct?

17 A. He told me filter is good, I don't need
18 anything. It's just the noise, keep on driving it
19 and take notes for him, that's it.

20 Q. Looking at the repair orders it appears
21 that in May of 2021, according to your complaint
22 and the repair order the vehicle had 11,864 miles,
23 correct?

24 A. Give me one minute please.

25 Q. Yeah. It's Repair Order 332587.

1 A. Yes, it has 11,864.

2 Q. Okay. And according to the Repair Order
3 350465, March 2nd, 2022 --

4 A. Yes.

5 Q. -- the vehicle had 38,427 miles, correct?

6 A. I cannot attest to that one.

7 Q. Okay. Do you believe that's inaccurate?

8 A. Inaccurate?

9 Q. Inaccurate. Do you have any reason to
10 believe that that is not an accurate mileage as of
11 March 2nd, 2022?

12 A. I don't know.

13 Q. Okay. If these repair orders are accurate,
14 that means that between May of 2021 and March of
15 2022 the vehicle had been driven approximately
16 21,000 miles, is that correct?

17 A. Correct.

18 Q. Okay. And that is in May 2021, June, July,
19 August, September, October, November, December,
20 January, February, March. That's 10 months,
21 correct?

22 A. Correct.

23 Q. That seems like an awful lot of miles, no?

24 A. I mean in 10 months?

25 Q. 10 months, 21,000 miles?

1 A. (No verbal response).

2 Q. Were you driving the vehicle that much
3 during that 10 month window to have 21,000
4 additional miles on it?

5 A. I know I was very busy for real estate,
6 yes.

7 Q. Were you concerned at that point in time
8 given how busy you were with real estate, about
9 going over the allotted miles on the lease?

10 A. Yes, very concerned.

11 Q. Okay. And notwithstanding that, you
12 elected around that time period, December 2021, to
13 sell the Audi that you had leased?

14 A. Repeat.

15 Q. Despite the fact that you were concerned
16 about the amount of miles on the Rover Sport --

17 A. Um-hm.

18 Q. -- you still elected to sell the A4 back
19 at that period of time, correct?

20 A. Correct, because I wanted to reduce my
21 costs.

22 Q. Sorry?

23 A. I wanted to reduce my costs.

24 Q. Reduce your costs.

25 A. Yes. My budget was over, so I need to find

1 something to reduce it. So I say let me sell the
2 Audi.

3 Q. And if I remember correctly you testified
4 that even though you had gotten rid of the A4 you
5 were concerned about the miles, but you would
6 figure out how to deal with that at some point by
7 either leasing or selling the Rover, something like
8 that, correct?

9 A. No. What I said is, in the beginning I
10 wanted to offset so I don't go over my 12,000
11 mileage that I thought that I have maximum.

12 Q. Right.

13 A. So that's why I got the Audi for a year.

14 Q. In this early, late 2021, early 2022 when
15 you were putting these miles on the Rover Sport,
16 you said you were very busy with your real estate,
17 correct?

18 A. Correct.

19 Q. Okay. If you decided around that time
20 frame to sell back the A4, you intended to use the
21 Rover Sport exclusively as your mode of
22 transportation for business, correct?

23 A. Correct.

24 Q. Okay. So given your concern about the
25 mileage you thought you had, what was your

1 intention, being as busy and driving as much as you
2 were, how you were going to deal with the mileage
3 issue once you got rid of the A4?

4 A. Well, I know I was close to almost ending
5 to my lease eventually. So I know I was going to
6 get a new, a brand new Range Rover again.

7 Q. Well, in March -- your lease ends
8 according to the documents, ends October of 2023,
9 correct?

10 A. Correct.

11 Q. So in March of 2022 you still had almost
12 20 months of lease left, right?

13 A. Approximate.

14 Q. Okay. So how would you address the mileage
15 issue if you were at 38,000 in March 2022 and you
16 still had 20 months on the lease, if you had 12,000
17 per year that you thought you had?

18 MR. CREMEENS: Form.

19 THE WITNESS: I wasn't focusing on mileage,
20 I was focusing on my costs. I say I was close
21 to ending my lease, because my lease ends this
22 year, October 2023.

23 BY MR. SUDDUTH:

24 Q. You thought that your -- when you were in
25 March of 2022 you considered, even though you had

1 20 months left, you considered that to be ending
2 soon?

3 A. Yeah. I mean I had less than a year left.

4 Q. Well --

5 A. A year. A year left. Less than two years
6 left.

7 Q. Okay. I know you said before that you
8 thought you had 12,000, looked at documents that
9 say 10,000 per year --

10 A. Um-hm.

11 Q. -- did you know before I showed you the
12 document today, that you, any mileage over the
13 allotted amount would be billed to you at \$.30
14 cents per mile or was that the first time you --

15 A. I didn't know the cents part, but I know
16 there's extra money when I return the car they'll
17 charge me.

18 Q. Okay. You just didn't know what exactly it
19 was?

20 A. Yeah, I didn't know how much.

21 Q. The visits that you had in November 2021,
22 December 2021 and January 2022, again the January
23 2022 is when you were refused service so to
24 speak --

25 A. Right.

1 Q. -- and they told you you don't have an
2 appointment you have to leave, correct?

3 A. They didn't say I have to leave it but --

4 Q. I understand that. They said we're not
5 going to see you.

6 A. Correct, we can't see you.

7 Q. Okay. You weren't provided any
8 documentation from the dealership on any of those
9 visits, correct?

10 A. No, because it was not an official
11 appointment. Usually when I make official appoint-
12 ment they send me an e-mail --

13 Q. Okay.

14 A. -- that's official.

15 Q. Okay. Did you --

16 A. Showing up is not an official appointment.

17 Q. Okay. Who would send you an e-mail, do you
18 know?

19 A. The last e-mail I got was from Roman for
20 March 2nd --

21 Q. Okay.

22 A. -- appointment.

23 Q. Okay. But you said the March 2nd was not
24 an appointment. You said you just drove in because
25 they couldn't --

1 A. He made it for me, I didn't do it.

2 Q. Okay.

3 A. So yeah, I think he set it up in the
4 system.

5 Q. Did you retain the e-mails from Land Rover
6 South, North Dade whether they're from Roman or
7 otherwise?

8 A. I have the last one from Roman, because my
9 server got deleted from hacking, but the last one
10 he sent me --

11 Q. Okay.

12 A. -- for this one I have it.

13 Q. Would you ever communicate back to Roman
14 via e-mail?

15 A. I think I did.

16 Q. Okay. Do you recall communicating with
17 anyone else other than Roman at the dealership?

18 A. I don't recall.

19 Q. Okay. Could you provide your counsel with
20 a copy of that March 2022 e-mail with Roman that
21 you said didn't, wasn't deleted?

22 A. Sure. If I didn't I will send it.

23 Q. Okay. As well as any response that you
24 still have that you sent to him?

25 A. Sure, yeah.

1 Q. Thank you. And also we did request all
2 communications in our document called Request for
3 Production. So I would ask that, to the extent that
4 you find other e-mails, communications, if you
5 would please provide those to your counsel. Can you
6 do that?

7 A. I will, but I don't think I would have his
8 because my server got hacked.

9 Q. I understand, I understand. My question,
10 just to the extent that you --

11 A. Yes.

12 Q. -- locate any you'll provide those to your
13 counsel?

14 A. Correct.

15 Q. Thank you. At some point in time you took
16 the vehicle to Land Rover Fort Lauderdale in Palm
17 Beach, right?

18 A. Fort Lauderdale?

19 Q. Yes.

20 A. I didn't take it there.

21 Q. Was it towed there?

22 A. They towed it over there.

23 Q. Okay. At whose request?

24 A. At Land Rover North Dade.

25 Q. Okay.

1 A. They didn't want my car there anymore.

2 Q. Okay. So on the March, following the
3 March 2nd when they found the -- first of all, do
4 you have any reason to dispute the findings that
5 are on that Repair Order 350465?

6 MR. CREMEENS: Form. Go ahead.

7 THE WITNESS: Do I have a reason?

8 BY MR. SUDDUTH:

9 Q. Do you believe that what is stated in the
10 history as far as the finding sludge in the engine
11 being inaccurate?

12 A. I'm not a mechanic. I can't open engine.

13 Q. Understood. You declined repairs after you
14 were informed that the manufacturer would not cover
15 them under the warranty, correct?

16 A. I declined the repair because they tell me
17 I need to pay \$30,000.

18 Q. Okay. Who told you it would be \$30,000?

19 A. When Roman called me on the phone he told
20 me he spoke to his manager and his manager rejected
21 my warranty.

22 Q. Okay.

23 A. I asked him, what does that mean, your
24 manager rejected the warranty? Because your
25 manager's a service manager. My warranty from my

1 understanding comes from Jaguar Land Rover North
2 America. So why would your manager reject my
3 warranty? And he said, It's above my paycheck or
4 whatever he said.

5 **Q. Above my pay grade, something like that?**

6 A. Yeah, something like that.

7 **Q. Did you reach out to Jaguar Land Rover**
8 **North America, LLC?**

9 A. Yes, I did.

10 **Q. Okay.**

11 A. Once he told me that I was pissed and
12 that's when I called the manufacturer myself.

13 **Q. And what did the manufacturer tell you?**

14 A. They said they have no idea what I'm
15 talking about.

16 **Q. Okay. And did you say, did you explain**
17 **what had happened?**

18 A. Yeah. So then I explain to them that I
19 took my car, I drop it off and then they call me
20 back. They told me the local dealership manager
21 denied my request and denied my warranty. She
22 said, well that's -- we should have denied it not
23 them.

24 **Q. Okay.**

25 A. And then she gave me a case number.

1 Q. Okay. And what happened then?

2 A. She gave me a case number and then from
3 there I called back Roman. He didn't want to deal
4 with me anymore I guess. Nobody wanted to -- he
5 say, if you want to pay the 33,000, just come in,
6 bring it back and -- meanwhile the car was already
7 there. Just come make the payment. I said, I'm not
8 going to -- because I have warranty. The guy told
9 me I have four years. You know, I've been bringing
10 my car to you guys. He said well, it's up to you.
11 We can't help you.

12 Q. Okay. So at that point in time though you
13 had already reached out to North America Jaguar and
14 they told you you had a case number. So after you
15 were told that by the dealership what did you do
16 with the manufacturer, if anything?

17 A. They told me they would get back to me.

18 Q. And did they get back to you?

19 A. No.

20 Q. Never did?

21 A. No.

22 Q. Do you know if the manufacturer denied the
23 warranty claim?

24 A. After probably two weeks when I called
25 them again --

1 Q. Yeah.

2 A. -- they say well, your dealer call us and
3 told them -- I don't know what she said, but the
4 dealer called them and they're going to deny it.

5 Q. Who's they, that the manufacturer's going
6 to deny it?

7 A. Yeah, based on what they told them.

8 Q. Okay. But it's your understanding that the
9 warranty was issued by the manufacturer, correct?

10 A. Correct.

11 Q. And the manufacturer ultimately declined
12 to make the repairs under warranty, correct?

13 MR. CREMEENS: Form.

14 THE WITNESS: Correct. Well, that's why I
15 was confused that a dealer, a local dealer
16 would make a decision to cancel my warranty.
17 That didn't make any sense to me.

18 BY MR. SUDDUTH:

19 Q. Right. Because your understanding is that
20 because it's a manufacturer warranty, the only
21 entity that can make that decision is the
22 manufacturer?

23 A. Is them, correct.

24 Q. So on the March 2nd visit --

25 A. Um-hm.

1 Q. -- you left without the vehicle. You left
2 the vehicle remained at the dealership, correct?

3 A. I just drop it off, like you take care of
4 it. I didn't know what was the problem, I just drop
5 it off. I say you know what, you guys call me when
6 you fix this problem, because I'm not taking owner-
7 ship of this vehicle anymore.

8 Q. Okay. This is when you dropped it off.
9 This is before they found the oil --

10 A. Correct.

11 Q. -- and the sludge, correct?

12 A. Correct.

13 Q. Okay. So you dropped it off, you left.

14 A. Yes.

15 Q. Did you ask for a loaner vehicle at that
16 time?

17 A. I didn't care about any loaner vehicle. I
18 care about taking care of the car.

19 Q. Okay. You testified that between January
20 of 2022 and March when you drove it in you didn't
21 drive the vehicle. It stayed at home?

22 A. It stayed -- yeah.

23 Q. So if the mileage is accurate on that
24 invoice for RO-350465 at 38,427, that would have
25 likely been close to the mileage as of January 2022

1 because you had stopped driving it, correct?

2 A. Most likely.

3 Q. At some point you said that the vehicle
4 was towed from Land Rover North Dade to Land Rover
5 Fort Lauderdale, correct?

6 A. Correct.

7 Q. Okay. And that was because you said that
8 Land Rover North Dade didn't want to keep the car
9 any longer?

10 A. Correct.

11 Q. Okay. Did someone call or write to you and
12 notify you that the vehicle would be taken to
13 Lauderdale?

14 A. No. So they call me. They told me --

15 Q. I'm sorry, who's they?

16 A. Roman.

17 Q. Roman called you.

18 A. Yeah, Roman called me and told me I can no
19 longer keep your car here because it's taking space
20 and you don't want to fix it. I say it's not I
21 don't want to fix it, because I want to go under my
22 warranty that I've been paying for for you guys to
23 fix it, and he's going to tell me I got to pay that
24 amount. I say I'm not going to pay that. First of
25 all, I don't have the amount and I can't afford to

1 pay it. So he said well, we're going to have to tow
2 it in some lot. I said, You can't tow it in a lot.
3 So I give him Geico, like Geico Towing because I
4 have -- I say you can send it to my house, but not
5 to no lot. I don't know how my car ended up in Fort
6 Lauderdale. So I was surprised myself, because I
7 thought he forget about it and he left it until
8 Fort Lauderdale people call me, What am I going to
9 do with my car. I mean what car. So I was surprised
10 myself.

11 Q. Okay. So let me just back up and make sure
12 I understand. Roman called and said listen, you're
13 not going to pay for the repairs, we can't keep it
14 in our shop.

15 A. Um-hm.

16 Q. We're going to tow it. You said you can
17 tow it to -- and he said we're going to tow it to a
18 lot. You said you can't tow it to a lot, you can
19 tow it to my house. I have Geico Towing coverage.

20 A. Correct.

21 Q. Okay. And his response was what, if any-
22 thing?

23 A. He didn't respond.

24 Q. That was --

25 A. He said I'll get back to you.

1 Q. Okay. And that was done over a phone call?

2 A. Yes.

3 Q. Okay. By the way, I know that you didn't
4 get any documents on any of these, the January or
5 October, November, January visits we described. Did
6 you keep any notes yourself of any of those visits?

7 A. Notes in terms of writing it down?

8 Q. Correct.

9 A. No.

10 Q. Okay. So back to when Roman -- you had the
11 conversation on the phone about towing the vehicle.
12 You gave him the Geico information. You didn't hear
13 back from him after that?

14 A. No.

15 Q. The next thing you heard was from?

16 A. Fort Lauderdale.

17 Q. Fort Lauderdale. And they said we have
18 your vehicle?

19 A. Yeah. So that probably was two months
20 after.

21 Q. Okay.

22 A. Even then, they forgot my vehicle in their
23 lot. So it's probably two months, three months
24 after they're doing inventory I guess before the
25 year ends and they found my car.

1 Q. At that point in time you thought it was
2 still at Rover North Dade?

3 A. Oh yeah, I think my car's still over
4 there.

5 Q. Okay. So you were surprised that it was
6 at -- you were like why you guys have my car.

7 A. I could have lost my car.

8 Q. By the way, have you maintained insurance
9 on the vehicle the whole time?

10 A. Yes, yes.

11 Q. Okay. So someone calls you from Land Rover
12 Lauderdale and says we have your vehicle.

13 A. They didn't say we have your vehicle. They
14 say Mr. Rothsman, we have, we check your car. What
15 would you like to do? I'm like who are you. He say,
16 well, we have your car here for the past three,
17 four months. I'm like three, four months? That's
18 when I was shocked. Like, oh my god. I could have
19 lost my car. I didn't even know where it is. She
20 said well, yeah, because they drop it off here. But
21 we at the dealer thought it was one of our cars, so
22 we never check it until we do an inventory and
23 that's when they realize this car does not belong
24 to this lot, to this dealership.

25 Q. Okay.

1 A. So they want to know what am I going to do
2 with it, what was the problem.

3 **Q. And someone called you?**

4 A. Yes.

5 **Q. And when they told you that information**
6 **you were surprised. What did you say in response**
7 **when they said what do you want to do with the**
8 **vehicle?**

9 A. I said well, the vehicle, the problem with
10 the vehicle is the engine, it's not starting. And
11 she said okay, we could take a look at it. And
12 that's what she did, she went in to run diagnostic
13 and said oh, the engine has a problem. And then we
14 could fix it for you, but your warranty got
15 declined, something like that.

16 **Q. Okay. And so you didn't authorize them to**
17 **make the repairs?**

18 A. No, I didn't have the money to pay.

19 **Q. Understood. What happened with the vehicle**
20 **after that?**

21 A. Then after that she told me to pick it up.
22 She said we can't keep it anymore.

23 **Q. Okay.**

24 A. So nobody wanted to keep it, so I went and
25 pick it up.

1 Q. Okay. You didn't drive it. It's not
2 drivable, right?

3 A. No, it's not drivable.

4 Q. Okay.

5 A. Well, it's drivable. I don't want to drive
6 it.

7 Q. Understood. It's not that the engine is
8 disassembled right now, correct?

9 A. No.

10 Q. Okay. So at that point in time you made
11 arrangements to have it retrieved from Land Rover
12 Lauderdale?

13 A. Correct.

14 Q. Okay. And you had it towed?

15 A. I called Geico again --

16 Q. Yep.

17 A. -- and I had them pick it up from Fort
18 Lauderdale and I brought it to a warehouse. I rent
19 out a warehouse. Till today I'm paying for it.

20 Q. Okay. How much are you paying for the
21 warehouse?

22 A. \$325.

23 Q. Per month?

24 A. Per month, correct.

25 Q. And is the vehicle being stored inside or

1 outside?

2 A. Inside.

3 Q. Okay. And how long has it been that you've
4 kept it there?

5 A. Since that -- so since August last year.

6 Q. Do you have a storage rental agreement
7 with the warehouse where it's kept?

8 A. Agreement?

9 Q. Like a written agreement.

10 A. It's not an agreement, but I got --
11 what do you mean agreement, like a lease agreement?

12 Q. Like a lease agreement, yes.

13 A. They don't give me a lease agreement, but
14 they give me like a, this is your car and this is
15 what we store it for you --

16 Q. I understand.

17 A. -- and this is the amount.

18 Q. Do you have a -- is there a specific
19 amount of time that you can keep it there at that
20 rate?

21 A. It's month-to-month.

22 Q. Okay.

23 A. Whenever I want.

24 Q. When we looked at the owner's manual,
25 we reviewed a provision that said that any service

1 facility could perform service on the vehicle. Do
2 you remember that?

3 A. From there, yes.

4 Q. From the owner's manual. You never did
5 that, did you?

6 A. Never.

7 Q. Okay. Your testimony is that the reason
8 why is because you only wanted to bring the vehicle
9 to the location where you got it from, correct?

10 A. Correct. I have certain best practices.
11 Wherever I brought my car, that's where I'm going
12 to always bring my car.

13 Q. And that's true even if, where you bought
14 the car, they're telling you they can't give you an
15 appointment?

16 A. Yes.

17 Q. Okay. You could have, you agree, you could
18 have called another service facility and said
19 listen, Rover North Dade is not giving me an
20 appointment. I have best practices, I need the
21 vehicle serviced. You never did that?

22 MR. CREMEENS: Form.

23 THE WITNESS: No, I never --

24 BY MR. SUDDUTH:

25 Q. I'm sorry.

1 A. No, I never did that. I guess, I don't
2 know. Comfortable where you bring it. I didn't know
3 where I'm going to bring it. So I always think,
4 hey, that's where I bought it, that's -- the people
5 need -- because they told me their service is top
6 notch, you know, like 5 Stars. So that's where I'm
7 bringing it. I didn't trust anybody else.

8 MR. SUDDUTH: Mark this 5 please.

9 (Thereupon a document was marked
10 Defendants' Exhibit 5 for Identification in
11 the proceeding.)

12 BY MR. SUDDUTH:

13 Q. Mr. Rothsman, you've been handed
14 Defendants' Exhibit 5, and this document is
15 entitled Plaintiff's Notice of Serving Responses to
16 Defendant Jaguar Land Rover North America, LLC's
17 First Set of Interrogatories. Do you see that?

18 A. Exhibit --

19 Q. Don't worry about the exhibit number.
20 That's what this document is?

21 A. Yes.

22 Q. Okay. And just to be certain -- well,
23 there's a blank page at the end, but Page 10,
24 that's your signature, correct?

25 A. Yes.

1 Q. Okay. And to the best of your knowledge as
2 we sit here today are the responses in this
3 interrogatory request, are they all true and
4 accurate to the best of your knowledge?

5 A. Yes.

6 Q. Okay. Do you see Number 4? It's on Page 2
7 of this document.

8 A. Number 4?

9 Q. Yes.

10 A. Yes.

11 Q. Number 4 asks, it says for each and every
12 complaint, issue or problem you presently have
13 concerning this subject vehicle, please state the
14 following: From plaintiff's personal knowledge, in
15 your own words, without simply referring to the
16 repair orders or plaintiff's complaint filed with
17 this Court, the specific nature of the alleged
18 defect, nonconformity or condition, the date you
19 became aware of each alleged defect, the frequency
20 with which defect, nonconformity or condition
21 occurs, any specific driving conditions under which
22 the defect, nonconformity or condition occurs, and
23 how it affects the operation or use of the vehicle.
24 Did I read that correctly?

25 A. Yes.

1 Q. And you answered, I leased a White 2020
2 Range Rover Sport on July 15th, 2020 at Jaguar Land
3 Rover North Dade by sales rep whose name was Laney.
4 I purchased most of the package they were trying to
5 sell me so that I would have no headaches if some-
6 thing would happen to the car in terms of engine,
7 cosmetics and bodywork issues. Is that correct?

8 A. Correct.

9 Q. And this says, Since leasing the car I had
10 brought it over there four times in 2021, including
11 recalls with the model. The last time I brought it
12 to Jaguar Land Rover North Dade was the end of
13 November of 2021, correct?

14 A. Correct.

15 Q. Okay. Now, today you said that you brought
16 the vehicle in in November 2021, but you also
17 brought it in December 2021 and January '22,
18 correct?

19 A. Correct.

20 Q. Do you know why your December 2021 visit's
21 not referenced here?

22 A. It should have been December not November.

23 Q. Okay. So was there a November and a
24 December visit or just a --

25 A. No. It should have been -- no, no. I said

1 the last time I brought it. So I should have said
2 December.

3 Q. Got it. And you say here in January 2022 I
4 kept on calling the service department so I could
5 bring my car for service because of noise, and the
6 car stopped running abruptly, shut down while I was
7 driving on the highway (I-95), but would restart
8 after a few minutes. That was consistent with what
9 you testified before, correct?

10 A. Correct.

11 Q. Okay. I told them that since you will keep
12 it for at least three days I would need a loaner
13 because of self-employed. In my work as a
14 consultant involves a lot of driving to clients.
15 The service department on multiple occasions told
16 me that I would have to wait until April 2022
17 because of COVID-19 to get a loaner, is that
18 correct?

19 A. Correct.

20 Q. I said my work involves me driving places
21 that are far from my house, it's imperative that I
22 have a loaner or rental car. In February and March
23 I made multiple calls to the service department and
24 they told me the same thing, I had to wait until
25 April.

1 Now, in this response you said that they
2 told you in January 2022 that you could not get a
3 loaner until April of 2022, correct?

4 A. Until after March.

5 Q. After March.

6 A. Yeah. It could be anytime after March.

7 Q. But you didn't state here that they told
8 you that they couldn't give you an appointment if
9 you wouldn't take a loaner, right?

10 A. But I didn't say that. I wasn't be
11 detailed at all I guess.

12 Q. Okay. But it's your testimony that in
13 January 2022 they told you that they couldn't, you
14 couldn't get an appointment even if you didn't take
15 a loaner or a rental?

16 A. Neither.

17 Q. And just to be clear, after January 2022
18 when you kept calling, you did not take the vehicle
19 to any other repair facility, correct?

20 A. No.

21 Q. You continue on your response to Number 4,
22 you say on March 1, 2022 the car's computer kept
23 sending messages to take the car in for service,
24 correct?

25 A. Correct.

1 Q. Hadn't you at this point in time stopped
2 driving the vehicle because you said, you know, in
3 January 2022 after you couldn't get an appointment
4 you parked it at the house and rented another
5 vehicle?

6 A. Correct.

7 Q. Okay. How was it then that you kept
8 getting notices, getting messages for the car to go
9 in for service?

10 A. Because I move the car around for parking.

11 Q. Okay. And so when you would get in the car
12 and move it to park at a different place the light
13 would come on?

14 A. Correct.

15 Q. And it said also in this response that it
16 shut down while you were on I-95.

17 A. Correct.

18 Q. Okay. How was that?

19 A. That was prior to me deciding not to park,
20 not to drive it. That's when I decided I'm not
21 going to drive this car anymore because I could
22 have been dead that day.

23 Q. You testified before, you took the vehicle
24 to Midas because you had a flat tire, correct?

25 A. Correct.

1 Q. And the Midas location was the one closest
2 to you when you had a flat tire?

3 A. Correct, because I was coming from Rolls-
4 Royce dealership, Braman dealership. They sell
5 Rolls-Royce and Bentleys.

6 Q. What were you doing at the Braman/Rolls-
7 Royce?

8 A. I need to find a solution to get a new
9 car.

10 Q. Did you look at a specific vehicle when at
11 the Braman dealership?

12 A. Yes, I did.

13 Q. What did you look at?

14 A. A Bentley.

15 Q. Okay. Ultimately did you drive one?

16 A. No, I didn't test drive one.

17 Q. Okay. Did you discuss rates or terms or
18 anything?

19 A. I did.

20 Q. Okay. And did you ultimately decide to
21 rent or -- I'm sorry, strike that. Did you decide
22 to lease or buy a vehicle from them?

23 A. No, it was too costly.

24 Q. Too what?

25 A. Too costly.

1 Q. Okay. So when you were leaving the Braman
2 dealership you got a flat tire?

3 A. Well, I drove the car and I hear a noise,
4 and when I look it was my tire.

5 Q. Okay. You had a nail in it or something?

6 A. I don't know what it is.

7 Q. Did you have to -- you didn't change it on
8 the road. You were able to drive to the Midas?

9 A. Yeah, it was right there. You could walk
10 to it.

11 Q. Okay. Do you remember when that was?

12 A. I don't recall.

13 Q. Okay. August 2021, does that sound about
14 right?

15 A. I don't remember, it's been a while.

16 Q. Okay. You still had the A4 at the time,
17 right?

18 A. Yes.

19 Q. Okay. I'm trying to understand this. At
20 this time you had the Range Rover Sport, you had
21 the Audi A4, correct?

22 A. Correct.

23 Q. You said that you were, around that time
24 you wanted to get rid of the Audi A4, and the
25 reason you testified was that you wanted to reduce

1 your costs, correct?

2 A. Correct.

3 Q. And then around that time though you went
4 to the Bentley dealership to possibly discuss
5 renting or leasing a Bentley.

6 A. Yeah, give my Range Rover Sport away, they
7 pay it off and then they give me a Bentley.

8 Q. Okay. So the idea was -- at that time your
9 thought process was, if I get rid of the Audi A4,
10 sell that back, if I sell the Range Rover Sport
11 I'll get in, could possibly get into a Bentley?

12 A. Well, if I give -- the Range Rover Sport
13 has a down payment and they'll pay off Chase, then
14 I assume a new car and a new payment.

15 Q. Okay. Did Bentley inspect the Range Rover
16 to give you any kind of estimate as far as kind of
17 trade-in/sell value they would give you?

18 A. They look at it, but they didn't inspect
19 it. Like just visual look. Everything looks nice.

20 Q. Okay. And did they give you a quote as far
21 as a trade-in?

22 A. I think so, yes.

23 Q. But you ultimately decided then that it
24 was too costly --

25 A. Yeah, it didn't make sense to me.

1 Q. Okay. So you took the vehicle to -- it was
2 very close. You had a flat tire, took it to the
3 Midas to have the tire fixed?

4 A. They had to order one.

5 Q. Okay. Did they order one from another
6 store and be delivered that day or did you have to
7 leave?

8 A. No. I had to call my cousin to pick me
9 up --

10 Q. Okay.

11 A. -- and pick it up tomorrow.

12 Q. Okay. So they ordered it. They didn't have
13 the tire in the store. They said we got to order
14 you one, come back tomorrow?

15 A. Correct. Because I remember it was a
16 Friday or Saturday, it was short day. They call me
17 before 12 o'clock to come pick up the car.

18 Q. Okay.

19 A. The tire will be here in the morning.

20 Q. Did Midas do anything other than change
21 the, replace the tire?

22 A. No.

23 Q. Okay. They didn't service the vehicle?

24 A. No.

25 Q. They recommended an oil change, did they

1 not?

2 A. Never recommend me anything. In fact I
3 didn't even know they do oil change.

4 Q. I'm sorry, what?

5 A. I don't even know they do oil change. I
6 know they do tires.

7 MR. SUDDUTH: Six?

8 COURT REPORTER: Yes.

9 (Thereupon a document was marked
10 Defendants' Exhibit 6 for Identification in
11 the proceeding.)

12 BY MR. SUDDUTH:

13 Q. Been handed Defendants' Exhibit 6. This
14 document is entitled Plaintiff's Notice of Serving
15 Responses to Defendant Jaguar Land Rover North
16 Dade, LLC's First Set of Interrogatories. This is
17 different from the last one, because this is
18 responses to the dealer's interrogatories. Do you
19 understand that?

20 A. I understand that.

21 Q. Okay. Do you see -- there's a blank page.
22 Do you see where there's a Page 1 about three pages
23 in where it's not noticed, but it's actual. It says
24 Plaintiff's Responses.

25 A. Yes.

1 Q. Okay.

2 A. Page 1?

3 Q. Yes. First, I don't see or I wasn't
4 provided. Do you recall if you signed a, it's
5 called a Jurat page like we saw at the last
6 document, where you swear that these responses are
7 true and accurate?

8 A. I don't recall.

9 MR. SUDDUTH: Okay. If we can go off the
10 record real quick.

11 (Discussion held off the record).

12 MR. SUDDUTH: Okay, back on.

13 BY MR. SUDDUTH:

14 Q. I'll give you a moment Mr. Rothsman.
15 First of all, did you look at these before today's
16 deposition since, when they were prepared?

17 A. Let me see. Yes.

18 Q. Yes, you've reviewed them again?

19 A. Yes.

20 Q. Okay. And are the answers true and
21 accurate to the best of your knowledge?

22 A. Correct.

23 Q. Okay. Do you see Number 3 on Page 3?

24 A. Yes.

25 Q. It says between July 15th, 2020, that's

1 the date that you leased it, your daughter's
2 birthday, right?

3 A. Correct.

4 Q. Not that she was born July 2020, I gotcha.

5 A. Yeah.

6 Q. Between July 15th, 2020 and March 2nd,
7 2022 did you or any person or entity ever change or
8 replace the vehicle's engine oil? If so, please
9 identify (a) the date that the vehicle's engine oil
10 was changed or replaced; (b) the name, address and
11 telephone number of the person or entity who
12 changed or replaced the vehicle's engine oil; (c)
13 the mileage or approximate mileage of the vehicle
14 when the engine oil was changed or replaced; and
15 (d) whether any records or documents exist in
16 relation to each such instance when the vehicle's
17 engine oil was changed or replaced and if so, the
18 present whereabouts of any and all such records or
19 documents. Did I read that correctly?

20 A. Correct.

21 Q. This is your answer, Around January 2021
22 when my car was at around 9,400 mileages I brought
23 the car in to Jaguar Land Rover North Dade for an
24 oil change. The assigned technician/advisor that is
25 no longer working at the dealership told me I

1 didn't need an oil change, but he will check.
2 Thirty minutes later he came to get me at the
3 waiting lounge area and told me that everything is
4 good. I asked him for paperwork and he said I
5 didn't need it. Is that correct?

6 A. Correct.

7 Q. Okay. So as far as the engine oil being
8 replaced in the vehicle, your understanding is that
9 you brought it in January 2021 to North Dade and
10 the technician told you it didn't need one, is that
11 correct?

12 A. Correct.

13 Q. Okay. Now, January 2021, you had had the
14 vehicle at that point, July 15th you had the
15 vehicle for less than six months, correct?

16 A. Correct.

17 Q. Okay. Why is it that you believe that it
18 had 9,400 miles on the car at that time?

19 A. That was not exact or accurate. It was
20 approximate.

21 Q. You said around. And so I wanted -- it's
22 not 8,000 or 9,000 or 10,000, it's 9,400. That's
23 just an estimate?

24 A. Yeah, it was just an estimate, because I
25 don't recall.

1 Q. Okay. And in fact, if we looked at your
2 complaint -- can we go back to Exhibit 2? Can you
3 turn to Page 4 of the actual complaint? This has a
4 service visit March 1, 2021. It had 6,687 miles in
5 March of 2021, correct?

6 A. Correct.

7 Q. So in January 2021 it maybe had close to
8 that, but it had less than 6600 miles, correct?

9 A. Correct.

10 Q. But again, that was just an estimate.

11 A. Like I said, I didn't know exactly.

12 Q. I'm not trying to trick you. I'm just
13 trying to make sure the record's clear.

14 A. Correct.

15 Q. So in January 2021 you had the vehicle
16 less than six months and it had close to but some-
17 thing less than 6,687 miles, correct?

18 A. Correct.

19 Q. Okay. And the advisor again told you that
20 an oil change was not necessary, correct?

21 A. Correct.

22 Q. And that is consistent with the owner's
23 manual in so far as the service interval
24 recommendations from the manufacturer for a 3.0 L
25 Gas Range Rover Sport is 21,000 miles or two years,

1 correct?

2 MR. CREMEENS: Form.

3 THE WITNESS: Correct.

4 BY MR. SUDDUTH:

5 Q. Correct?

6 A. Correct.

7 Q. Okay. The January 2021 visit that we were
8 just talking about --

9 A. Um-hm.

10 Q. -- that was before you brought the car in
11 March when you had the check engine light and the
12 popping and the suspension and the infotainment
13 center, correct?

14 A. Correct.

15 Q. Okay. Why did you bring it in in
16 January 2021?

17 A. I recall it was around my birthday and I
18 just wanted to check it out, just check. There was
19 no appointment, just show up and ask them, because
20 I didn't know when do I need to change oil in the
21 car.

22 Q. Okay. So it was, I've had the vehicle six
23 months, I've driven it almost 7,000 miles and I
24 just want you guys to do a checkup.

25 A. I didn't do it because of the miles. I

1 just want to ask them do I need one, and the guy
2 said okay, let me check quick.

3 Q. Okay. But within 30 minutes he came -- do
4 you know what he did?

5 A. I don't recall. He took the car. They
6 always take the car and put it in the back.

7 Q. And so they took the vehicle and 30
8 minutes later said no, you're good?

9 A. Where did he get the 30 minutes from? I
10 don't recall how long.

11 Q. Number 3 of your answer.

12 A. Oh, okay. From my answer?

13 Q. Yeah.

14 A. Okay, okay.

15 Q. You've driven it for six months, 7,000, or
16 you weren't worried about the mileage, but you knew
17 you had been driving for six months. You didn't
18 have an appointment, right? You just stopped in?

19 A. No. There was nothing wrong with the car.
20 I just was curious to know when do I change my oil.

21 Q. Okay. And did you ask the specific
22 question, when do I change it, or you said will you
23 look at it to --

24 A. That was my first question, when do I
25 change my oil? He said oh, let me check it, you're

1 here.

2 Q. Okay. Did he give you anything or say to
3 you it's good now, but these are the service
4 interval requirements, or this is when you need to
5 it back or anything like that?

6 A. No. He just said I don't need the oil
7 change.

8 Q. Got it. Did you ask him, okay, I don't
9 need one now. When do I need to bring it back for
10 one?

11 A. No, because once he told me how I need
12 one -- maybe it's me, because when I give service
13 to a client, I give you the whole, full 360. He
14 just say I don't need no oil. So I take his word, I
15 don't need no oil now, and I just say okay.

16 Q. Can you turn to Page 7 please?

17 A. Sure. Okay.

18 Q. This request asks you to separately
19 number, describe and mathematically compute each
20 and every item or element of any and all damages,
21 and/or any relief you are claiming in this action,
22 including diminution of value and/or costs of
23 repairs, and please state whether any documents
24 exist which refer or relate to such damage
25 calculations, and the present whereabouts of any

1 and all such documents.

2 Your answer is, first you have loss of
3 wages, \$50,000 from December 2021 to April of 2022,
4 is that correct?

5 A. Correct.

6 Q. Okay. And is it your testimony today that
7 you've lost wages equal to \$50,000 between that
8 four month interval?

9 A. Deals, real estate deals.

10 Q. Okay. You said that you've lost \$50,000
11 worth of real estate deals?

12 A. Approximate.

13 Q. And when you say deals, you mean
14 commissions you would have received?

15 A. Yes, had to pick up, show the client the
16 house they wanted.

17 Q. You filed a tax return for the 2022
18 calendar year, correct?

19 A. 2022?

20 Q. Yep.

21 A. Yes.

22 Q. Okay. Did you file a tax return in 2020,
23 I'm sorry, 2021, for 2021 calendar year?

24 A. Correct, yes.

25 Q. And for 2020?

1 A. Yes.

2 Q. Okay. Do you have any documents that would
3 reflect that you lost \$50,000 in real estate deals
4 from December 2021 to April 2022?

5 A. I don't have a document per se that say
6 50,000, but I have document that say my total lost
7 wages, my total loss for that year.

8 Q. Okay. Where is that document?

9 A. Probably with my tax returns from my
10 company.

11 Q. And did you file -- you filed -- let me
12 strike that. When I mention the tax returns --
13 first of all, you filed personal income tax returns
14 for those years, 2022, 2021, 2020?

15 A. Personally?

16 Q. Yes.

17 A. Do I file? Yes.

18 Q. Okay. And you filed --

19 A. But the structure, the way I file taxes is
20 not the way you asked me the question.

21 Q. Understand. So just to clarify, you filed
22 personal 1040 IRS tax returns for yourself for 2020
23 through 2022, correct?

24 A. Correct.

25 Q. Okay. And did you also file -- did the

1 business file a separate tax return for those
2 years?

3 A. Correct.

4 Q. Okay. And when you say business, are you
5 referring to Zealty Loans?

6 A. I'm referring to the conglomerate that
7 encompass real estate, mortgages and healthcare
8 technology.

9 Q. Okay. Is there a conglomerate or holding
10 entity that acts as that in that capacity?

11 A. Correct.

12 Q. Okay. Who is that?

13 A. JEFOK.

14 Q. I'm sorry?

15 A. JEFOK Industries, Inc.

16 Q. Is that a Florida company?

17 A. It's a Delaware.

18 Q. Okay. And is that the company -- who owns
19 that company?

20 A. I do. Well, I don't own it, but I'm the
21 hundred percent shareholder.

22 Q. Okay. You own a hundred percent of the
23 stock --

24 A. The stocks, correct.

25 Q. -- for JEFOK?

1 A. Industries, yes.

2 Q. How long has that company been in
3 business?

4 A. Since 2017.

5 Q. Are you president of that company?

6 A. Correct.

7 Q. Okay. And are you CFO or is there any
8 officer title you have?

9 A. President and CEO.

10 Q. Okay.

11 A. Chairman of the Board.

12 Q. Okay. Does that company have any
13 employees?

14 A. We have independent contractors.

15 Q. Okay. What is it that company does?

16 A. It's a holding.

17 Q. Okay. It's a holding company?

18 A. Correct.

19 Q. Does it actually transact any business of
20 its own?

21 A. It's a holding company.

22 Q. Okay. Who are the independent contractors
23 for that company?

24 A. That would be real estate agents. That
25 would be loan officers that I refer businesses,

1 processors, technology, like software developers.

2 Q. And JEFOK has filed a tax return for 2020
3 through 2022?

4 A. Correct.

5 Q. Okay. Is there an accountant that prepares
6 those tax returns?

7 A. Multiple.

8 Q. Okay. With respect to the Range Rover
9 Sport did you claim that as far as lease expenses,
10 mileage or anything associated with that vehicle,
11 did you utilize that for a deduction on either your
12 personal tax returns or any of the businesses in
13 which you're associated?

14 A. Depends on what my CPA prepares. What goes
15 under business will go under business, what goes in
16 the personal will go in the personal.

17 Q. Okay. Is it your understanding that in
18 some capacity the Range Rover Sport has been,
19 either the payments or the mileage has been applied
20 toward some kind of credit on taxes?

21 A. Deductible.

22 Q. Deductible?

23 A. Correct.

24 Q. You don't know as we sit here whether it's
25 been deducted as a personal tax obligation or the

1 business?

2 A. No.

3 Q. When was the first time that you rented a
4 car? You said, you know, in December 2021, January
5 '22 when the Range Rover was giving you the issues
6 it was having, you said you started to rent
7 vehicles, correct?

8 A. Correct.

9 Q. When was the first time, approximately?

10 A. Probably December. Around December.

11 Q. Okay. So you did have a vehicle at that
12 time, right?

13 A. The Range Rover.

14 Q. But you also had a rental vehicle.

15 A. And the rental.

16 Q. Right. So is it your claim in this case
17 that not having the Range Rover operable during
18 that window caused you to lose real estate deals?

19 A. The reason why I bought luxury car is for
20 clients, not for me. I don't really care about
21 that, but it's for client because I pick them up.
22 So when I pick them up, I don't pick them up in a
23 Nissan Camry, a Nissan Toyota or Corolla. I pick
24 them up in a Range Rover or high end luxury car.

25 Q. Okay. What kind of vehicles have you

1 been -- you said that now you rent -- what is the
2 vehicle you came here in?

3 A. Audi.

4 Q. An Audi. It's a luxury vehicle, right?

5 A. A5. Depends on what you think about
6 luxury.

7 Q. Luxury's subjective, right?

8 A. For my client it's not.

9 Q. Okay.

10 A. My client, they drive Rolls-Royce. We get
11 a guy who drive Rolls-Royce and we bring him in the
12 Audi, he might not think that's luxury.

13 Q. Okay. So is it your position in this case
14 that -- okay, strike that. What other vehicles have
15 you -- I know now it's an A5 that you're renting.
16 What else have you rented since, you know, January
17 2022?

18 A. Well, it depends. If I have a client's
19 meeting I'll rent a high end car.

20 Q. Okay.

21 A. Right now I don't have no client's
22 meeting. So I drive a regular A5.

23 Q. Sure.

24 A. Yeah.

25 Q. So when you couldn't use a Range Rover

1 though and you knew you had a high end clientele
2 that you wanted to drive in a luxury vehicle, you
3 would rent a luxury vehicle?

4 A. Correct.

5 Q. Okay. How then was the fact that you
6 didn't have the Range Rover but you rented a luxury
7 vehicle, how did that cause you to lose real estate
8 deals?

9 A. It caused me, because I have the money.

10 Q. I'm sorry?

11 A. I had the money to rent high end luxury
12 vehicles.

13 Q. Okay. So --

14 A. They're expensive. They're like \$2,000 a
15 day.

16 Q. But you said that you did rent some luxury
17 vehicles.

18 A. When I have appointment. We're talking
19 about the loss.

20 Q. Right.

21 A. The loss started in December, end of
22 December. So I couldn't between December, January
23 and February.

24 Q. Okay. So if I understand correctly, in
25 December, January, February when you couldn't have

1 the Range Rover, you didn't have the financial
2 means to rent a luxury vehicle at that time?

3 A. High end, yes.

4 Q. Okay. But you did rent a vehicle.

5 A. Yeah, I need a vehicle to still work.

6 Q. And did you use that vehicle to take your
7 clients?

8 A. Not to show any clients.

9 Q. Okay. So is it your testimony that during
10 that time frame, even though you had another
11 vehicle, you didn't take those clients out because
12 you couldn't afford to get a higher luxury vehicle?

13 A. Yeah, I couldn't pick up my clients
14 because I didn't have a -- you know, in real
15 estate, you know, there's many stuff that you do;
16 you show houses, you go get, you go out there and
17 do marketing. You don't need a high end vehicle for
18 that, but if you have to show, pick up a client
19 from his house to show him a house, so yeah.

20 Q. Was there a client during that window that
21 said to you, Wallace, I want to go look at a
22 property, and you declined because you didn't have
23 the luxury vehicle you wanted to show them?

24 A. Because I couldn't get the car, I couldn't
25 get the car.

1 Q. So you declined showing them property at
2 all?

3 A. Well, I didn't decline. You don't decline
4 the client.

5 Q. Well, I'm trying to understand, because
6 you couldn't use the Range Rover, you couldn't
7 afford a luxury rental, but you did have clients --

8 A. I had three clients that I needed to show.
9 At that time I didn't have a car. So when I call --
10 the price they were asking me -- because around
11 December they're very expensive, like \$4,000 a day,
12 \$3,000 a day. So I had to push it back with the
13 client, but the client went somewhere else.

14 Q. What kind of cars were you looking to rent
15 that were 3, \$4,000 a day?

16 A. Bentley and Rolls-Royce.

17 Q. Anything else?

18 A. Those are the top cars.

19 Q. Okay. Would you consider a Bentley and a
20 Rolls-Royce to be more luxury than a Range Rover?

21 A. Yes.

22 Q. Did you inquire about renting a Range
23 Rover?

24 A. Yeah, they didn't have any.

25 Q. So because you were not able to rent a

1 **Rolls-Royce or a Bentley, you couldn't --**

2 A. A luxury car. Not just a Rolls-Royce or
3 Bentley, I couldn't find a high end car to take my
4 clients. So grabbing a Rolls-Royce, Range Rover,
5 Bentley --

6 **Q. Who were the customers that you were not**
7 **able to do real estate deals with as a result of**
8 **that?**

9 A. It was a client from New York.

10 **Q. What's his or her name?**

11 A. They're big companies, they're LLCs. I get
12 the referrals from Cascade.

13 **Q. Okay.**

14 A. There was a guy from Cascade Investment,
15 LLC.

16 **Q. You don't remember that guy's name?**

17 A. No, because the lawyers call you. If they
18 will go you pick them up, you pick the clients up.

19 **Q. Was this for commercial or residential**
20 **real estate?**

21 A. Residential.

22 **Q. Do you deal in any commercial or is it all**
23 **residential?**

24 A. I do both.

25 **Q. This was a Cascade. It was a gentleman**

1 associated with Cascade Investment, LLC?

2 A. Correct.

3 Q. And was looking for a residential piece of
4 property?

5 A. Correct, in Las Olas Isles.

6 Q. Okay. And you never closed the deal for
7 that?

8 A. Right. I never show him the house --

9 Q. Okay.

10 A. -- to close the deal.

11 Q. Who else?

12 A. There was a hedge fund guy.

13 Q. Who was that?

14 A. I don't know the name of the client until
15 I meet them that day.

16 Q. But is this a referral from Cascade as
17 well?

18 A. No. Cascade is a different client.

19 Q. Okay. How is it that you would not have
20 known the identity until the day of?

21 A. Because most of our referral come from
22 estate lawyers that -- but I get the name of the
23 client when I meet them that day and show them the
24 house. It's confidential stuff.

25 Q. Okay. Who would have sent you the referral

1 to say, you know, I have a hedge fund guy --

2 A. The attorney.

3 Q. I'm sorry?

4 A. The estate attorney.

5 Q. Okay. Who was the estate attorney in this
6 particular instance?

7 A. I have multiple, so it depends.

8 Q. Okay. Can you tell me who they are?

9 A. What do you mean by who they are?

10 Q. You said you have multiple estate
11 attorneys that send you potential leads.

12 A. Correct.

13 Q. My question is, who are the estate
14 attorneys that do that for you?

15 A. You want the name you mean?

16 Q. Yes.

17 A. I don't have the name right now to give
18 you from my head.

19 Q. And for this hedge fund person whose
20 identity you wouldn't learn till that day, on that
21 instance did you tell the estate attorney that, I
22 can't show the property because I don't have a
23 vehicle?

24 A. No, I wouldn't tell him that. I just said
25 I wasn't feeling well for that day. So, if we could

1 reschedule it.

2 Q. Do you know if the Las Olas property, the
3 Cascade, do you know if that buyer ever went
4 forward and bought the property?

5 A. I know the property was sold.

6 Q. Do you know if that person bought it?

7 A. I don't know their name. The LLCs, they
8 don't buy it from their name.

9 Q. All right. And what about, you mentioned
10 one hedge fund person. Do you know if that person
11 went forward with the purchase?

12 A. Okay. So when the leads come either you
13 accept it or you don't accept it. So I can't accept
14 it, so I decline the lead.

15 Q. Right.

16 A. Those are digital stuff. Here's a client,
17 hedge fund, looking for a \$23,000,000 home.

18 Q. Right. And so you don't know as we sit
19 here today -- well, first of all, strike that. Do
20 you know -- you never had signed a real estate
21 listing agreement with the Cascade Investment for
22 the Las Olas property, correct?

23 A. No.

24 Q. Okay. Did you ever sign a listing agree-
25 ment with any of the estate attorneys?

1 A. I'm not listing their property. Why would
2 I sign a listing agreement?

3 Q. Okay. Did you sign any real estate
4 commission agreement with the Cascade --

5 A. You don't sign anything with buyers.

6 Q. Okay.

7 A. We don't own buyers.

8 Q. How would you get paid?

9 A. If you close the deal.

10 Q. Okay. And you did not close the deal for
11 either of those properties, correct?

12 A. Well, I didn't get to the point of closing
13 the deal if I didn't show up to the house first.

14 Q. You said that you've incurred, it's been
15 approximately \$14,500 in rental cars since, that
16 you're seeking to recover in this lawsuit?

17 A. It's not exact, it's approximate.

18 Q. Is there a reason why you have not leased
19 another vehicle as opposed to renting?

20 A. I'm still paying the Range Rover, and I'm
21 still struggling to pay them now.

22 (Discussion held off the record).

23 THE WITNESS: I'm still paying for my Range
24 Rover, broken Range Rover.

25

1 BY MR. SUDDUTH:

2 Q. But you're paying for a rental too?

3 A. It's necessary.

4 Q. Okay. Have you gone to any dealerships or
5 elsewhere to try to purchase or lease another
6 vehicle?

7 A. I try -- I mean the thing is I've been
8 broken over a year paying for a car I don't use. So
9 that really -- pay for the insurance, pay for the
10 financing every month, that really take a lot of my
11 savings from that. So my point is to get my car
12 fixed or replace it and then from there I could see
13 what I want to do.

14 Q. You answered as far as your damage
15 interrogatories, you have towing, \$200. What is
16 that for?

17 A. Towing?

18 Q. Yeah.

19 A. Yeah, the towing. Geico.

20 Q. Okay.

21 A. Geico has a certain mileage they cover for
22 free. After that you have to pay.

23 Q. Gotcha. What is the Diagnostic, \$311.57,
24 what is that for?

25 A. That's the Jaguar Land Rover Fort

1 Lauderdale. When I pick up the car that's the bill
2 they had for me.

3 Q. Okay. And you paid that?

4 A. Yes.

5 Q. The \$43,851.61 for engine replacement, is
6 that what you were quoted from Rover North Dade or
7 Rover Lauderdale, do you remember?

8 A. Different dealers. Like three of them,
9 North Dade, Fort Lauderdale and another one in
10 West -- I don't remember where, but they're
11 approximately 44,000 to 43,000.

12 MR. SUDDUTH: Let's take five minutes, I'm
13 almost done.

14 (Thereupon a break was taken).

15 MR. SUDDUTH: Sorry about that.

16 BY MR. SUDDUTH:

17 Q. Okay. You said you've got estimates for
18 the engine replacement, 42, \$43,000 from three
19 places?

20 A. Well actually from four places.

21 Q. Okay. So let's go through that. So one of
22 them is Rover North Dade, correct?

23 A. Correct. They told me it's 33,000 plus
24 labor.

25 Q. Okay.

1 A. So I don't know how much labor is.

2 Q. Understood. Another one is --

3 A. Fort Lauderdale.

4 Q. Yep.

5 A. They told me it was like approximately 41,
6 between 41 and 42, yeah.

7 Q. And that was inclusive of labor, right?

8 A. Correct.

9 Q. Yeah. And what's the third?

10 A. And the last one I -- in California.

11 Q. Okay, hold on. There's a California Land
12 Rover dealer?

13 A. Yeah. I was not going because they do
14 engine. They redo the engine or whatever they do
15 with the engine.

16 Q. Was it an actual authorized Land Rover
17 dealership?

18 A. Correct.

19 Q. And they're in California?

20 A. Correct.

21 Q. How did you get their information?

22 A. I was just looking for cheap labor.

23 Q. Googled it online?

24 A. Yeah.

25 Q. Okay. And --

1 A. And when I call him --

2 **Q. Did you exchange any documents?**

3 A. No, I just give him the information.

4 **Q. You said, I have a 2020 Range Rover**

5 **Sport --**

6 A. Correct.

7 **Q. -- needs a new engine.**

8 A. Yeah. He said what's the VIN Number?

9 **Q. Okay.**

10 A. So I give him the VIN Number. And he
11 said okay, I'll say less. And what happened to it?
12 I say, well the engine's not starting because oil
13 change.

14 **Q. Right. Did he call you back, write you**
15 **back, what?**

16 A. He said I'll get back to you.

17 **Q. Okay. And he did?**

18 A. Yeah.

19 **Q. And what did he say?**

20 A. He say okay, you can do it with us for
21 23,000, but then the only problem is, you have to
22 ship your car to us.

23 **Q. Right.**

24 A. By the shipping part and bring it back
25 here --

1 Q. Right. So after you gave him the VIN sight
2 unseen, didn't see the vehicle, but he supposedly
3 did something with the VIN, he came back and said
4 okay, 23,000. Did you understand that to be a
5 replacement or a rebuild, do you know?

6 A. That I didn't know.

7 Q. Okay. And 23,000, but you're going to have
8 to pay for shipping here and back, correct?

9 A. Yeah. He told me I would have a brand new
10 engine, actually better than what I had before.

11 Q. Okay. And did he tell you that he would
12 help in finding a way to get it there and back?

13 A. No. He said that's my --

14 Q. That's your responsibility?

15 A. Yeah.

16 Q. And did you inquire as to what it would
17 cost?

18 A. Yeah.

19 Q. And what would it cost?

20 A. 4,000.

21 Q. Each way?

22 A. Yeah. So 8,000 to 9,000 to secure it, like
23 insurance, all that stuff, yeah.

24 Q. So that additional cost makes it not
25 worth sending it there?

1 A. Yeah, didn't make sense.

2 Q. Okay. Is there a fourth do you recall?

3 A. So those three here --

4 Q. Yep.

5 A. -- and then the California one.

6 Q. Hold on, hold on. So far I have Rover

7 North Dade.

8 A. Yeah.

9 Q. I have Rover Lauderdale.

10 A. Correct. And then one in west.

11 Q. Okay, hold on. That's what I was missing.

12 When you say West, West Florida?

13 A. No, here. I don't remember. Pompano. I
14 don't remember what the name is. I think it's
15 Pompano or Weston. I don't remember where exactly.

16 Q. Well, Rover North Dade's in Pompano.

17 A. No.

18 Q. Rover Lauderdale is Pompano.

19 A. East.

20 Q. Right. And there's --

21 A. There's a west one.

22 Q. Okay. Do you know what street that's on?

23 A. No, no.

24 Q. Okay. You spoke with someone at that

25 location?

1 A. Yeah, they quote me.

2 Q. Do you know if they saw the vehicle?

3 A. No.

4 Q. Okay. No, they didn't see it?

5 A. No. Only North Dade and Fort Lauderdale
6 saw the vehicle.

7 Q. So the West Florida location, Lauderdale
8 West one, they didn't see it, but you spoke to
9 someone?

10 A. Correct.

11 Q. Explain the issue. Gave them a VIN?

12 A. I didn't give this one a VIN. I just gave
13 them the details what's going on.

14 Q. And they called you back?

15 A. No. I was on the phone. Probably last 15,
16 20 minutes.

17 Q. Oh, so it was only a single call?

18 A. Correct, give me a quote.

19 Q. And what did they say?

20 A. They say -- well, 33. Around the same
21 price with North Dade. I'm like, I might as well
22 just bring it to North Dade.

23 Q. I'm sorry, with no date?

24 A. North Dade. North Dade is your client.

25 Q. Oh, North Dade. Okay. You said 33 without

1 labor. So it was more or less the same as North
2 Dade?

3 A. Correct. Because North Dade was like 33,
4 34 plus labor.

5 Q. Understood.

6 A. Yeah.

7 MR. SUDDUTH: I think I'm done. Give me one
8 second.

9 THE WITNESS: No problem.

10 MR. SUDDUTH: All right. I have no further
11 questions.

12 CROSS EXAMINATION

13 BY MR. CREMEENS:

14 Q. Mr. Rothsman, I have a few follow-up
15 questions for you. I'll take you to Exhibit 2 which
16 is the warranty booklet that you produced today,
17 and you went through some parts of the warranty
18 earlier during your testimony and I just wanted to
19 go through a few others. First, in the booklet, if
20 you could take a look at Page 6 which is in the
21 Table of Contents, and do you see where it says
22 Passport to Service?

23 A. Yes.

24 Q. Okay. And what page number does that show
25 that starts on?

1 A. 462.

2 Q. Okay. So going to Page 462, the first page
3 of the Passport to Service -- I think I got it over
4 here, so I'll just hand it to you. And under the
5 subheading Scheduled Vehicle Maintenance it says,
6 Because of the need for specialized equipment and
7 skills it is strongly recommended that all service
8 work be entrusted to an authorized Land Rover
9 Retailer/Authorized Repairer, is that correct?

10 A. Correct.

11 Q. And then in the next paragraph it says,
12 Maintenance must be carried out at the specified
13 intervals. Should the vehicle have a high
14 proportion of short journeys or operate in severe
15 conditions, JLR recommend that the maintenance
16 procedures be performed at intervals not to exceed
17 six months, is that accurate?

18 A. Correct.

19 Q. And then if you can skip down one
20 paragraph to where it says, Additionally, more
21 frequent checks of under hood fluids and tire
22 pressures can help minimize your chance of being
23 inconvenienced while on the road and they extend
24 the life of certain wear and tear components, is
25 that correct?

1 A. Correct.

2 Q. All right. And then you testified earlier
3 that you were, that you have a custom, it's your
4 practice to take your, the vehicles you purchase
5 back to the dealer where you purchased them from
6 for maintenance, correct?

7 A. Correct.

8 Q. That text that I just read is on the first
9 page of the warranty, correct, or the first page of
10 the Passport to Service?

11 A. Correct.

12 Q. And then go to Exhibit 3, the Second
13 Amended Complaint which you also were asked about
14 earlier in your testimony. Paragraph 21 alleges
15 that JLRND markets and advertises its service
16 department as follows: We have a team of qualified
17 service technicians standing by to help you with
18 any of your service-related needs, from oil
19 changes, tire rotations, brake pads or transmission
20 problems. We've got trained technicians who are
21 able to help. I'll cut it off there, but did I
22 accurately read that?

23 A. Yes.

24 Q. Okay. So was there any reason why you
25 didn't take the vehicle to another service facility

1 during the course of the repairs that you testified
2 about earlier?

3 A. Can you repeat it?

4 Q. Yeah, sure. So was there any reason why
5 you didn't take it say to a non-Jaguar retailer for
6 service?

7 A. If they're not Jaguar I'm not going to
8 bring it there.

9 Q. All right.

10 A. They're not Land Rover I'm not going to
11 bring it.

12 Q. Were you relying on their expertise to be
13 able to help you with the maintenance needs?

14 MR. SUDDUTH: Objection to form.

15 THE WITNESS: They are the expert, yes.

16 BY MR. CREMEENS:

17 Q. Now, you testified earlier about the
18 mileage on the vehicle, and you were asked to
19 confirm that on May 15, 2021 the mileage was
20 11,864, correct?

21 A. Based on the paper, yes.

22 Q. Yes. You don't have any reason to believe
23 that's incorrect at this time?

24 A. No.

25 Q. And then in the repair orders -- we'll

1 skip to Exhibit 4 to get the number right. For the
2 Repair Order from March 2nd, 2022 the mileage
3 reflects 38,427 on the paperwork, correct?

4 A. On the paperwork, yes.

5 Q. And I believe you testified that that
6 difference was approximately 27,000 miles between
7 May of 2021 and March of 2022 --

8 A. Correct.

9 Q. So during that time is it accurate that
10 that was an increase use of the vehicle -- let me
11 strike that. During that time period, from May 2021
12 to March 2022, you were driving the vehicle more
13 than you were prior to May 2021, correct?

14 A. Well, in 2020 -- the difference between
15 2020 and 2021, 2021 COVID stuff were lifted. So we
16 able to go around a lot. Yeah, there was more
17 businesses.

18 Q. Okay. So you were putting a lot heavier
19 miles on it.

20 A. Correct.

21 Q. And probably a lot more miles than
22 average, correct?

23 A. Correct.

24 Q. Now, I believe you testified that when you
25 went to the dealership in October of 2021 --

1 A. Um-hm.

2 Q. -- that -- you had the vehicle at the
3 dealership, Jaguar Land Rover --

4 A. North Dade.

5 Q. -- at that time, correct?

6 A. Correct.

7 Q. Okay. And forgive me if I asked this, but
8 who were you -- who was the advisor at that time,
9 do you recall that person's name?

10 A. I don't recall.

11 Q. Okay. But they took the vehicle to the
12 back and then gave it back to you, correct?

13 A. They took the vehicle -- he told me they
14 plug it in, put it in a machine, whatever machine
15 they use in the back.

16 Q. Now, were you advised at that time when
17 you should see about getting the oil changed?

18 A. He didn't tell me, because he told me I
19 don't need one.

20 (Discussion held off the record).

21 THE WITNESS: You know, he say were you
22 advised about getting oil change? I say he
23 didn't tell me exactly when I need to come
24 back to get an oil change, because he told me
25 my oil filter's good.

1 BY MR. CREMEENS:

2 Q. Okay. And you didn't have any reason not
3 to believe him, correct?

4 A. He's the expert.

5 Q. All right. And then back to Exhibit 4, the
6 Invoice Number 327211. On the last page it says,
7 Line F, Perform complimentary Land Rover multipoint
8 inspection, is that correct? Did I read that
9 correctly?

10 A. Yeah, you read it correctly.

11 Q. What does that mean to you?

12 A. I have no idea what that means.

13 Q. Okay. Did you believe that they did an
14 inspection of the vehicle at that time?

15 A. They took it in the back.

16 Q. Okay. And this is again in March of 2021
17 during the repair when you had the engine light on?

18 A. My first real appointment, yes.

19 Q. And then on the next Repair Order, Invoice
20 Number 327211, at the end of, on Page -- excuse me.
21 Number 332587. On Page 2 it says again, Perform
22 complimentary Land Rover multipoint inspection, is
23 that correct?

24 A. Yes. I remember they charged me for some-
25 thing. I don't remember what they charged me for.

1 Q. They charged you in May of 2021 for that?

2 A. I think I paid for something, yeah.

3 Q. Okay. Now, it does say zero down at the
4 bottom, correct?

5 A. But I remember I paid for something.

6 Q. Did you believe that they did some kind of
7 an inspection in connection with the service of
8 your vehicle during that repair?

9 A. Well, I didn't know what the multipoint
10 is, but it should be free I think from them.

11 Q. So when you took the vehicle to Jaguar
12 Land Rover North Dade, I believe you testified
13 earlier that you would expect them to check the
14 vehicle and to let you know if any maintenance was
15 needed, correct?

16 A. Yeah, because I don't have a machine at my
17 house to check. They have to check. They're the
18 expert, they still check with the machine.

19 Q. You were also asked in Exhibit 2 about the
20 maintenance schedule for oil changes specifically.
21 On Page 495, do you remember looking at this chart
22 earlier?

23 A. Yes, earlier.

24 Q. Now, nothing on this chart says that the
25 oil can't be changed at lesser intervals, does it?

1 A. No.

2 Q. That's the gasoline part. And the
3 intervals here does say 20 -- the interval says 21,
4 and the interval in here says two for oil changes,
5 and replace engine and oil filter, correct?

6 A. Correct.

7 Q. And then over to Exhibit 4, Invoice Number
8 350465. Do you remember if you've seen this
9 document before today?

10 A. This one?

11 Q. Yes.

12 A. Yes.

13 Q. Okay. Your signature isn't on this
14 document, correct?

15 A. No.

16 Q. Do you remember if you signed this
17 document?

18 A. I never signed anything.

19 Q. Did you get a repair invoice from the Fort
20 Lauderdale dealership?

21 A. No, it was on the phone.

22 Q. That was on the phone, correct?

23 A. Yeah.

24 Q. And when they delivered the vehicle they
25 didn't give you a repair order such as this one?

1 A. I went there myself.

2 Q. Okay. And when you went there did they
3 give you a repair order such as this one?

4 A. No, because I didn't -- I say I couldn't
5 afford to repair it, so they just make me pay for
6 the diagnostic.

7 Q. Did they give you a receipt or invoice for
8 that --

9 A. The diagnostic?

10 Q. The diagnostic/repair.

11 A. I think so, but I don't know where it is.
12 But I pay from my Amex card, so I'm probably sure
13 that I can retrieve it. You can call them with the
14 invoice number. They will verify it was paid.

15 Q. Did they give you at Fort Lauderdale a
16 written estimate for the cost to repair?

17 A. No, because it was on the phone first.

18 Q. Okay.

19 A. And then they say, well, since you're not
20 repairing, come pick up your car and pay the
21 diagnostic. The diagnostic is free if you repair
22 it. If you're not repairing you got to pay --

23 Q. Okay.

24 A. -- for the towing guy from Geico to pick
25 up the car. So that's why I went over there.

1 Q. On Exhibit 3 and the Composite Exhibit A
2 attached to that document, you were asked if you
3 recognize the name of the salesperson Shalain Lauer
4 and I believe you said no.

5 A. I have no idea who that is.

6 Q. Do you think that could be Laney?

7 A. Maybe. Thinking about it, it might be her
8 legal name.

9 Q. Laney was the salesperson who sold you the
10 vehicle or leased you the vehicle, correct?

11 A. Laney or, two of them.

12 Q. Two of them.

13 A. He transferred me to Laney because he had
14 another client and then Laney finished everything
15 that late night.

16 MR. CREMEENS: That's all I have.

17 MR. SUDDUTH: Okay. I have a few follow-up.

18 MR. CREMEENS: Sure.

19 REDIRECT EXAMINATION

20 BY MR. SUDDUTH:

21 Q. Exhibit 2, the Owner's Manual/Warranty
22 document -- I just want to make sure. I would have
23 had these questions already, but we didn't have
24 this until today. Okay. Exhibit 2. Page 493, your
25 lawyer just showed you this before, but it says

1 that, it says Maintenance and Service
2 Recommendations. It says we recommend that you
3 contact a Jaguar Land Rover retailer/authorized
4 repairer about the determination of maintenance
5 intervals. And it also says -- I'm trying to
6 find -- okay, here it is. Page 462. And you were
7 just asked this by your counsel. It says Scheduled
8 Vehicle Maintenance. It says because of the need
9 for specialized equipment skills it is strongly
10 recommended that all service work be entrusted to a
11 Land Rover retailer/authorized repairer, correct?

12 A. Correct.

13 Q. Okay. Now, you said before that it was
14 your preference, as part of your best practices, to
15 always bring your vehicle for maintenance in to
16 where you purchased or leased it, correct?

17 A. For me it's not a preference, it's a
18 requirement for me.

19 Q. Okay. It's not a requirement from the
20 (indiscernible), but it's your own personal
21 requirement, correct?

22 MR. CREMEENS: Form.

23 THE WITNESS: Yeah, it's correct.

24 BY MR. SUDDUTH:

25 Q. Because according to this document any

1 authorized Land Rover retailer or authorized
2 repairer can make maintenance repairs, correct,
3 according to this?

4 A. According to that book, yes.

5 Q. Okay. We testified you've spoken with Land
6 Rover in North Dade, the defendant in this case.
7 You've also spoken with someone at Land Rover Fort
8 Lauderdale, and you've spoken to another Land Rover
9 in West Lauderdale, correct?

10 A. Correct.

11 Q. Okay. There's nothing that prevented you
12 from having your vehicle serviced at any of those
13 other locations, correct?

14 A. But that was after I have a big issue with
15 engine I call them.

16 Q. I understand, but you -- there was nothing
17 that prevented you from taking your vehicle when
18 you couldn't get an appointment at Rover North
19 Dade, to either of those locations, correct?

20 A. There was nothing preventing me, correct.

21 Q. Okay. Now, your counsel also pointed out
22 this provision, it says maintenance must be carried
23 out to the specified intervals. Should the vehicle
24 have a high proportion of short journeys or operate
25 in severe conditions, JLR recommends maintenance

1 procedures be performed in intervals not to exceed
2 six months. Did I read that correctly?

3 A. Correct.

4 Q. Okay. Did you operate the vehicle in
5 severe conditions?

6 A. No.

7 Q. Okay.

8 A. What is severe conditions?

9 MR. CREMEENS: He'll ask the questions
10 today.

11 BY MR. SUDDUTH:

12 Q. Now, you testified that you did not have
13 any kind of free maintenance, free scheduled
14 maintenance associated with your lease, correct?

15 A. Repeat.

16 Q. Okay. You knew the vehicle required
17 maintenance, correct?

18 A. Correct.

19 Q. And you knew that at some point during
20 your 39 month lease you were going to have to
21 maintain the vehicle, it was going to have to have
22 oil changes, etcetera, correct?

23 A. Correct.

24 Q. And you knew that you were going to have
25 to pay for those, correct?

1 MR. CREMEENS: Form.

2 THE WITNESS: Not really.

3 BY MR. SUDDUTH:

4 Q. Okay. Well, let me ask you. You had a
5 warranty, correct?

6 A. Correct.

7 Q. Was it your understanding that if there
8 was a mechanical breakdown with the vehicle, that
9 it would be repaired under the warranty, correct?

10 A. Correct, based on the explanation from the
11 rep.

12 Q. But what about if you needed to go in and
13 get an oil change, did you understand that you
14 would have to pay for that?

15 MR. CREMEENS: Form.

16 THE WITNESS: I didn't know, but I didn't
17 care. If I had to oil change I would pay for
18 it.

19 BY MR. SUDDUTH:

20 Q. Right. My question though is, did you
21 believe that oil changes were being provided free
22 to you during the lease duration?

23 A. No.

24 Q. You understood that if you went and need
25 an oil change, that you'd have to pay for it?

1 A. Not specific oil change. If I need a new
2 tire I'd have to pay for it.

3 Q. Okay. Well, what if you needed an oil
4 change, who would pay for that?

5 A. I will.

6 Q. Okay. If any of the documents that we
7 either have here today or any documents that you
8 know of that are home that you have seen before
9 that may have been lost, do you know of any
10 document that exists where you paid for an oil
11 change for this vehicle?

12 A. I remember I pay for something, but you
13 don't have the documents --

14 Q. Okay.

15 A. -- but I know I paid.

16 Q. Did you pay for an oil change?

17 A. I don't know exactly what it was, what I
18 paid for.

19 Q. If you didn't pay for an oil change, then
20 how would the oil be changed if you weren't --

21 MR. CREMEENS: Form.

22 THE WITNESS: Well, I didn't say oil
23 change. I didn't say oil change. I say I pay
24 for something. I didn't know what I paid for
25 and I paid twice.

1 BY MR. SUDDUTH:

2 Q. Okay. When did you make a payment to Rover
3 North Dade?

4 A. One of those appointments.

5 Q. Okay. January 2021 it says no charge and
6 zero dollars. Do you believe that you paid anything
7 on this visit?

8 A. I don't recall.

9 Q. Okay. If you did make a payment, from what
10 account would you have paid it? Would it have been
11 credit card, check? Would you have done cash?

12 A. Credit card.

13 Q. Okay. I'm not going to ask for a number on
14 the record, but was there a specific credit card
15 you would have used for that?

16 A. I don't recall.

17 Q. Okay. Would you have records of credit
18 card payments going back to 2021?

19 A. I would have to call the company to go
20 over all my deductions.

21 Q. And on the May 2021, May 15th, it says
22 Please pay this amount, zero dollars. Do you
23 believe that you paid anything on this visit to
24 Range Rover North Dade?

25 A. I don't recall because their papers are

1 incorrect.

2 **Q. What's incorrect?**

3 A. Because I remember I paid twice, but they
4 never say where I paid. So I know I can't rely on
5 this paper.

6 **Q. Okay. As you sit here today, you don't**
7 **know how much you paid on those two occasions?**

8 A. I know it's not something big.

9 **Q. Okay.**

10 A. It's probably under \$500.

11 **Q. Okay.**

12 A. If it was big I would remember because --

13 **Q. But as you sit here today you don't know**
14 **how much it was on each occasion that you paid?**

15 A. It wasn't overexaggerate, like over a
16 thousand dollars that I remember.

17 **Q. Okay. You say a thousand dollars**
18 **collectively or each?**

19 A. Each.

20 **Q. Okay. It was less than a thousand.**

21 A. Correct.

22 **Q. You don't remember what it was for, either**
23 **instance?**

24 A. Because when I bought it in the guy came
25 back in his table, I said oh yeah, you got to pay

1 this amount and I remember I pay him. I give him my
2 credit card, he process it and that was it.

3 **Q. Okay. And that happened on two occasions?**

4 A. Two occasions, yeah. So that's why I won't
5 rely on this paper because I don't see where I
6 paid.

7 **Q. And you're sure that that's Rover North**
8 **Dade and not the other Land Rovers -- hold on, hold**
9 **on, the other Land Rover dealerships we were**
10 **looking at as far as diagnostic after the engine**
11 **failed.**

12 A. I testified those that guys came way after
13 when my car was having a problem.

14 **Q. I just want to make sure the record's**
15 **clear. Do you recall when you made those two pay-**
16 **ments? I know you said they were under a thousand**
17 **dollars, but do you remember being provided paper-**
18 **work that would show what was being done and what**
19 **you were being charged for?**

20 A. I remember the guy show me, this is what
21 we did and this is how much you need to pay.

22 **Q. Okay.**

23 A. This is what's covered for free, but
24 there's a balance here that you have to pay. I
25 remember that part of the conversation.

1 Q. Do you remember being notified by Land
2 Rover North Dade before you were presented a
3 invoice or receipt, request for payment, hey, we
4 got to do this, it's going to cost X dollars?

5 A. No, he came afterwards. We did it already,
6 but here's the amount.

7 Q. Okay. And that happened twice?

8 A. No, it happened once, the presentation.
9 The way you said it, presented.

10 Q. Okay. On one occasion it wasn't until you
11 actually arrived to pick up the vehicle, you were
12 told listen, we did this, this was covered, this
13 was not, you owe us X dollars?

14 A. Exactly.

15 Q. Okay.

16 A. And I paid for it.

17 Q. And you paid it?

18 A. Correct.

19 Q. Did you get documentation showing what was
20 done and what was covered and what was not?

21 A. I don't recall.

22 Q. Okay. If you were provided those documents
23 would you still have them?

24 A. They're probably there, but I don't know
25 exactly where are they. I have a lot of stuff in

1 storage. I don't know.

2 Q. Okay. And the other instance, were you
3 notified ahead of time before you picked up the
4 vehicle, listen, we're going to do X. It's going to
5 cost you X. Do you approve it, something like that?

6 A. Yeah. One occasion, yeah, I was -- they
7 told me this is what you got to pay before we do
8 the work.

9 Q. Okay. And you don't remember what that
10 was?

11 A. I don't remember now.

12 Q. But someone called --

13 A. It was an exaggeration amount. I'm like
14 yeah, get it out of the way.

15 Q. Understood. And same question, you don't
16 know if you still have documents that would reflect
17 what that charge was for?

18 A. I don't remember if he gave me the
19 documents back.

20 Q. Okay.

21 A. Because some document they keep it for
22 themselves.

23 MR. SUDDUTH: Got it. All right. Subject to
24 going back another round I have no further
25 questions.

1 MR. CREMEENS: I have nothing further.

2 COURT REPORTER: You want to read or waive?

3 MR. CREMEENS: We'll read.

4 MR. SUDDUTH: I am ordering.

5 (Thereupon the taking of the deposition
6 was concluded.)

7

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10

WALLACE ROTHSMAN

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Sworn to and subscribed before me this

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day of 2023.

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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, the undersigned authority, certify that
WALLACE ROTHSMAN, personally appeared before me and
was duly sworn.

WITNESS my hand and official seal this
26th day of June 2023.



JEFFREY M. GOLDSTEIN
Notary Public - State of Florida
My Commission expires: 02.29.2024
Commission No. GG 955442

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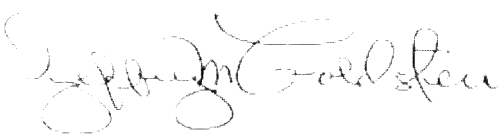
REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, JEFFREY M. GOLDSTEIN, Registered Professional Reporter, certify that I was authorized to and did stenographically report the deposition of WALLACE ROTHSMAN; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 21st day of July 2023.



JEFFREY M. GOLDSTEIN, R.P.R.

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6 Reporter
7 Ft. Lauderdale (954) 728-9886 Miami (305) 374-2222

8
9 Monday, July 24, 2023

10
11 RE: Rothsman v. Jaguar
12 Land Rover North Dade, et al.

13 Wallace Rothsman
14 c/o Cremeens Law Group, PLLC
15 5100 West Kennedy Blvd., Suite 270
16 Tampa, Florida 33609
17 Attn: Patrick J. Cremeens, Esq.

18 Dear Mr. Rothsman

19 With reference to your deposition taken on
20 June 21, 2023 in connection with the above-captioned
21 case, please be advised that the transcript of the
22 deposition has been completed and is awaiting
23 signature.

24 If this has not been taken care of, however,
25 within the next 15 days or by the time of trial,
whichever comes first, we shall conclude that the
reading and subscribing of the deposition have been
waived without further notice.

Sincerely,

BY: Jeffrey M. Goldstein, RPR

A				
a.m 1:19	addressed 75:9	32:2 53:22 57:11	106:9,12 110:3,14	asking 42:13 51:16
A3 44:3,5,11	administration 9:16	71:21 73:2 195:13	110:15,17,18,20,23	100:5 180:10
A4 44:12,13,14,15,21	adopted 71:16	America 1:12 20:11	111:9 113:15,21,25	asks 154:11 170:18
44:25 45:21 46:7	advertise 68:18	20:20 21:1 31:23	114:8 115:19 116:2	assigned 38:14
46:12 47:2,6 49:7	advertises 195:15	141:2,8 142:13	116:4,12,15,17	165:24
49:14 73:22,24	advise 42:22 129:24	153:16	117:2,7,18 118:9	assist 85:9,12 86:4
74:4,11,15,25 75:2	advised 42:4 61:24	Amex 202:12	118:10,12,19,22	associated 73:14
109:7 115:4 118:3	92:11 198:16,22	amount 29:23 39:6	119:5,20,21 120:3	175:10,13 182:1
133:18 134:4,20	218:16	45:1 78:23 86:22	120:5,6,7,8,16	206:14
135:3 160:16,21,24	advisor 79:24 82:15	100:17 133:16	121:8,9,13 122:4,5	assume 5:3 28:5
161:9	84:13,14 85:17	136:13 145:24,25	122:15 123:5	59:19 92:20 104:3
A5 16:4,13 177:5,15	93:10,14 98:20,21	151:17,19 209:22	126:21,25 127:7,11	108:1 109:12
177:22	106:20,25 122:14	211:1 212:6 213:13	128:2,7,8,10,12	161:14
able 3:17 5:16 48:16	167:19 198:8	analog 99:14	129:17 137:2,11,16	assured 31:3
64:19 95:21 113:19	affiliated 13:15	and/or 170:21,22	137:22,24 152:15	attach 57:8
160:8 180:25 181:7	affirmatively 42:11	annoying 124:15	152:20 157:8,14	attached 53:18 57:11
195:21 196:13	afford 145:25 179:12	answer 4:2,7,14 5:2,2	158:3 168:19	59:16 100:14 203:2
197:16	180:7 202:5	5:13,15 6:7 51:5	169:18 178:18	attend 10:12
above-captioned	after- 108:8	83:5 131:11 165:21	199:18 205:18	attest 132:6
218:16	agency 64:12	169:11,12 171:2	appointments 209:4	Attn 218:13
abruptly 156:6	agent 61:15	answered 33:4,19	appreciate 45:3	attorney 2:4,7 183:2
Academy 8:22	agents 174:24	155:1 186:14	119:2	183:4,5,21 216:15
accept 106:10 122:25	ago 14:12,14 23:10	164:20	Approval 37:11	216:17
184:13,13,13	51:18 110:1,8	answers 4:1 131:3	approve 213:5	attorneys 183:11,14
accepted 35:3	agree 46:6 51:1 59:15	146:21	approximate 135:13	184:25
access 125:9	87:20 106:7 152:17	any- 33:11 108:1	165:13 166:20	Audi 16:4,13 44:1,5
accident 62:16	agree- 184:24	146:21	171:12 185:17	44:11,14,15,16,21
accompany 23:14	agreement 16:9,10	anybody 153:7	approximately 8:5	45:21 46:17 74:1,4
account 209:10	38:3 127:21 151:6	anymore 95:19 96:23	12:21 15:7 44:17	74:4,14 75:2 109:7
accountant 175:5	151:8,9,10,11,11	105:19 127:24	44:18 49:7 74:18	113:18 114:19
accurate 4:8 46:8	151:12,13 184:21	140:1 142:4 144:7	74:20 79:14 132:15	115:9 118:3 133:13
92:22 93:3 99:6	185:2,4	149:22 158:21	176:9 185:15	134:2,13 160:21,24
132:10,13 144:23	Ah-huh 55:16	anytime 157:6	187:11 188:5 197:6	161:9 177:3,4,12
154:4 164:7,21	ahead 55:13 67:21	anyway 111:14	April 90:24 156:16	audibly 4:2,7
166:19 194:17	128:20 140:6 213:3	apologize 122:18	156:25 157:3 171:3	August 132:19 151:5
197:9	airport 19:7	123:15	172:4	160:13
accurately 99:23	al 217:3 218:9	APPEARANCES	area 112:5 166:3	authority 215:6
195:22	Alhambra 2:6	2:1	arguing 96:8	authorize 149:16
action 85:17 86:16	allegation 32:1	appeared 215:7	arose 70:16	authorized 188:16
170:21 216:18,19	allege 51:10,20	appears 131:20	arrangements	194:8 205:1,1
acts 173:10	alleged 76:25 77:23	applied 175:19	150:11	216:8
actual 11:7 35:6,7	84:20 86:14 154:17	apply 58:3 59:17	arrived 60:15 102:21	auto 16:21 85:8 86:4
60:17 76:14,23	154:19	appoint- 103:22	212:11	available 27:13 31:11
112:25 163:23	alleges 85:3 195:14	113:21 116:1	asked 10:25 32:16,18	32:3 99:23 100:15
167:3 188:16	allocate 48:17	121:11 122:8	35:1 42:10,15,15	104:16 126:5
adaptations 77:15	allotted 40:1,23 41:2	123:17 129:10	75:14 79:20,25	average 197:22
addition 34:12	42:4,6 133:9	137:11	82:25 83:4 84:13	awaiting 218:17
additional 133:4	136:13	appointment 43:5	91:23 97:21 119:19	aware 68:20 154:19
190:24	alteration 62:16	93:19,23 94:14	122:17 140:23	awful 132:23
Additionally 194:20	alternatives 43:13	95:8,11,12,14,25	166:4 172:20	
address 3:10 135:14	altogether 125:2	96:3,19,23 97:2,8,9	195:13 196:18	B
165:10	Amended 19:22 20:4	97:18 102:10	198:7 200:19 203:2	b 2:18 53:18,21,23
	20:8,13 21:4 28:20	103:10,11,18,20	204:7	57:20 59:16 165:10
		104:13,16 105:3		

158:8,10,11,21 159:9 160:3 161:14 162:17 165:22,23 166:18 168:10,21 169:5,6,19 176:4 176:19,24 177:19 179:24,25 180:9 181:2,3 186:8,11 187:1 189:22 202:20,25 211:13 car's 56:1 58:1 80:25 83:3 91:24 104:22 148:3 157:22 card 202:12 209:11 209:12,14,18 211:2 care 51:4 110:19,20 114:15 144:3,17,18 144:18 176:20 207:17 218:18 carried 64:23 194:12 205:22 cars 15:23 16:14,18 24:9 27:3 71:8 82:14 99:14 127:9 148:21 180:14,18 185:15 Cascade 181:12,14 181:25 182:1,16,18 184:3,21 185:4 case 1:5 14:25 18:25 20:8 68:6 141:25 142:2,14 176:16 177:13 205:6 218:16 cash 209:11 cause 1:25 178:7 caused 53:4 62:15,20 63:1,4 72:5 176:18 178:9 center 168:13 cents 136:14,15 CEO 12:14 174:9 certain 32:13 42:16 67:4 152:10 153:22 186:21 194:24 certificate 10:16 35:13 215:1 216:1 certify 215:6 216:7 216:14 CFTO 174:7 chair 29:12 30:11,17 Chairman 174:11 challenging 60:12	chance 194:22 change 16:14 47:13 69:5 70:23 75:13 75:16 79:9 80:1 82:12,19,20 83:4,6 92:12 131:6 160:7 162:20,25 163:3,5 165:7,24 166:1 167:20 168:20 169:20,22,25 170:7 189:13 198:22,24 207:13,17,25 208:1 208:4,11,16,19,23 208:23 217:5 changed 67:19 71:1 79:18 82:11,16 130:19,21 165:10 165:12,14,17 198:17 200:25 208:20 changes 67:7,10,12 71:10 131:12 195:19 200:20 201:4 206:22 207:21 changing 92:4 108:19 130:11 charge 75:11 78:18 136:17 209:5 213:17 charged 40:14 108:1 199:24,25 200:1 211:19 chart 65:6 66:9 87:17 200:21,24 Chase 38:11,14 39:10,13,19,23 161:13 cheap 188:22 check 67:15 68:1,3 70:22 72:7,16 75:14 77:3,4,10,16 81:5,21 82:4,25 83:2 89:3 91:24 93:21 97:25 105:23 114:10 148:14,22 166:1 168:11,18,18 169:2,25 200:13,17 200:17,18 209:11 checked 69:5 74:5 75:14 82:17 99:8 107:17 checkmark 66:21	checks 82:7 194:21 checkup 71:15 168:24 CHOICE 218:1 Christmas 44:20 CIRCUIT 1:1,1 claim 142:23 175:9 176:16 claiming 170:21 clarification 45:3 clarify 172:21 clean 55:9 56:4 clear 35:6 51:16 58:14 77:9,14 81:8 81:10 118:17 119:3 157:17 167:13 211:15 clearly 89:20 client 20:9 29:17 46:14,14,16,19,24 46:25 47:20 81:7 81:12,14 170:13 171:15 176:21 177:8,10 179:18,20 180:4,13,13 181:9 182:14,18,23 184:16 192:24 203:14 client's 81:6 177:18 177:21 clientele 178:1 clients 43:5,10,22 46:21 47:8,9,10,12 47:15 48:11,12,18 49:16 156:14 176:20 179:7,8,11 179:13 180:7,8 181:4,18 clogged 99:21 close 135:4,20 144:25 162:2 167:7,16 182:10 185:9,10 closed 38:2 49:18 182:6 closest 159:1 closing 185:12 codes 77:6 collection 39:19 collectively 210:18 college 7:24 color 36:20 76:15 come 74:24 75:1 79:2 85:25 87:1 88:5	89:7,14,23 90:16 107:12 108:5 114:7 117:21 120:2 121:4 122:12 123:13 128:9,22 129:2 142:5,7 158:13 162:14,17 182:21 184:12 198:23 202:20 comes 61:11 77:4 85:16 86:10 141:1 218:19 Comfortable 153:2 coming 85:13 88:22 88:23 102:5 104:9 108:11 109:20 122:22 159:3 comingle 47:19 commercial 181:19 181:22 commission 185:4 215:18,19 217:22 commissions 171:14 communicate 4:3,6 138:13 communicating 138:16 communications 139:2,4 companies 181:11 company 11:23 13:3 13:23 14:10,13 50:12 172:10 173:16,18,19 174:2 174:5,12,15,17,21 174:23 209:19 compare 25:12 compared 24:7 compartment 18:10 complain 81:7 complained 78:14 89:22 complaint 19:22 20:4 20:8,9,14 21:4,13 28:20,24 31:9 32:2 35:16 51:7,21 53:22 57:8,11,21 59:16 71:21 72:6 73:2 76:8,12,21,25 77:2,24 83:12 84:20 85:3,7 86:11 86:14 92:17,20 93:1,7 95:3 98:14	98:16 100:22 101:6 131:21 154:12,16 167:2,3 195:13 complete 18:8 216:11 completed 218:17 complimentary 86:20 199:7,22 components 194:24 composite 35:17 75:23 76:3 203:1 compression 100:13 100:13 compute 170:19 computer 157:22 218:2 concern 30:12 48:22 48:24 85:18 134:24 concerned 30:13 43:8 44:6 45:25 133:7,10,15 134:5 concerning 154:13 conclude 218:19 concluded 214:6 condition 50:23 154:18,20,22 conditions 154:21 194:15 205:25 206:5,8 conducting 48:11 confidential 182:24 confirm 20:7 86:14 196:19 confrontation 96:17 confused 143:15 conglomerate 173:6 173:9 connected 77:5 216:17 connection 200:7 218:16 consider 113:22 180:19 consideration 49:1 considered 135:25 136:1 consisted 86:8 consistent 61:4,8,14 61:18,23 72:11 76:20 78:8 79:1 86:11,25 156:8 167:22 consultant 156:14 contact 110:9 204:3
--	--	--	---	--

contacted 99:21,25	57:18 59:3,4,22	157:19,24,25 158:6	17:17 57:8 138:19	custom 195:3
contacting 100:4	61:2,10,17,25 62:5	158:14,17,24,25	139:5,13 204:7	customer 27:10 77:3
Contents 193:21	62:9,10,17,18 63:7	159:3 160:21,22	205:21 216:15,17	77:19 85:8,16
continue 46:4 157:21	64:8,14,15 66:23	161:1,2 162:15	COUNTY 1:2 215:4	86:10 93:2 99:22
continued 124:9	66:24 67:22 68:13	164:22 165:3,20	216:4	99:22 100:14
125:21	68:23 69:7,9 70:6	166:5,6,11,12,15	couple 5:20 31:1	customer's 85:18
continues 18:12	70:25 71:19 72:23	166:16 167:5,6,8,9	128:23	100:12
contractors 174:14	73:9,10,12,13,15	167:14,17,18,20,21	course 17:14 196:1	customers 181:6
174:22	73:16,20,23 74:2	168:1,3,5,6,13,14	court 1:1 3:25 5:12	cut 195:21
control 86:7	74:13 76:12,13,21	171:4,5,18,24	17:16 115:11	
conversation 7:3	76:22,25 77:1 78:3	172:23,24 173:3,11	154:17 163:8 214:2	D
28:13 111:17	78:4,7,11,14,15	173:24 174:6,18	cousin 162:8	d 2:10 165:15
147:11 211:25	79:4,10,15,16 81:2	175:4,23 176:7,8	cover 62:7 70:14,15	d/b/a 1:12
conversations 28:21	81:6,17 82:8 83:18	178:4 182:2,5	70:15 140:14	Dade 1:11,12 20:10
conversing 28:14	83:19 84:4,6,7,21	183:12 184:22	186:21	20:19,24 21:14
coolant 85:16,18,19	84:22,23,24,25	185:11 187:22,23	coverage 61:25	27:3 28:21 31:10
85:21,23,25 86:10	85:1,6 86:11,12,16	188:8,18,20 189:6	146:19	31:24 32:2 38:5
88:3,20 90:16,23	86:23,24 87:3,6,7	190:8 191:10	covered 32:18,21	61:15,24 71:18
90:25 94:15	87:14,15 88:17,18	192:10,18 193:3	33:1 34:1,3 35:2	78:12,18 79:18
copied 54:4	89:24,25 90:2,20	194:9,10,18,25	61:9,16 62:12	83:13 100:4,23
copies 100:5	90:24 91:2 92:13	195:1,6,7,9,11	70:17 211:23	101:16 131:8 138:6
copy 17:16,19 18:8	93:4 94:20 95:5	196:20 197:3,8,13	212:12,20	139:24 145:4,8
18:13 32:6,9 35:6	96:24,25 97:5	197:20,22,23 198:5	covers 60:22	148:2 152:19 155:3
51:12,22 53:24	99:15,16 100:24,25	198:6,12 199:3,8	COVID 15:3,5,6	155:12 163:16
54:1,4 56:15 57:7	101:2,3,7,17,20	199:23 200:4,15	95:17 96:21 103:14	165:23 166:9 187:6
60:12 138:20	103:24 104:14,17	201:5,6,14,22	103:15 119:12	187:9,22 191:7
copy- 54:7	106:3,6,19 107:19	203:10 204:11,12	197:15	192:5,21,22,24,24
Coral 2:6	107:24 108:6,17	204:16,21,23 205:2	COVID-19 110:24	192:25 193:2,3
Corolla 176:23	109:3,6,21 110:11	205:9,10,13,19,20	116:18 156:17	198:4 200:12 205:6
correct 5:5 6:23 8:2	111:15 112:10	206:3,14,17,18,22	CPA 175:14	205:19 209:3,24
8:15 11:6 12:11,22	114:2,21,22 115:7	206:23,25 207:5,6	crazy 107:10,20	211:8 212:2 217:3
13:10,22 15:8,16	116:10,14,16	207:9,10 210:21	110:2	218:9
15:17 16:16 18:18	117:16 118:16	212:18	credit 37:11 175:20	Dade's 191:16
18:25 19:1,4 21:16	120:4 121:10	CORRECTION	209:11,12,14,17	Dairy 1:17
21:24 22:4,18 23:6	122:23 123:1,20,22	217:1,5	211:2	damage 50:23 62:15
23:15,18,19 24:13	123:25 124:1,7	correctly 43:8 50:7	Cremeens 2:2,4,15	62:20 63:1,4
25:16 26:1,4,18,24	125:17,18 126:2,6	63:20 64:2,9,19,20	18:20 63:22 67:21	170:24 186:14
27:4,20 28:5,8,22	126:7,10,24 127:17	65:3 77:17 100:20	123:21 135:18	damages 170:20
28:25 30:16 31:13	128:1,1 129:16,23	134:3 154:24	140:6 143:13	date 10:25 21:22
31:14,21 32:15	131:12,16,23 132:5	165:19 178:24	152:22 168:2	32:5 36:3 63:19
33:16,17 34:8,14	132:16,17,21,22	199:9,10 206:2	193:13 196:16	69:18 73:5 76:16
34:15 35:3,4,7,18	133:19,20 134:8,17	corrosion 63:13	199:1 203:16,18	77:7 92:19 96:8
36:1,2,4,5,9,12,21	134:18,22,23 135:9	cosmetics 155:7	204:22 206:9 207:1	154:18 165:1,9
37:5,6,13,22 38:18	135:10 137:2,6,9	cost 190:17,19,24	207:15 208:21	192:23 217:4
38:20,21,23,24	139:14 140:15	202:16 212:4 213:5	214:1,3 218:11,13	dated 73:9 216:20
39:1,4,5 40:7 41:21	143:9,10,12,14,23	costly 159:23,25	cricky 108:9	dating 103:5
42:3,21 44:8,12,23	144:2,10,11,12	161:24	CROSS 2:15 193:12	daughter's 22:1 36:7
45:18,20,23,24	145:1,5,6,10	costs 50:18 70:15	cubicle 113:11	165:1
46:3,20 47:2,3	146:20 147:8 150:8	133:21,23,24	curiosity 53:6	day 27:14 28:2 29:1
48:12,13 49:17	150:13,24 152:9,10	135:20 161:1	curious 53:7 169:20	36:6 54:25 55:3
50:11 51:13,18	153:24 155:7,8,13	170:22	current 3:9 11:18	59:19,23 83:20
52:18,23 53:10,19	155:14,18,19 156:9	counsel 2:25 3:18	39:12	87:10,12 94:23
54:2,2 55:2 57:17	156:10,18,19 157:3	4:21 5:6 6:20,21	currently 9:7	97:8,14 101:1

105:11,12 106:9	47:14 101:11	delivered 162:6	DIRECT 2:15 3:5	16:17 147:24 159:6
107:24 108:8,12	110:20 117:24,25	201:24	disassembled 150:8	dollars 209:6,22
112:25 113:8	117:25 118:7,12	delivery 21:23 22:7	disclosed 50:2,7	210:16,17 211:17
117:15 119:6 124:4	119:3,15 120:10,12	27:13,14 51:11,21	discuss 24:23 25:10	212:4,13
158:22 162:6,16	120:24 122:20,24	54:25 63:19 76:15	29:5 159:17 161:4	dot 47:25
178:15 180:11,12	123:3,10,16 124:6	Demand 20:4	discussed 7:2 24:25	drivable 150:2,3,5
180:15 182:15,20	125:14 132:19	demands 39:19	25:7 28:21 33:18	drive 15:22 24:14
182:23 183:20,25	133:12 136:22	denied 141:21,21,22	84:15	28:4 41:15,18 43:2
214:14 215:12	155:17,20,22,24	142:22	discussing 25:14	46:21 87:9,11
216:20 217:19	156:2 171:3 172:4	deny 143:4,6	29:24	95:15,22 97:13
days 18:11 51:18	176:4,10,10 178:21	department 106:18	discussion 10:19	98:10,11 113:3
55:9 83:21,22	178:22,22,25	156:4,15,23 195:16	11:16 19:10 41:23	124:9 125:10
92:19,21 94:1	180:11	depends 5:24 175:14	42:18 91:22 95:1	127:24,25 144:21
99:13 111:19,21,22	decide 49:6 105:10	177:5,18 183:7	96:1 107:14 108:19	150:1,5 158:20,21
111:23 121:16,17	159:20,21	Deponent 217:4	122:10 164:11	159:15,16 160:8
121:18 124:3	decided 26:2,5,8,11	deposition 1:21,25	185:22 198:20	177:10,11,22 178:2
156:12 218:18	27:10,18 43:22	3:14,23 6:11,16 7:4	discussions 25:20	driven 48:17 70:22
deactivation 99:19	111:13,17 120:2,3	15:20 18:3,3	88:1 91:21 92:4	132:15 168:23
dead 158:22	120:5 134:19	164:16 214:5 216:1	displayed 65:1	169:15
deal 26:15 117:21	158:20 161:23	216:9 218:15,17,19	dispute 140:4	driver's 35:13
118:3 134:6 135:2	deciding 158:19	depositions 4:4 5:7	distance 64:1	driveway 80:15,16
142:3 181:22 182:6	decision 24:17 59:19	218:2	distinction 20:18	81:5,6,16
182:10 185:9,10,13	143:16,21	describe 104:19	119:2	driving 16:4,12
dealer 21:14 31:24	decline 180:3,3	170:19	distress 97:22	26:16 46:4,11
32:2 45:14 52:20	184:14	described 123:8	divide 46:11	47:17 70:8 72:15
67:15 68:1 69:4	declined 100:16	147:5	DIVISION 1:4	77:20 87:13 101:21
71:5,13,15 89:16	140:13,16 143:11	desk 112:15 113:12	DMTL 77:11,14	107:11 124:3 125:1
115:9 116:21 143:2	149:15 179:22	Despite 133:15	document 17:4,9,16	130:8 131:18 133:2
143:4,15,15 148:21	180:1	detail 58:11	17:21,24 18:6,12	135:1 145:1 154:21
188:12 195:5	deducted 175:25	detailed 157:11	19:12,16,21 20:1,3	156:7,14,20 158:2
dealer's 163:18	Deductible 175:21,22	details 192:13	20:16 32:3 35:16	169:17 197:12
dealer- 20:24 83:10	deduction 175:11	determination 204:4	35:20,23 36:11,17	drop 97:7,12 111:25
dealers 68:18 187:8	deductions 209:20	developers 12:18	37:8,24 38:1 40:9	120:19 127:13,21
dealership 22:6,16	defect 100:18 154:18	175:1	56:2,12 57:1,14,19	128:17 141:19
23:2,8 25:21 83:23	154:19,20,22	developing 12:5	57:20 58:15 71:22	144:3,4 148:20
101:19,22 102:21	defects 72:3	diagnostic 149:12	75:22 76:4 86:18	drop-in 112:22
105:13 113:1	defendant 2:7 3:3	186:23 202:6,9,21	136:12 139:2 153:9	dropped 144:8,13
125:20 126:9	153:16 163:15	202:21 211:10	153:14,20 154:7	dropping 97:19
129:10,24 137:8	205:6	diagnostic/repair	163:9,14 164:6	drove 15:21 16:13
138:17 141:20	Defendants 1:14	202:10	172:5,6,8 201:9,14	28:1,2 29:12,16
142:15 144:2	Defendants' 2:19,20	diagnostics 77:6	201:17 203:2,22	87:12 101:18
148:24 159:4,4,11	2:20,21,21,22 17:2	diesel 65:18,20	204:25 208:10	102:14 105:13
160:2 161:4 165:25	17:5,23 19:13,15	differed 25:14	213:21	106:13 112:17
188:17 197:25	19:17,20 31:19	difference 35:10	documentation 137:8	113:1,4,5,6,8
198:3 201:20	60:13 75:21,23	197:6,14	212:19	116:10 117:13
dealerships 186:4	76:2 84:8 85:4	different 23:17 57:23	documents 6:15,19	123:25 124:8
211:9	153:10,14 163:10	58:25 59:8,12,20	17:12 27:23 116:20	125:15,15 128:15
deals 171:9,9,11,13	163:13	60:5 65:6 158:12	135:8 136:8 147:4	128:17 137:24
172:3 176:18 178:8	degree 9:13 10:16	163:17 182:18	165:15,19 170:23	144:20 160:3
181:7	11:7,9	187:8	171:1 172:2 189:2	DTCs 77:9,14
dealt 22:22	degrees 10:6	digital 99:15 184:16	208:6,7,13 212:22	Duces 18:3
Dear 218:15	Delaware 173:17	diminution 170:22	213:16,19	due 70:23 79:9
December 44:19,20	deleted 138:9,21	dinner 52:5	doing 5:22 12:1,5	100:19

duly 3:4 215:8	149:13 150:7 155:6	212:14,25	141:18 192:11	filter 66:17,21 79:7
duration 32:25 61:22	165:8,9,12,14,17	exaggeration 213:13	explained 116:16	79:19 87:19 99:21
62:8 207:22	166:7 168:11 187:5	EXAMINATION	explanation 4:3	130:13,13,15,16
Dylan 79:20,22,23	187:18 188:14,14	2:15,15,16 3:5	110:22 207:10	131:17 201:5
81:19,24 84:14,18	188:15 189:7	193:12 203:19	express 50:1	filter's 198:25
88:1 91:22 93:13	190:10 199:17	Examinations 2:12	extend 194:23	filters 68:4
105:19 106:21,24	201:5 205:15	examples 62:19,19	extent 5:16 139:3,10	finalize 120:8
	211:10	exceed 63:25 194:16	extra 136:16	finalized 118:2
E	engine's 91:24	206:1	eyesight 106:14	finance 9:16 10:7
E 2:10,18	189:12	excess 40:16,18		11:11 28:6,10
e-mail 137:12,17,19	engines 67:3,6	excessive 40:12,14	F	32:11,12 41:23
138:14,20	English 117:11	43:5 46:1	F 199:7	financed 68:24,25
e-mails 138:5 139:4	ensuing 28:21	exchange 189:2	F-R-E-D 100:8	financial 42:23 179:1
earlier 193:18 195:2	Enterprise 124:23	exclusively 49:16	facility 22:6 131:5,12	financially 216:18
195:14 196:2,17	entertainment 53:1	134:21	152:1,18 157:19	financing 26:13
200:13,22,23	entire 62:7	excuse 199:20	195:25	35:24 37:11 41:12
earliest 126:23	entitled 153:15	exhibit 2:19,20,20,21	fact 30:14 43:9 81:3	186:10
early 134:14,14	163:14	2:21,22 17:5,23	82:24 88:24 89:22	find 27:16 55:11 58:2
East 191:19	entity 143:21 165:7	18:5,8 19:13,15,17	106:8 133:15 163:2	86:15 133:25 139:4
ECU 86:5	165:11 173:10	19:20,25 31:19	167:1 178:5	159:8 181:3 204:6
educational 7:11	entrusted 194:8	35:15,17 53:18,21	Facts 21:5	finding 96:10,11
eight 8:7 73:18 79:14	204:10	53:23 54:10 57:20	failed 31:10 32:3	140:10 190:12
83:1	equal 171:7	59:16 60:14 75:23	77:13 211:11	findings 140:4
either 4:23,24 21:19	equipment 194:6	76:2,3 84:8 85:5	failure 63:4	finish 4:14 11:8
24:9 25:15 115:6	204:9	93:5 153:10,14,18	failures 72:5	finished 8:13 11:4
134:7 175:11,19	equivalent 8:13,15	153:19 163:10,13	fair 6:8,9 11:1 61:22	203:14
184:12 185:11	8:19	167:2 193:15	far 7:6 47:14 61:5,25	firm 13:16
205:19 208:7	Esq 2:4,7 218:13	195:12 197:1 199:5	73:25 103:6 126:18	first 3:4,16 6:25
210:22	estate 13:2,4,6,11,16	200:19 201:7 203:1	130:11 140:10	17:24 18:13 20:15
elected 133:12,18	14:24 46:14,19,20	203:1,21,24	156:21 161:16,20	20:16 22:21 23:1
electrical 85:8,16	46:24 47:9 48:8,12	EXHIBITS 2:25	166:7 167:23 175:9	23:21 25:1,3,4,4
element 170:20	48:18 133:5,8	exist 165:15 170:24	186:14 191:6	36:10 40:3,5 41:5
ELEVENTH 1:1	134:16 171:9,11	exists 208:10	211:10	41:10 42:15 47:24
Emotional 97:22	172:3 173:7 174:24	expect 47:4 200:13	faults 99:19	48:19,20,22,24
employee 216:15,16	176:18 178:7	expenses 175:9	February 119:12,18	52:24 58:6,23
employees 12:15,17	179:15 181:7,20	expensive 68:2	132:20 156:22	60:16,23 61:11
174:13	182:22 183:4,5,10	178:14 180:11	178:23,25	62:4 63:17,19 64:2
encompass 173:7	183:13,21 184:20	experience 23:7 89:5	fed 128:4	65:7 73:8 76:3
ended 146:5	184:25 185:3	108:4	feel 6:4	84:12 86:3 89:4
ends 135:7,8,21	estimate 161:16	experienced 78:9	feeling 183:25	93:10,17,20 97:22
147:25	166:23,24 167:10	experiencing 97:16	fifth 84:9	101:14 106:22
engine 60:5,9 63:17	202:16	97:22,24 113:9	fighting 95:12,25	108:8 118:21
65:2,15 66:17,20	estimates 187:17	expert 75:19 82:15	96:2,5,5,6,7,13	124:11 129:19
67:1 72:7,8,16,17	et 217:3 218:9	196:15 199:4	figure 134:6	136:14 140:3
75:7 77:3,3,4,10,16	etcetera 206:22	200:18	figuring 55:24	145:24 153:17
79:7,18 87:19,21	eventually 135:5	expertise 196:12	file 19:22 171:22	163:16 164:3,15
88:13 89:3 93:2,2	everything's 107:7	experts 82:21	172:11,17,19,25	169:24 171:2
93:21 95:4,10	130:15	expire 69:16	173:1	172:13 176:3,9
97:25 100:11,13,18	ex 7:22	expired 69:11,18	filed 1:25 3:24 6:20	184:19 185:13
103:7 108:10,16	exact 166:19 185:17	70:10	6:21 20:9,14	193:19 194:2 195:8
109:18,23 110:2,8	exactly 9:12 136:18	expires 215:18	154:16 171:17	195:9 199:18
110:10 122:22	167:11 191:15	217:22	172:11,13,18,21	202:17 218:19
140:10,12 149:10	198:23 208:17	explain 34:20 141:16	175:2	five 6:2 45:22,25

47:14 48:14 187:12	forward 26:2,10 27:6 184:4,11	67:6 201:2	95:22 112:1 115:19 116:2 120:16 127:22 128:19 134:10 140:6 145:21 158:8 164:9 167:2 175:15,16 179:16,16,21 181:18 187:21 193:19 195:12 197:16 207:12 209:19	9:23 10:23
fix 114:16 144:6 145:20,21,23 149:14	found 54:3 56:16 58:8 60:15 77:10 85:18 99:18,19,20 99:20 115:24 140:3 144:9 147:25	GED 8:19	god 148:18	graduated 10:21
fixed 89:6,11 162:3 186:12	four 33:4,5,9,10,15 33:19,22 34:3 59:2 61:12,15,23,25 142:9 148:17,17 155:10 171:8 187:20	Geico 50:10 146:3,3 146:19 147:12 150:15 186:19,21 202:24	goes 77:25 84:18 175:14,15	great 27:10
fixing 52:14	fourth 191:2	general 1:4 30:7	going 3:24,25 5:2 11:13 17:8,11,18 24:5 26:5 27:2 42:23 43:9,11,12 43:23 47:16,23 48:24,25 51:7,17 53:13 60:11,16,17 82:3 93:6 103:12 105:10 111:13 113:18 115:5 116:12 119:16 120:15 129:13 133:9 135:2,5 137:5 142:8 143:4 143:5 145:23,24 146:1,8,13,16,17 149:1 152:11 153:3 158:21 188:13 190:7 192:13 194:2 196:7,10 206:20,21 206:24 209:13,18 212:4 213:4,4,24	Group 2:2 218:11
flat 72:19,20 75:6 158:24 159:2 160:2 162:2	frame 126:15,19 134:20 179:10	generally 4:6	gold 148:18	guarantees 50:1,5
flexible 5:24	FRED 100:14,16,16	gentleman 23:23 181:25	gone 77:25 84:18 175:14,15	guess 60:7 142:4 147:24 153:1 157:11
flipping 52:1	free 50:23 68:15,17 75:12 186:22 200:10 202:21 206:13,13 207:21 211:23	gentleman's 23:24	good 50:22 74:9 80:3 80:4,5,6 81:22 82:4 82:5,5,6,7,8,10,11 83:3,3,5,7,11,11 91:24,24,25 92:7 107:7 130:6 131:9 131:15,17 166:4 169:8 170:3 198:25	guided 77:6
floor 54:23 80:11	frequency 88:23 154:19	getting 96:17 97:2 114:19 115:3 124:14 158:8,8 198:17,22	go 3:19 5:19 7:6,20 19:8 22:10 23:16 26:2,10,14 27:2,6 27:10,22 28:6 42:9 42:17 43:4,5,10,23 44:9 48:21 49:15 50:15 55:13 67:21 68:3 76:8 84:8 86:13 88:16 89:10 90:6 92:18 93:5,6	guy 30:21,22,24 32:11,12,14 82:13 82:14 105:19,20,22 112:2 113:11 142:8 169:1 177:11 181:14 182:12 183:1 202:24 210:24 211:20
Florida 1:2,18,24 2:3 2:6 8:21 13:9 20:25 173:16 191:12 192:7 215:3,17 216:3 217:21 218:12	frame 126:15,19 134:20 179:10	GG 215:19	goldstein 1:23 215:16 216:6,24 218:4,22	guys 181:16
fluid 80:11,19 81:4 81:25 82:1,25 91:23 93:22	FRED 100:14,16,16	Ghibli 39:1 41:11 43:19 68:11	good 50:22 74:9 80:3 80:4,5,6 81:22 82:4 82:5,5,6,7,8,10,11 83:3,3,5,7,11,11 91:24,24,25 92:7 107:7 130:6 131:9 131:15,17 166:4 169:8 170:3 198:25	guy's 181:16
fluids 63:7 130:11 194:21	free 50:23 68:15,17 75:12 186:22 200:10 202:21 206:13,13 207:21 211:23	girl 110:5	Google 188:23	guys 88:9 93:15 110:9 142:10 144:5 145:22 148:6 168:24 211:12
focusing 135:19,20	frequency 88:23 154:19	give 4:8 35:8,21 96:8 103:20 105:2,22 106:25 111:9,17 113:19 114:12 117:7 118:21 122:12 123:5 126:23 127:11 131:24 146:3 151:13,14 152:14 157:8 161:6,7,12 161:16,17,20 164:14 170:2,12,13 183:17 189:3,10 192:12,18 193:7 201:25 202:3,7,15 211:1	gotcha 165:4 186:23	guy's 181:16
FODIMAN 2:5	frequent 194:21	given 129:17 133:8 134:24	gotten 134:4	guys 88:9 93:15 110:9 142:10 144:5 145:22 148:6 168:24 211:12
folder 56:17,19,20 57:2,3,4,12 58:4,9	Friday 162:16	giving 4:14 113:22 127:1 152:19 176:5	grabbing 181:4	guy's 181:16
follow 63:14 77:6	friend 23:9,14 25:4	glove 18:10,23 31:20 51:22,25 53:8,25 60:15	grade 141:5	guy's 181:16
follow-up 193:14 203:17	friends 28:18	go 3:19 5:19 7:6,20 19:8 22:10 23:16 26:2,10,14 27:2,6 27:10,22 28:6 42:9 42:17 43:4,5,10,23 44:9 48:21 49:15 50:15 55:13 67:21 68:3 76:8 84:8 86:13 88:16 89:10 90:6 92:18 93:5,6	graduate 7:11,16	guy's 181:16
following 51:10,21 72:5 140:2 154:14	front 18:12,16 54:9 76:10 102:4,4,5 104:9 108:9 109:20 129:14	given 129:17 133:8 134:24	graduate 7:11,16	guy's 181:16
follows 3:4 73:3 195:16	Ft 218:5	giving 4:14 113:22 127:1 152:19 176:5	graduate 7:11,16	guy's 181:16
forget 146:7	fuel 63:6	glove 18:10,23 31:20 51:22,25 53:8,25 60:15	graduate 7:11,16	guy's 181:16
forgive 198:7	Fuji 27:21,22 36:20	go 3:19 5:19 7:6,20 19:8 22:10 23:16 26:2,10,14 27:2,6 27:10,22 28:6 42:9 42:17 43:4,5,10,23 44:9 48:21 49:15 50:15 55:13 67:21 68:3 76:8 84:8 86:13 88:16 89:10 90:6 92:18 93:5,6	graduate 7:11,16	guy's 181:16
forgot 147:22	full 24:18 25:15 170:13	given 129:17 133:8 134:24	graduate 7:11,16	guy's 181:16
form 5:8,9 63:22 67:21 123:21 135:18 140:6 143:13 152:22 168:2 196:14 204:22 207:1,15 208:21	fully 32:18,21 33:1 34:1,3,16 35:1 99:21	giving 4:14 113:22 127:1 152:19 176:5	graduate 7:11,16	guy's 181:16
Fort 19:7 71:4 139:16,18 145:5 146:5,8 147:16,17 150:17 186:25 187:9 188:3 192:5 201:19 202:15 205:7	fund 182:12 183:1,19 184:10,17	glove 18:10,23 31:20 51:22,25 53:8,25 60:15	graduate 7:11,16	guy's 181:16
forth 47:8	further 193:10 213:24 214:1 216:14 218:20	go 3:19 5:19 7:6,20 19:8 22:10 23:16 26:2,10,14 27:2,6 27:10,22 28:6 42:9 42:17 43:4,5,10,23 44:9 48:21 49:15 50:15 55:13 67:21 68:3 76:8 84:8 86:13 88:16 89:10 90:6 92:18 93:5,6	graduate 7:11,16	guy's 181:16
	G			
	Gables 2:6			
	garage 80:14			
	gas 59:9,9 65:15,22 65:25 66:18 87:18 167:25			
	gasoline 63:17 67:1,3			
				H
				H 2:18
				hacked 139:8
				hacking 138:9
				Haiti 7:21,23 8:1,7,9 8:14
				half 11:3 83:14 88:12 88:19
				halfway 37:17 58:21
				hand 4:4 7:23 17:15 17:16 194:4 215:11
				handed 153:13 163:13
				happen 108:7 155:6
				happened 105:17 107:5 109:4,10,17 111:24 112:8 122:6 122:21 125:19 141:17 142:1 149:19 189:11 211:3 212:7,8
				hard 39:11
				Harvard 9:24 10:11 10:22 11:5,13
				He'll 206:9
				head 4:5 183:18
				headaches 155:5
				healthcare 11:23 173:7

hear 107:8 108:13 116:11 130:9 147:12 160:3	171:16 179:19,19 182:8,24 185:13 200:17	85:12 86:4 89:13 89:23	interpreted 123:18	J
heard 9:9 107:20 109:19 110:8 116:7 116:8 147:15	houses 179:16	indiscernible 204:20	interrogatories 153:17 163:16,18 186:15	J 2:4 218:13
hearing 41:5 108:9 112:25	Huh 124:20	Industries 173:15 174:1	interrogatory 154:3	Jaguar 1:11,12,12 20:9,10,19,19,24 20:25 21:13 38:5 54:8 56:5 141:1,7 142:13 153:16 155:2,12 163:15 165:23 186:25 196:7 198:3 200:11 204:3 217:3 218:8
heavier 197:18	hundred 173:21,22	information 73:4 98:18 147:12 149:5 188:21 189:3	interrupt 4:13	54:8 56:5 141:1,7 142:13 153:16 155:2,12 163:15 165:23 186:25 196:7 198:3 200:11 204:3 217:3 218:8
hedge 182:12 183:1 183:19 184:10,17	I	informed 140:14	interval 64:25 66:2 66:11,22,22 167:23 170:4 171:8 201:3 201:4	January 44:18,21 120:23,25 121:2,6 123:2,9,11,19 126:12,13,15,18 127:16 129:8 132:20 136:22,22 144:19,25 147:4,5 155:17 156:3 157:2 157:13,17 158:3 165:21 166:9,13 167:7,15 168:7,16 176:4 177:16 178:22,25 209:5
held 10:19 11:16 19:10 95:1 96:1 107:14 122:10 164:11 185:22 198:20	I-95 156:7 158:16	infotainment 72:7,16 77:25 88:16 89:4,9 168:12	intervals 63:25 87:18 194:13,16 200:25 201:3 204:5 205:23 206:1	Jeff 3:25 5:21 6:1 96:10
Hello 28:15	idea 86:9 106:15 141:14 161:8 199:12 203:5	initial 25:19	introduced 104:22	Jeffrey 1:23 2:7 215:16 216:6,24 218:4,22
help 142:11 190:12 194:22 195:17,21 196:13	Identification 2:19 2:20,20,21,21,22 17:5 19:13,17 75:24 153:10 163:10 217:20	initials 37:14,21 40:4 40:6,6	inventory 147:24 148:22	JEFOK 173:13,15,25 175:2
Hernandez 93:11	identified 76:21	inquire 180:22 190:16	Investment 181:14 182:1 184:21	Jersey 21:2
hey 81:15 89:17 96:8 153:4 212:3	identifies 85:3	inside 51:13 53:18 54:17,18 55:11 150:25 151:2	invoice 76:4,10,14 78:13 84:19 86:2 93:8 95:4 98:24 144:24 199:6,19 201:7,19 202:7,14 212:3	Jiffy 131:5
high 7:11,16,19,20 7:21,25 8:13,17 85:8,12 86:4 88:3 88:21 89:13,23 90:12 94:15 130:24 176:24 177:19 178:1,11 179:3,17 181:3 194:13 205:24	identify 165:9	insist 75:17 119:17 121:2	irrelevant 57:25	JLR 64:6 194:15 205:25
higher 179:12	identity 182:20 183:20	inspect 33:20 102:15 102:18,20 114:4 161:15,18	IRS 172:22	JLRND 21:12,18 23:4 195:15
highway 156:7	ignorant 82:13	inspected 99:18,18	Isles 182:5	JLRND's 21:8 22:6
history 67:18 99:23 100:1 140:10	imagine 60:5	inspection 85:22 86:21 199:8,14,22 200:7	issue 18:24 29:25 30:4,6 33:19 48:25 52:11,20,25 53:3 71:12 85:12 88:12 88:20 89:2 90:18 91:5,7 92:16 93:21 94:15,18 103:8 106:2 110:1 115:23 122:22 129:14,21 129:21 131:9,10 135:3,15 154:12 192:11 205:14	job 92:14
hold 12:12 22:24 45:2 54:24 101:12 108:12 115:4,11 188:11 191:6,6,11 211:8,8	immediate 27:14 118:22,22 119:5	instance 23:10 74:24 109:2 121:20 122:6 129:19 165:16 183:6,21 210:23 213:2	issued 11:7,9 31:23 143:9	jogging 103:3
holding 173:9 174:16 174:17,21	imperative 156:21	instances 68:7	issues 52:15 70:16 72:6,12,15,17,24 75:2 78:9,13,17 81:1 89:10 90:7,11 96:21 97:2,19 129:9 155:7 176:5	journeys 194:14 205:24
holiday 44:20	important 4:2,7,10 5:15 57:15	instructed 100:12	item 170:20	JPMorgan 38:11,14
home 3:9 14:17 80:12 117:13 125:16 144:21 184:17 208:8	impression 34:23	instructions 52:22	items 34:25	JUDICIAL 1:1
hood 194:21	improper 5:9 62:21 62:21 63:1	instructs 5:13	Ives 1:17	July 21:19,21,22 22:3 22:6 25:24 26:9 27:6 36:3 47:13 48:3 54:25 73:18 87:5 132:18 155:2 164:25 165:4,6 166:14 216:20 218:7
hours 5:20 128:23	improperly 63:5	instrument 64:25 65:2		June 1:18 12:20 21:7
house 14:16 125:7 127:23 146:4,19 156:21 158:4	in-person 10:14	insurance 50:12 148:8 186:9 190:23		
	inaccurate 132:7,8,9 140:11	insured 50:9		
	inadvertently 4:17	intended 134:20		
	included 68:20	intent 126:3		
	includes 5:21	intention 39:22 135:1 216:18		
	including 155:10 170:22	interested 24:6,9 216:18		
	inclusive 188:7	intermittently 72:8 72:17		
	income 172:13	International 8:21		
	inconsistent 61:21	interpret 66:9 82:10 83:21 119:5		
	inconvenienced 194:23			
	incorrect 101:8,9 196:23 210:1,2			
	increase 197:10			
	incurred 185:14			
	independent 174:14 174:22			
	indicator 64:25 85:9			

21:18,19 132:18
215:12 217:4
218:16
June/July 23:16
Jurat 164:5
JURISDICTION 1:4
Jury 20:4

K

keep 50:22 68:2 74:9
107:11 115:24
116:17 127:22
130:8 131:18 145:8
145:19 146:13
147:6 149:22,24
151:19 156:11
213:21
keeps 108:10
Kennedy 2:3 218:12
kept 57:1,12 151:4,7
156:4 157:18,22
158:7
key 122:11,13,13
killing 49:3,5
kilometers 66:3,10
66:14
kind 3:18,18,19 8:19
10:16 25:7,8 42:23
76:8 80:8 81:4,16
102:3 131:5,16
161:16,16 175:20
176:25 180:14
200:6 206:13
knew 22:20 57:16
58:11 66:25 114:19
115:5 169:16 178:1
206:16,19,24
know 5:18,19 6:2 7:2
13:19 15:7 17:15
22:10,20 24:5
27:15 33:18 35:10
35:14 36:24 38:25
39:13,16,25 42:11
42:16 43:12 47:4
54:7 57:10,23
59:23 60:1,3,4,8
61:12,12 65:13,14
65:16,17,20,23
66:12,14 67:3,6
68:2 70:17 74:15
77:7,11 80:20
84:17,17 86:8 91:6
91:19,21 92:3 93:6

93:11 96:13 98:8
98:18 99:7 100:8
102:19,25 103:1,3
110:2 111:10 112:3
112:24 113:23
114:22 115:9
116:19 117:9,21
122:18 129:20
132:12 133:5 135:4
135:5 136:7,11,15
136:15,18,20
137:18 142:9,22
143:3 144:4,5
146:5 147:3 148:19
149:1 153:2,2,6
155:20 158:2 160:6
163:3,5,6 167:11
168:20 169:4,20
175:24 176:4
177:15,16 179:14
179:15 182:14
183:1 184:2,3,5,6,7
184:10,18,20 188:1
190:5,6 191:22
192:2 198:21 200:9
200:14 202:11
207:16 208:8,9,15
208:17,24 210:4,7
210:8,13 211:16
212:24 213:1,16
knowledge 154:1,4
154:14 164:21
known 182:20
knows 32:13

L

L 59:8,9,9 63:16,16
63:16 65:7,25
66:18 167:24
L-o-a-n-s 14:1
labor 187:24 188:1,7
188:22 193:1,4
lack 62:21 100:16,19
lady 27:9 104:6,19
105:7,14 110:6,7
111:8,10,11,12
117:3
Land 1:11,12,12
18:23 20:9,10,19
20:20,24,25 21:13
27:2 38:5 54:8 56:5
63:15 78:12,17
79:17 83:13 86:21

91:3 100:3,23
101:15 131:2,4,7
138:5 139:16,24
141:1,7 145:4,4,8
148:11 150:11
153:16 155:2,12
163:15 165:23
186:25 188:11,16
194:8 196:10 198:3
199:7,22 200:12
204:3,11 205:1,5,7
205:8 211:8,9
212:1 217:3 218:9
lane 95:22
Laney 27:9 30:19
155:3 203:6,9,11
203:13,14
Large 1:24
Las 182:5 184:2,22
lasted 84:1
late 128:12 134:14
203:15
lately 116:17
Lauderdale 19:7
71:4 139:16,18
145:5,13 146:6,8
147:16,17 148:12
150:12,18 187:1,7
187:9 188:3 191:9
191:18 192:5,7
201:20 202:15
205:8,9 218:5
Lauer 36:22,24 37:2
203:3
launched 12:7,8
Law 2:2 218:11
lawsuit 3:23 6:22 7:7
185:16
lawyer 203:25
lawyers 181:17
182:22
laying 56:2
lead 184:14
leads 183:11 184:12
leak 80:7,8,9,17
85:23 86:15
leaking 82:1
learn 41:1 183:20
learning 41:6
lease 15:10 18:11
21:10 22:13 23:18
24:18,24 25:8,19
29:5 32:25 33:15

35:24 36:7 37:11
38:2,14,19 39:3,9
39:12 40:1,17 42:9
42:14,17 43:6,13
43:24,25 44:10,15
44:24 45:4,19 46:7
47:24 49:9,18 50:7
51:11,21 62:8,9
68:11,19 69:1
133:9 135:5,7,12
135:16,21,21
151:11,12,13
159:22 175:9 186:5
206:14,20 207:22
Lease's 35:25
leased 30:13 40:22
41:8 44:8,21 45:21
48:2,10 57:16
59:13,22 61:1
66:25 68:5 71:17
73:22 74:15 133:13
155:1 165:1 185:18
203:10 204:16
leases 46:9
leasing 26:2,22,22
28:6 31:10 41:2
44:5 134:7 155:9
161:5
leave 19:22 113:16
113:17 114:3,4,5
114:12,13 137:2,3
162:7
leaving 28:23 160:1
left 14:6 54:11,13,14
55:3,5 58:8 77:21
81:14,15 107:23
115:16 117:14,15
125:6 135:12 136:1
136:3,5,6 144:1,1
144:13 146:7
legal 203:8
LEGON 2:5
lending 13:21
length 62:8
Lenny 88:8
Lessee 38:8
lessor 200:25
Lessor 38:5
let's 4:19 19:8 46:5
51:15 75:20 101:14
128:19 187:12,21
level 85:18,19
Liability 37:18

license 13:4,7,9 14:3
35:13 48:4,8
licensed 13:11,13
life 64:24 194:24
lifted 197:15
light 72:7,16 75:7
77:4,4,10,16 85:16
85:25 86:10 88:3
88:13,20,21 89:3
89:13,17,23 90:16
90:23,25 93:21
94:16 97:25 108:10
108:16 109:18,23
110:2 122:22
158:12 168:11
199:17
light's 110:10
lights 90:13
limit 41:14
Limitations 37:18
limited 54:8 56:5
58:21 60:21 61:6
62:3 63:13
Line 199:7 217:5
lines 76:15
list 72:6
listed 55:14
listen 70:22 81:3,15
81:20 88:9 92:11
107:17 114:11
121:25 146:12
152:19 212:12
213:4
listing 184:21,24
185:1,2
lists 72:6
Liter 65:11,15,22
87:18
LITIGATION 218:2
little 29:16 35:12
52:14 60:11 89:18
112:14
lived 3:12
LLC 1:11,13 20:10
20:11,20 141:8
181:15 182:1
LLC's 153:16 163:16
LLCs 181:11 184:7
load 78:6
loan 13:3 174:25
loaner 93:25 94:1,24
94:25 96:3 103:19
110:16,19 114:12

114:16,25 115:6	188:22 200:21	55:11 93:22 104:23	markets 195:15	messages 157:23
118:20,24 119:9,11	211:10	management 11:14	Maserati 26:11,16,19	158:8
119:16,17,17,22,24	looks 29:10 86:4	manager 140:20,20	26:23 27:1 38:25	met 21:8 23:20,23
119:25 120:3,14,15	131:15 161:19	140:24,25 141:2,20	68:8,10,11,14,21	27:5 28:5,9 105:12
121:3,3,11 123:6	lose 85:21 176:18	manager's 140:25	68:22 69:4,8 70:2	Miami 1:18 7:18 8:3
123:19 125:22,23	178:7	manner 5:1	70:16,21 71:2,3,4	8:16 43:22 218:5
126:6,23 127:1,4	loss 171:2 172:7	manual 50:22 52:16	71:10	MIAMI-DADE 1:2
127:11,20 144:15	178:19,21	53:4,12,24 60:14	master's 9:18,19,24	215:4 216:4
144:17 156:12,17	lost 148:7,19 171:7	62:12 63:9 65:24	10:18	mid-2013 11:4
156:22 157:3,9,15	171:10 172:3,6	67:16 79:5 87:17	matches 76:11,20	Midas 72:22 158:24
Loans 13:24 14:1,9	208:9	151:24 152:4	materials 72:4	159:1 160:8 162:3
14:10,25 173:5	lot 28:17 43:21 47:11	167:23	mathematically	162:20
local 141:20 143:15	132:23 146:2,2,5	Manual/Warranty	170:19	mile 40:17 43:23
locally 20:25	146:18,18 147:23	203:21	matter 17:14 18:4	136:14
locate 139:12	148:24 156:14	manufacturer 21:1	maximum 134:11	mileage 29:22 36:16
located 18:10 21:1	186:10 197:16,18	31:24,25 34:6 50:6	MBA 9:19,20,25 10:6	40:16,18 42:4,16
51:11,22,25 53:7	197:21 212:25	51:13 100:18	mean 30:6 57:20	44:6 47:20,24,25
53:17	lounge 106:18 112:5	140:14 141:12,13	66:9 78:17 132:24	48:19,20,25 49:1
locating 51:17	166:3	142:16,22 143:9,11	136:3 140:23 146:9	61:12 67:10 73:11
location 71:9 130:22	Lube 131:5	143:20,22 167:24	151:11 171:13	74:19 76:23,24
152:9 159:1 191:25	lubricants 63:6	manufacturer's 18:9	183:9,15 186:7	84:25 87:8 99:2,8
192:7	lunch 5:22 129:5	35:7 49:22 51:12	199:11	108:23 132:10
locations 205:13,19	luxury 13:2 46:20	61:5,16 69:8 70:4,9	means 4:23 60:4	134:11,25 135:2,14
long 3:12 5:18 11:2	67:14,18 176:19,24	78:19 79:10 143:5	66:10 92:20 132:14	135:19 136:12
12:1 13:6 14:5,8,12	177:4,6,12 178:2,3	manufacturing 72:4	179:2 199:12	144:23,25 165:13
14:23 16:8,12,17	178:6,11,16 179:2	March 15:7 73:19	meant 9:8 96:10,13	165:13 169:16
23:10 45:3 97:7	179:12,23 180:7,20	76:16,17 78:10	96:14	175:10,19 186:21
105:4,9 106:25	181:2	79:13 81:19 84:16	mechanic 80:23	196:18,19 197:2
107:1 111:16 112:6	Luxury's 177:7	89:2,6 91:21 93:17	82:22 140:12	mileages 165:22
112:9 113:14 123:4		93:20 94:4 95:3,5,9	mechanical 70:17	miles 32:24 33:7
123:6 124:2 151:3	M	95:16,20,25 97:7	82:14 207:8	36:17 39:25 40:16
169:10 174:2	M 1:23 215:16 216:6	97:17 100:24 101:5	mechanics 16:22	40:19,23 41:3,15
longer 77:16 145:9	216:24 218:4,22	106:23 108:25	meditate 6:12	41:18 42:5,7,12,20
145:19 165:25	machine 92:15,15	109:1 118:9,13,14	meet 6:24 7:5 46:25	43:2 46:1 48:15,17
look 22:16 23:5,22	130:2,5 198:14,14	118:15 119:1,9,16	182:15,23	48:21 58:22 60:23
24:12 27:3 35:21	200:16,18	119:22 120:13	meeting 21:17 22:5,9	61:7,10,19 62:4
52:21,24 53:4	main 124:25	121:4 123:6,20	22:16 25:19 37:1	63:18,18 66:2,10
56:11 90:3,4 92:14	maintain 50:20 51:3	126:20 127:4 128:3	177:19,22	66:11,14,15,22
106:5,7,25 131:8	63:5 64:4 68:3	128:4,7,12,15,17	memory 79:1 85:11	67:14,20 69:4
149:11 159:10,13	206:21	132:3,11,14,20	85:24 103:3	70:22 71:15 73:12
160:4 161:18,19	maintained 148:8	135:7,11,15,25	ment 39:7 103:23	74:5 75:1 79:8,13
164:15 169:23	maintaining 63:5	137:20,23 138:20	113:22 116:2	83:2 84:3 87:14,19
179:21 193:20	maintenance 50:18	140:2,3 143:24	121:12 122:9	92:24 98:15,22
looked 24:1 79:6	62:22 63:2,15,18	144:20 156:22	123:18 129:11	101:6 131:22 132:5
94:19 115:18 136:8	63:24 64:6,7,11,17	157:4,5,6,22 165:6	137:12 184:25	132:16,23,25 133:4
151:24 167:1	64:19 67:4 68:15	167:4,5 168:11	mention 33:7 77:24	133:9,16 134:5,15
looking 17:8 23:17	68:20 70:15 100:19	197:2,7,12 199:16	172:12	166:18 167:4,8,17
24:2 25:16 28:19	194:5,12,15 195:6	mark 17:2 19:11	mentioned 42:14	167:25 168:23,25
35:17 49:18 52:10	196:13 200:14,20	46:1 75:20 153:8	81:3 82:24 120:25	197:6,19,21
54:1 59:18 60:13	204:1,4,8,15 205:2	marked 17:4 19:12	184:9	mind 30:10,16 131:9
77:2 83:12 85:4,7	205:22,25 206:13	19:16 31:19 75:22	mentions 38:11	mine 60:10
86:2 131:20 180:14	206:14,17	153:9 163:9	ments 39:10,13,20	minimize 194:22
182:3 184:17	making 39:9,11	marketing 179:17	49:10 211:16	minimum 85:19

minute 6:2 105:23 131:24	moved 8:3	needs 189:7 195:18 196:13	71:18 78:12,18 79:18 83:13 100:23 101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	199:20,21 201:7 202:14 209:13
minutes 85:21 91:10 91:12,13,14 98:5 107:6 128:13,20 156:8 166:2 169:3 169:8,9 187:12 192:16	mph 77:20	negligence 62:20	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	numbers 24:25 56:13 58:16 60:18
missing 191:11	multiple 13:13 156:15,23 175:7 183:7,10	negotiating 21:9	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	numerous 129:10
misuse 62:16,20	multiplier 86:21 199:7,22 200:9	negotiation 115:8	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
mode 134:21	music 52:15	neither 77:13 157:16	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
model 30:7 36:13 37:4 59:12 65:11 155:11	<hr/> N <hr/>	never 17:1 54:6 111:7 130:24 131:4 131:10,11 142:20 148:22 152:4,6,21 152:23 153:1 163:2 182:6,8 184:20 201:18 210:4	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
Monday 1:18 217:4 218:7	N 2:10	new 14:10 21:1,10 26:21,23 27:1 29:11 30:1,10,13 30:14,20 31:3 36:14 43:13 49:23 58:20 60:21 61:5 62:3 69:24,25 70:1 74:16,17 82:2,3 83:1 88:8,9,25 99:10 126:13 135:6 135:6 159:8 161:14 161:14 181:9 189:7 190:9 208:1	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
money 136:16 149:18 178:9,11	N/C 78:16 86:21	nice 6:12 46:22 55:11 161:19	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
monies 87:1	name 3:7 11:24 13:19,23 23:24,25 28:11 32:13 36:11 84:17 112:3,4 155:3 165:10 181:10,16 182:14 182:22 183:15,17 184:7,8 191:14 198:9 203:3,8	night 203:15	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
month 23:12 45:25 62:9 103:4 109:11 121:15 133:3 150:23,24 171:8 186:10 206:20	National 16:7,10,15 16:18 124:18,21	nighttime 55:5	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
month-to-month 151:21	National's 124:25	Nissan 176:23,23	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
monthly 39:3,6 45:6 49:9	nature 71:11 154:17	nods 4:4	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
months 14:14 38:20 39:15,17,18 44:24 45:22 47:14 48:14 64:1 73:18 79:14 83:2,14 87:6,8,13 88:5,12,19 90:22 92:9 95:13 97:2 132:20,24,25 135:12,16 136:1 147:19,23,23 148:17,17 166:15 167:16 168:23 169:15,17 194:17 206:2	near 19:7	noise 101:23,25 102:1,3,5 103:8 104:9,23 106:2 107:8,10,12,18 108:7,8,15,16 109:11,20,23 110:8 110:9 112:17,24 113:9 116:7,9 122:22 124:14 129:14,21 130:9 131:18 156:5 160:3	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
morning 162:19	necessary 69:6 75:18 167:20 186:3	non-Jaguar 196:5	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
mortgage 13:3,21 14:2 46:14,16,25 47:10 48:4,11	need 5:25 6:4 47:15 57:5 67:12 75:16 92:12 94:25 99:10 104:20 110:3 113:17 116:1,12 119:2,9,17,21 127:20 130:13,15 130:16 131:15,17 133:25 140:17 152:20 153:5 156:12 159:8 166:1 166:5,10 168:20 169:1 170:4,6,9,9 170:11,14,15 179:5 179:17 194:6 198:19,23 204:8 207:24 208:1 211:21	nonconformity 154:18,20,22	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
mortgages 173:7	needed 34:24 47:22 50:22 82:19 92:10 114:22,23 115:6,9 115:24 119:24,25 180:8 200:15 207:12 208:3	normal 40:15 98:11 98:12 130:4	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
Motion 19:21		North 1:11,12,12,18 20:10,11,19,20,24 21:1,14 27:3 28:21 31:10,23,24 32:2 38:5 61:15,24	101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
motor 15:11 38:2			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
move 158:10,12			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 218:9	
			101:16 131:8 138:6 139:24 141:1,8 142:13 145:4,8 148:2 152:19 153:16 155:3,12 163:15 165:23 166:9 187:6,9,22 191:7,16 192:5,21 192:22,24,24,25 193:1,3 198:4 200:12 205:6,18 209:3,24 211:7 212:2 217:3 2	

oh 9:7,9 10:24 14:12 69:21 148:3,18 149:13 169:12,25 192:17,25 210:25	27:5,12,17,19,25 28:4,9,19 29:4,14 29:18,21,24 30:12 30:19,22 31:3,5,8 31:15,18,22 32:1,6 32:9,12,16,19,23 33:14 34:19,21 35:3,5,11,15,20,23 36:3,10,16 37:1,4,7 37:10,16 38:1,4,10 38:13,16,19,22 39:3,9,12,15,18,22 40:3,9 41:8,13 42:8 42:10 43:1,17,19 43:25 44:2,17,20 45:6,9,11,13,21 46:4,15,18 48:2,14 50:9,14 51:1,5,7,15 51:20,24 52:9,13 52:24 53:3,7,11,16 53:21,24 54:4,7,24 55:6,8,18,21,25 56:10,12,15,18 57:1,10 58:10,25 60:1,4,11 61:1,4,10 61:14,20 62:2,15 63:9,24 64:4 65:5 65:14,22,24 66:2,9 66:13,16,20 67:6,9 67:24 68:9,14,22 69:8,13,22 70:3,14 70:21,24 71:1,5,9 71:14,20,23 72:2 72:11,14 73:1,8,17 73:21 74:8,10,18 74:24 75:4,6,9,11 75:13,17 76:9,19 77:2,9,23 78:8,12 78:16 79:5,12,17 79:25 80:6,10,12 80:14,17,20 81:18 82:6,9 83:6,12,20 84:2,12,19 85:7,15 86:10 87:8,12,16 88:11 89:1,9,12 90:5,15 91:5,15,18 91:20 92:8,17,24 93:1,5,13,17,25 94:7,9,13,21,23 95:7,15,20 97:6,10 97:13,16 98:21,24 99:5,8,11,13,25 100:8,11,22 101:12	101:14,18,21 102:10,15,21,25 103:2,16 104:2 105:4,12,15,17,21 105:22 106:1,4,7 106:13,17,20,24 107:5,7,9,15 108:1 108:4,7,12,18,22 108:25 109:4,10,14 109:17,19,22,24 110:4,7,7,22 111:8 111:11,16,24 112:6 112:8,13 113:11,17 113:19,24 114:3,6 114:9,11,24 115:21 116:8,11 117:1,13 117:17,23 119:10 119:19,24 120:6,11 120:21,24 121:1,9 121:14,22 122:4,24 123:2,10,24 124:5 124:8,13,16,18,22 124:24 125:4,9,14 125:19 126:1,3,8 126:11,17,22,25 127:18,22 128:2,19 128:21 129:1,3,13 129:24 130:3,7,10 130:15,18,20 131:1 131:3,14 132:2,7 132:13,18 133:11 134:19,24 135:14 136:7,18 137:7,13 137:15,17,21,23 138:2,11,16,19,23 139:23,25 140:2,18 140:22 141:10,16 141:24 142:1,12 143:8 144:8,13,19 145:7,11 146:11,21 147:1,3,10,21 148:5,11,25 149:11 149:16,23 150:1,4 150:10,14,20 151:3 151:22 152:7,17 153:22 154:1,6 155:15,23 156:11 157:12 158:7,11,18 159:15,17,20 160:1 160:5,11,13,16,19 161:8,15,20 162:1 162:5,10,12,18,23 163:21 164:1,9,12	164:20,23 166:7,13 166:17 167:1,19 168:7,15,22 169:2 169:3,12,14,14,21 170:2,8,15,17 171:6,10,22 172:2 172:8,18,25 173:4 173:9,12,18,22 174:7,10,12,15,17 174:22 175:5,8,17 176:11,25 177:9,13 177:14,20 178:5,13 178:24 179:4,9 180:19 181:13 182:6,9,19,25 183:5,8 184:12,24 185:3,6,10 186:4 186:20 187:3,17,21 187:25 188:11,25 189:9,11,17,20 190:4,7,11 191:2 191:11,22,24 192:4 192:25 193:24 194:2 195:24 197:18 198:7,11 199:2,13,16 200:3 201:13 202:2,18,23 203:17,24 204:6,13 204:19 205:5,11,21 206:4,7,16 207:4 208:3,6,14 209:2,5 209:9,13,17 210:6 210:9,11,17,20 211:3,22 212:7,10 212:15,22 213:2,9 213:20	options 34:17,22 order 35:25 73:14 76:19,20,24 84:5 84:12 85:4 86:3 97:6 98:25 99:17 101:6 131:22,25 132:2 140:5 162:4 162:5,13 197:2 199:19 201:25 202:3 ordered 162:12 ordering 214:4 orders 131:20 132:13 154:16 196:25 original 70:4 other- 117:18 out-of-pocket 70:19 outside 4:4 117:3 127:9 151:1 outstanding 6:7 overexaggerate 210:15 overloading 62:22 owe 212:13 owner 64:4,16 owner's 50:21 52:16 53:4,12,24 60:14 62:12 63:9,10,14 65:24 67:16 79:5 87:17 151:24 152:4 167:22 203:21 owner- 144:6 owns 173:18	
oil 63:6 66:17,20 67:7 67:10,11,19 68:4 69:5 70:23 71:1,10 75:13,16 79:7,9,18 79:18 80:1,3,5,6,20 81:16,20,21,23 82:4,5,7,8,10,11 83:4,5,6,11 87:19 87:21 92:5,12 99:19,20,20 108:19 130:11,19,22 131:6 131:9,10,12 144:9 162:25 163:3,5 165:8,9,12,14,17 165:24 166:1,7 167:20 168:20 169:20,25 170:6,14 170:15 189:12 195:18 198:17,22 198:24,25 200:20 200:25 201:4,5 206:22 207:13,17 207:21,25 208:1,3 208:10,16,19,20,22 208:23	83:3,7,11 91:25	okay 3:17 4:18 5:6,18 6:10,13,15,18,24 7:1,6,9,14,16,25 8:3,8,10,12,23 9:2 9:4,9,9,11,17,20,22 9:25 10:5,8,10,12 10:14,24 11:4,10 11:15,22 12:1,4,7,9 12:19,23 13:1,4,6,9 13:15,20,23 14:2,5 14:8,12,15,19 15:6 15:10,13,15,19,22 15:25 16:5,8,12,15 16:24 17:19,20 18:2,16,19 19:2,5 19:25 20:3,6,13,18 20:22 21:3,7,12,17 21:20,25 22:5,12 22:19,21,25 23:4,7 23:10,13,16,20 24:1,3,5,14,17,23 25:1,13,18,24 26:5 26:6,8,12,16,22	oil's 83:3,7,11 91:25		
P					
			Olas 182:5 184:2,22 old 83:2 99:13,13 once 135:3 141:11 170:11 212:8 online 188:23 open 52:11 95:5 140:12 opened 52:10 76:16 84:23 100:8 operable 176:17 operate 194:14 205:24 206:4 operating 50:18,23 operation 154:23 operative 20:7 opposed 24:18 103:4 185:19	P.A 2:5 p.m 1:19 package 155:4 packages 33:12 pads 195:19 page 2:12,18 18:6 21:3 35:25 37:10 37:23 40:3,5,9 50:14,15 51:8 54:9 58:15 59:5 60:18 60:19 62:2,11 63:1 63:9 64:22 65:5,24 71:25 73:1,6 78:21 84:9 86:3,13 92:18 92:18 93:6 153:23 153:23 154:6 163:21,22 164:2,5 164:23 167:3	

170:16 193:20,24 194:2,2 195:9,9 199:6,20,21 200:21 203:24 204:6 217:5 pages 54:9 163:22 paid 78:20 185:8 187:3 200:2,5 202:14 208:10,15 208:18,24,25 209:6 209:10,23 210:3,4 210:7,14 211:6 212:16,17 paint 33:25 34:12 Palm 43:22 44:16,21 47:11,12 74:1,4 75:2 139:16 panel 64:25 65:2 paper 33:23 54:15,16 59:24 196:21 210:5 211:5 paper- 55:21 211:17 papers 54:23 55:4,11 55:14 56:3,5 57:4 58:2 209:25 paperwork 54:21 55:17,18 58:7 95:6 166:4 197:3,4 paragraph 28:24 31:9 40:10 49:19 50:14,16 51:8 53:16,19 71:24,25 73:1 76:12 194:11 194:20 195:14 park 80:12,14 125:6 158:12,19 parked 81:15 125:16 158:4 parking 158:10 part 136:15 189:24 201:2 204:14 211:25 particular 6:22 7:19 13:16 23:2 29:17 32:3 53:16 54:1 84:2 87:2 100:4 183:6 parties 38:4 216:16 parties' 216:17 parts 64:18 193:17 pass 7:24 Passport 87:21 193:22 194:3 195:10	pathfinder 77:5,13 Patrick 2:4 5:13 6:1 6:21,24 20:7 218:13 pause 5:11 pay 70:19,24 78:23 79:2 86:22 94:9,11 120:20 140:17 141:5 142:5 145:23 145:24 146:1,13 149:18 161:7,13 185:21 186:9,9,22 190:8 202:5,12,20 202:22 206:25 207:14,17,25 208:2 208:4,12,16,19,23 209:22 210:25 211:1,21,24 213:7 pay- 39:6,9,12,19 49:9 211:15 paycheck 141:3 paying 125:24 145:22 150:19,20 185:20,23 186:2,8 payment 25:8,10 45:6 142:7 161:13 161:14 209:2,9 212:3 payments 38:17 39:3 39:11,23 175:19 209:18 PCM 77:7,15 penalty 42:23 people 58:7 122:8 146:8 153:4 percent 173:21,22 percentage 47:5 perception 131:7 perform 64:16,19 77:11 86:20 152:1 199:7,21 performed 63:25 64:6,8,12 67:12 100:13 194:16 206:1 period 72:2 96:21 110:18 133:12,19 197:11 permission 125:10 person 41:24,25 105:24 165:7,11 183:19 184:6,10,10 person's 198:9	personal 154:14 172:13,22 175:12 175:16,16,25 204:20 personally 23:14 97:23 172:15 215:7 personnel 21:9,18 ph 108:9 PHEV 65:7,12 phone 7:3 96:7,18 97:3 104:3,18,20 105:4,6,9 110:5 111:16 117:5,18 124:2 126:8 140:19 147:1,11 192:15 201:21,22 202:17 physical 50:23 54:16 85:22 physically 96:6,7,15 97:23 101:18 pick 149:21,25 150:17 162:8,11,17 171:15 176:21,22 176:22,23 179:13 179:18 181:18,18 187:1 202:20,24 212:11 picked 213:3 piece 182:3 piss 81:7 pissed 82:2 88:4,10 88:11,22 141:11 place 131:6 158:12 places 156:20 187:19 187:20 plaintiff 1:9 2:4 18:10 21:8 51:11 plaintiff's 19:21 153:15 154:14,16 163:14,24 plastic 30:10,15,17 Plaza 2:6 please 3:7 17:3 19:11 19:15 78:23 81:21 85:17 86:22 131:24 139:5 153:8 154:13 165:8 170:16,23 209:22 218:16 PLLC 2:2 218:11 plug 92:15 130:2 198:14 plugged 130:4 plus 92:19 187:23	193:4 pocket 79:2 87:1 point 8:12 25:18 27:12 43:11 44:10 48:3 49:14 57:23 57:25 69:15 70:7 73:17 79:12 83:1 87:4 110:20 111:13 113:20 114:18 118:2 126:12 127:19 133:7 134:6 139:15 142:12 145:3 148:1 150:10 158:1 166:14 185:12 186:11 206:19 pointed 205:21 policy 67:19,25 71:14 71:16 73:24 74:3,6 Pompano 191:13,15 191:16,18 popping 77:20 88:15 89:3,5 168:12 position 177:13 possible 24:24 possibly 23:18 161:4 161:11 post- 9:17 potential 183:11 power 62:23 86:7 practice 67:19 69:3 74:6,11 195:4 practices 74:25 152:10,20 204:14 preference 204:14,17 preparation 6:16 prepare 6:10 prepared 164:16 prepares 175:5,14 present 77:16 165:18 170:25 presentation 212:8 presented 5:4 212:2 212:9 presently 15:10,16 15:25 19:6 39:9,16 154:12 presents 17:18 president 174:5,9 press 98:5 pressed 65:3 pressure 75:8 85:21 pressure-tested	85:20 86:15 pressures 194:22 prevented 205:11,17 preventing 205:20 previous 30:24 previously 77:24 price 26:13 55:14 56:25 57:6 180:10 192:21 prior 6:15 12:23 22:6 22:12 23:4,7,12 30:25 31:1,9 51:20 68:7 88:5,12 92:6 97:3 127:1 158:19 197:13 probably 3:22 23:12 39:17 55:20 58:8 98:20 111:19 112:18 119:12 123:9 124:12 130:8 142:24 147:19,23 172:9 176:10 192:15 197:21 202:12 210:10 212:24 problem 44:13 89:17 144:4,6 149:2,9,13 154:12 189:21 193:9 211:13 problems 72:5 90:12 195:20 procedures 95:17 194:16 206:1 proceed 3:19 proceeded 77:6,10,14 proceeding 4:9 17:6 19:14,18 75:24 153:11 163:11 process 111:25 161:9 211:2 processors 175:1 produced 193:16 217:20 Production 139:3 professional 1:23 32:20 216:7 218:1 218:4 program 10:14 11:2 proof 64:7 proper 64:18 properly 63:7 properties 185:11 property 179:22
--	--	--	--	---

180:1 182:4 183:22
184:2,4,5,22 185:1
proportion 194:14
205:24
protected 34:16
protection 34:13,13
63:13
provide 57:7 103:19
118:20 119:4,4
138:19 139:5,12
provided 50:5 93:25
94:1 116:20 137:7
164:4 207:21
211:17 212:22
providing 27:1
provision 51:2
151:25 205:22
psi 85:20
Public 1:23 215:17
Public-State 217:21
pump 77:14
purchase 34:22,24
68:16 71:3 184:11
186:5 195:4
purchased 41:11
68:22 69:15,19
70:8 155:4 195:5
204:16
purpose 21:9 26:20
101:21
purposes 4:6 23:17
47:20 48:1,16,18
48:19,20 49:2
53:14
pursuant 1:24 18:14
51:2
push 128:24 180:12
put 53:9 55:10 56:17
56:20 57:3,3 58:4,9
65:21 113:2 125:3
125:4 169:6 198:14
putting 46:1 48:15
134:15 197:18

Q

qualified 195:16
qualities 130:24
question 4:12,22,25
4:25 5:3,7,9,14,15
6:6,7 89:18 92:10
102:18 120:17
130:14 131:3 139:9
169:22,24 172:20

183:13 207:20
213:15
questions 3:25 4:1
193:11,15 203:23
206:9 213:25
quick 19:9 164:10
169:2
quote 161:20 192:1
192:18
quoted 187:6

R

R.P.R 216:24
racing 62:22
raised 5:14
Ramjohn 84:14
Range 15:14,15
16:19 18:24 24:6
24:10,19 26:14
37:4 59:8,11,12,22
60:1,16 63:16 65:7
65:25 66:17 79:6
87:18 115:6 118:5
118:6 125:1 135:6
155:2 160:20 161:6
161:10,12,15
167:25 175:8,18
176:5,13,17,24
177:25 178:6 179:1
180:6,20,22 181:4
185:20,23,24 189:4
209:24
rate 40:17 151:20
rates 25:8 27:1
159:17
reach 141:7
reached 142:13
read 50:7 51:24 52:1
57:21 58:10 63:7
64:2,9,20 65:3
66:13 77:16 99:23
100:19 154:24
165:19 195:8,22
199:8,10 206:2
214:2,3
reading 52:2 57:24
59:24 218:19
ready 63:20
real 13:2,4,6,11,16
14:24 46:14,19,20
46:23 47:9 48:8,12
48:17 133:5,8
134:16 164:10

171:9,11 172:3
173:7 174:24
176:18 178:7
179:14 181:7,20
184:20 185:3
199:18
realize 47:19 59:19
148:23
realized 47:16 48:14
really 24:20 28:17
29:20 52:1 82:19
127:20 176:20
186:9,10 207:2
rear 77:21
reason 18:4 44:4,5
49:11 52:9 99:5
122:19 132:9 140:4
140:7 152:7 160:25
176:19 185:18
195:24 196:4,22
199:2
rebuild 190:5
recall 6:18 21:17
22:5 23:20 24:19
24:21 25:7 29:4,7,9
29:18,24 37:1 56:4
56:9,12,14 57:13
74:14,19 78:20
87:25 89:8 92:25
93:18 95:8 97:9,11
104:2 108:22 112:7
112:20 121:19
126:14,17,20
127:15 128:14
138:16,18 160:12
164:4,8 166:25
168:17 169:5,10
191:2 198:9,10
209:8,16,25 211:15
212:21
recalls 155:11
receipt 202:7 212:3
receive 5:2
received 29:15 39:18
171:14
recess 6:3,8
recognize 35:20
37:23 203:3
recollection 72:12
78:9
recommend 163:2
194:15 204:2
recommendations

167:24 204:2
recommended 50:21
63:15 64:1 162:25
194:7 204:10
recommends 205:25
reconvene 129:3
record 3:7 10:19
11:16 19:8,10 64:5
95:1 96:1 107:13
107:14 122:10
164:10,11 185:22
198:20 209:14
216:11
record's 35:5 81:9
167:13 211:14
records 100:6,12,15
100:17 165:15,18
209:17
recover 185:16
REDIRECT 2:16
203:19
redo 188:14
reduce 47:23 49:9
133:20,23,24 134:1
160:25
reevaluate 5:23
refer 53:12 60:17
76:7 170:24 174:25
reference 218:15
referenced 91:16
155:21
referral 182:16,21,25
referrals 181:12
referring 31:15,19
68:10 84:15 154:15
173:5,6
reflect 172:3 213:16
reflects 197:3
refresh 85:11,24
refresher 3:22
refused 122:7,7,8,11
124:6 136:23
regard 5:25 15:2
regarding 7:3 29:6
30:1 73:4 88:2
108:19 116:5
Registered 1:23
216:6 218:1,4
regular 24:10 177:22
reject 141:2
rejected 140:20,24
relate 170:24
related 71:17

relates 74:11
relation 55:23 165:16
relative 216:15,16
relief 170:21
rely 210:4 211:5
relying 196:12
remained 144:2
remember 13:19
21:21 22:2 23:24
23:25 25:13 27:5
28:9,11,11 29:10
29:23 31:6 36:6
47:7 56:2 57:3
74:21 77:21,22
88:4,10 90:21 91:7
92:14 93:12,22
94:2,5,10,12,16,17
99:25 100:3 102:23
102:24 104:5,7
105:24 108:24
111:23 112:4,7,25
117:20 124:16,17
124:19,21 129:11
129:12,15 130:18
134:3 152:2 160:11
160:15 162:15
181:16 187:7,10
191:13,14,15
199:24,25 200:5,21
201:8,16 208:12
210:3,12,16,22
211:1,17,20,25
212:1 213:9,11,18
remitted 38:17
remotely 15:1
rent 124:11,13,16
125:16 150:18
159:21 176:6 177:1
177:19 178:3,11,16
179:2,4 180:14,25
Rent-A-Car 16:7
rental 16:8,9 94:5,6
114:25 118:20
120:20 127:19,20
127:25 151:6
156:22 157:15
176:14,15 180:7
185:15 186:2
rentals 125:25
rented 124:10 158:4
176:3 177:16 178:6
renting 15:23 16:1,5
161:5 177:15

180:22 185:19	154:3 170:18 212:3	rid 114:19 115:5	76:2 118:18 129:7	Royce 159:4,7
rep 155:3 207:11	requested 100:1	134:4 135:3 160:24	148:14 153:13	RPR 218:22
repair 50:21 62:21	216:10	161:9	164:14 193:14	rude 17:15
73:4,14 76:19,20	require 67:3,7	right 16:2 25:6,6	214:10 215:7 216:9	rules 3:20
76:23 84:5,12 85:3	required 64:7,17	26:17 33:3 36:8,11	217:3,4,18 218:8	run 11:19,20 98:7,10
86:3 98:24 99:17	65:1 206:16	37:16 48:4 52:17	218:11,15	149:12
101:6 131:12,20,22	requirement 67:17	54:8,20 56:7 60:6	rough 98:7 99:18	running 128:11
131:25 132:2,13	204:18,19,21	67:1,4 68:25 69:6	round 213:24	156:6
140:5,16 154:16	requirements 64:22	69:23 72:22 73:18	routine 64:23	runs 99:18
157:19 196:25	170:4	73:22 82:18,21	Rover 1:11,12,12	rushing 55:7
197:2 199:17,19	reschedule 184:1	88:14 90:21 91:25	15:14,15 16:19	Russian 28:12,14,16
200:8 201:19,25	residential 181:19,21	96:9 103:7,20	18:24,24 20:10,10	28:18 30:23 32:13
202:3,5,16,21	181:23 182:3	105:3 106:11,18	20:19,20,24,25	42:2
repaired 78:13 90:1	respect 175:8	107:15,22 108:2	21:13 24:6,10,19	
90:3 91:8 207:9	respond 146:23	109:5,8 111:6,14	26:6,8,14 27:2,13	S
repairer 194:9 204:4	response 29:14,16	116:4 117:15,25	27:20 37:4 38:5	S 2:18
204:11 205:2	34:1,3 81:21	118:23 119:19	44:6 45:22 46:1,12	sale 24:8,24 68:19
repairing 202:20,22	100:16 104:25	120:23,23 128:19	46:19,24 47:17	sales 21:9,17 155:3
repairs 73:3 78:18	120:21 121:14	129:4,22 134:12	48:2,10,15 49:2,15	salesperson 203:3,9
79:3 140:13 143:12	127:10 133:1	135:12 136:25	49:16 54:8 56:5	sat 112:5
146:13 149:17	138:23 146:21	139:17 143:19	59:8,11,12,22 60:1	satisfied 33:14
170:23 196:1 205:2	149:6 157:1,21	150:2,8 157:9	60:16 61:15,24	Saturday 162:16
repeat 4:23 100:2	158:15	160:9,14,17 165:2	63:15,16 65:7,25	savings 186:11
133:14 196:3	responses 153:15	169:18 176:12,16	66:17 68:6 71:17	saw 55:17 56:5 57:22
206:15	154:2 163:15,18,24	177:4,7,21 178:20	78:12,17 79:6,18	87:17 112:2 164:5
rephrase 4:24,25	164:6	182:8 183:17 184:9	83:13 86:21 87:18	192:2,6
replace 66:16,20 68:1	Responsibilities	184:15,18 188:7	91:3 100:3,4,23	saying 42:6 54:16
68:4 77:14 86:5	63:10	189:14,23 190:1	101:16 115:6 118:5	95:23 96:5,11 97:1
87:19 93:13 162:21	responsibility 51:3	191:20 193:10	118:6 125:1 131:2	112:19
165:8 186:12 201:5	63:14 190:14	195:2 196:9 197:1	131:4,7 133:16	says 18:8 21:4,7 31:9
replaced 87:22 93:15	restart 78:5 156:7	199:5 207:20	134:7,15,21 135:6	35:25 36:13,14
165:10,12,14,17	restroom 6:3	213:23	138:5 139:16,24	37:18 38:4 40:10
166:8	result 181:7	rights 50:5	141:1,7 145:4,4,8	40:14,18,19 49:21
replacement 79:7	results 100:14	risk 47:23	148:2,11 150:11	49:21,25 50:2,4,9
100:11 114:1 187:5	retail 35:24,25	RO 76:11,16 84:23	152:19 153:16	50:18,20 51:10
187:18 190:5	retailer 196:5 205:1	93:7 95:5	155:2,3,12 160:20	53:16 58:3,20,21
replicate 129:20	retailer/authorized	RO-350465 144:24	161:6,10,12,15	59:7 60:16,19,21
report 216:8	194:9 204:3,11	road 1:17 77:9,15	163:15 165:23	60:22 62:3,12,15
reporter 1:23 3:25	retain 138:5	160:8 194:23	167:25 175:8,18	63:4,12,14 64:4,11
5:12 17:16 115:11	RETAINED 2:25	Rolls- 159:3	176:5,13,17,24	64:22 65:25 66:2
163:8 214:2 216:7	retrieve 202:13	Rolls-Royce 159:5	177:25 178:6 179:1	66:16,20 72:2,6
218:4	retrieved 19:2 150:11	177:10,11 180:16	180:6,20,23 181:4	73:2,8,11 76:16
REPORTER'S 216:1	retrieving 51:17	180:20 181:1,2,4	185:20,24,24	77:3,19 78:21,23
REPORTERS 218:1	53:13	Roman 93:10,11	186:25 187:6,7,22	83:21 85:8,15 86:3
REPORTING 218:1	return 42:17 136:16	106:21,22 137:19	188:12,16 189:4	86:5,18,20,22
represent 17:24 18:2	171:17,22 173:1	138:6,8,13,17,20	191:6,9,16,18	92:18 93:1,10,25
20:6 21:12 76:3	175:2	140:19 142:3	194:8 196:10 198:3	95:4,7,9 98:15 99:2
representative 61:24	returns 172:9,12,13	145:16,17,18	199:7,22 200:12	99:17,17 101:6
represented 59:2	172:22 175:6,12	146:12 147:10	204:3,11 205:1,6,7	148:12 154:11
request 6:5 18:14	review 6:15 17:17,18	rotations 195:19	205:8,18 209:2,24	155:9 163:23
32:6 64:6 116:23	20:13 57:19 216:9	Rothsman 1:8,21	211:7,9 212:2	164:25 193:21
117:1 126:1 139:1	reviewed 6:19 151:25	2:14 3:2,8,9 19:20	217:3 218:9	194:5,11,20 199:6
139:2,23 141:21	164:18	35:15 49:19 71:21	Rovers 211:8	199:21 200:24

201:3,4 203:25	120:22 121:1	162:23 167:4,23	shut 98:9 156:6	117:11 121:17
204:1,2,5,7,8	125:15,21 127:3,13	170:3,12 193:22	158:16	123:2 133:22
205:22 209:5,21	127:22 137:5,6	194:3,7 195:10,15	side 37:17	145:15 152:25
schedule 63:15 93:18	153:17 154:6	195:17,25 196:6	sight 190:1	159:21 163:4
97:4 118:19 200:20	163:21,22 164:3,17	200:7 204:1,10	sign 85:23 184:24	171:23 173:14
scheduled 22:15	164:23 186:12	218:1	185:2,3,5	178:10 183:3
40:17 63:17 64:5,7	190:2 192:4,8	service-related	signature 37:7,21	187:15 192:23
64:11 68:15 87:22	193:21 198:17	195:18	153:24 201:13	sound 52:15 77:20
194:5 204:7 206:13	211:5	serviced 101:4	218:17	88:15 89:3,5
school 7:12,17,19,20	seeing 56:2 57:22	152:21 205:12	signatures 40:6	160:13
7:21 8:1,13,17 9:23	seeking 185:16	services 64:23	signed 18:11 21:23	sounds 108:9
scratch 33:25	seen 17:24 20:15,16	servicing 64:13	25:19 27:23 36:7	source 62:23
screen 52:12,15 53:1	201:8 208:8	Serving 153:15	58:7 164:4 184:20	South 8:21 100:4
77:25 89:4 90:4,4,6	selecting 25:21	163:14	201:16,18	138:6
90:6,11	self-employed 156:13	set 116:2,4 126:20	signing 22:13	Southeastern 8:25
se 22:15 172:5	sell 13:2,11 49:6	138:3 153:17	similar 56:11 120:11	10:2
seal 215:11	113:18 118:3	163:16	simply 154:15	space 127:8 145:19
seat 107:2,3	133:13,18 134:1,20	sets 49:16	Sincerely 218:21	speak 4:10,20 28:12
second 5:11 9:25	155:5 159:4 161:10	seven 8:7 14:14	single 192:17	28:16 117:9,11
19:9,22 20:3,8,13	161:10	severe 194:14 205:25	sir 98:3 105:2	136:24
21:3,4 22:24 28:20	selling 134:7	206:5,8	sit 52:3 72:14 105:18	speaking 30:22 89:13
32:1 40:5,9 43:24	send 88:9 101:10	Shalain 36:22,24	112:1 154:2 175:24	specialized 194:6
47:23,24 48:25	137:12,17 138:22	37:1 203:3	184:18 210:6,13	204:9
53:22 57:11 71:20	146:4 183:11	shape 74:9	site 105:13	specialty 10:5 11:10
73:2 86:13 91:8	sending 157:23	shareholder 173:21	situation 5:25	specific 10:5 12:12
115:12 118:24	190:25	SHEET 217:1	six 60:10 163:7	16:13 18:23 29:6
193:8 195:12	sense 143:17 161:25	ship 20:25 83:11	166:15 167:16	30:7,9 52:20 53:3
secure 128:2 190:22	191:1	144:7 189:22	168:22 169:15,17	57:1 79:19 87:25
see 5:20,23 17:21	sent 8:6 138:10,24	shipping 189:24	194:17 206:2	89:19 90:18 91:5,6
18:12,16 19:22	182:25	190:8	Sixt 124:23	103:2 122:17,18
20:4 21:4,10 22:10	separate 173:1	shocked 148:18	skills 194:7 204:9	151:18 154:17,21
26:15 27:23 29:11	separately 170:18	shop 22:10 146:14	skimmed 52:7,8 53:8	159:10 169:21
30:10,17 33:20	September 132:19	short 5:22 6:8 115:14	skip 194:19 197:1	208:1 209:14
36:3,10,13,17,19	series 3:24	162:16 194:14	sludge 99:20,21	specifically 6:18 29:4
36:22,23 37:11,12	server 138:9 139:8	205:24	100:17 140:10	47:5 56:4 94:4
37:16,17,19 38:4,6	service 27:10 50:20	show 64:17 94:17	144:11	102:23 119:7,8
38:10 40:5,10,21	51:3 64:6,8,12,22	96:22 128:9 168:19	software 12:18 175:1	126:14 200:20
43:4,10,22 49:19	64:24 65:1,1 67:4	171:15 179:8,16,18	sold 45:12,14 49:14	specifications 79:10
49:23 50:2,15,24	67:17 71:6,10 79:3	179:19,23 180:8	74:18 184:5 203:9	specifics 7:6
50:25 51:8 52:21	84:13,14 85:17	182:8,23 183:22	solution 159:8	specified 130:18
53:19 58:3,15,20	87:2,18,21 92:22	185:13 193:24	some- 155:5 167:16	194:12 205:23
58:23,24 59:7,9,24	93:10,13,19 94:1	211:18,20	199:24	speedy 60:7,7
60:18,23,25 62:2	95:22 99:22 100:1	showed 94:18 102:13	somebody 29:12 58:8	spell 13:25
62:11,13,23 63:2	100:5,12,15,17	102:14 104:10	102:19	spent 8:9
63:10 65:5,9,25	104:6 106:17,20,24	105:11 111:7 123:7	soon 115:5 136:2	split 46:13
66:4,6,16,21 72:9	110:6,7 111:11,12	128:4,15 129:18	sooner 127:4	spoke 23:20 32:13
73:6 76:4,14,17	112:11 113:11	136:11 203:25	sorry 15:4 26:21	42:2 104:5,18
78:16,21,24 80:11	114:4 117:6 129:25	shower 6:12	44:12 49:4 50:14	110:4 121:20
84:9,11 85:9,17	131:5 136:23	showing 17:11 18:5	50:15 54:12,22	123:16 126:15
86:2,5 93:8 98:15	140:25 151:25	90:12 137:16 180:1	55:13 71:24 79:21	140:20 191:24
98:24 99:2 104:25	152:1,18 153:5	212:19	91:11 101:24	192:8
105:7 107:8 118:13	156:4,5,15,23	showroom 24:2,4	104:12 105:2	spoken 205:5,7,8
118:23 119:7,8,19	157:23 158:9	shows 33:24	111:11 116:18	Sport 15:14,15 16:19

18:24 24:6,10,18 25:12,15 26:6,8 27:13,20 37:5 43:20 44:7 45:22 46:2,12,19,24 47:6 47:17 48:2,10,15 48:17 49:2,15,16 59:22 60:2,16 65:7 65:25 66:18 68:6 68:12 71:17 79:7 87:19 118:5,6 133:16 134:15,21 155:2 160:20 161:6 161:10,12 167:25 175:9,18 189:5 stalling 98:1 stand 59:12 standard 49:22 67:13 standards 40:15 standing 20:23 61:5 195:17 Stars 153:6 start 14:12 72:8 93:2 95:4,10 98:5 99:11 99:12 start- 12:5 start/stop 65:2 started 10:23,25 11:1 12:21 14:11 103:14 108:9,13 112:24 125:16 176:6 178:21 starting 5:19 72:18 149:10 189:12 starts 193:25 startup 11:19,20,22 state 1:24 3:7 13:12 154:13 157:7 170:23 215:3,17 216:3 stated 140:9 states 13:14 77:3,19 85:8,16 86:10 93:2 99:22 stationary 62:23 stayed 56:21 144:21 144:22 stenographic 216:12 stenographically 216:8 sticker 54:18 55:15 56:25 57:4,5 stickers 29:12	stock 27:13 173:23 stocks 173:24 stone 49:3,5 stop 98:8 125:1,24 stopped 98:4 145:1 156:6 158:1 169:18 stopping 98:1 storage 19:3,5 51:18 151:6 213:1 store 23:17 151:15 162:6,13 stored 150:25 street 3:11 14:16 191:22 strike 4:21 44:4 45:2 46:5 71:2,24 74:14 93:18 95:7 123:3 159:21 172:12 177:14 184:19 197:11 strongly 194:7 204:9 structure 172:19 struggling 185:21 stuck 128:11 student 7:22 9:7 stuff 30:18 33:24 34:1 95:17 116:18 179:15 182:24 184:16 190:23 197:15 212:25 stupid 130:14 subheading 194:5 subject 18:9 28:22 29:1 31:10 49:22 49:25 154:13 213:23 subjective 177:7 subscribed 214:12 217:19 subscribing 218:19 subsequent 41:1 63:24 sudden 103:17 SUDDUTH 2:5,7,15 2:16 3:6 10:20 11:17 14:18,20 17:2,7 18:21 19:8 19:11,15,19 63:23 67:23 75:20 76:1 95:2 96:4 107:13 107:15,16 115:13 115:15 122:16 123:23 128:19,22	129:2,6 135:23 140:8 143:18 152:24 153:8,12 163:7,12 164:9,12 164:13 168:4 186:1 187:12,15,16 193:7 193:10 196:14 203:17,20 204:24 206:11 207:3,19 209:1 213:23 214:4 suffered 72:3 Suite 1:17 2:3,6 218:12 summary 73:3 Summer 12:21 supposedly 190:2 sure 3:17,21 6:9 14:18 17:10 18:22 20:6 26:7 32:25 34:2 35:5 40:4 42:6 43:7 44:15 51:16 54:24 65:20 67:24 80:19 81:8,9 87:16 111:5 112:16 118:17 121:13 126:5 138:22,25 146:11 167:13 170:17 177:23 196:4 202:12 203:18,22 211:7,14 surprised 146:6,9 148:5 149:6 suspension 88:16 89:5 168:12 Sustainability 11:14 swear 164:6 sworn 3:4 214:12 215:8 217:19 SYL 99:19 system 72:7,17 85:19 85:20,21 89:9 138:4	91:3 103:12 106:4 111:17 114:13 120:15 121:15 122:13 127:11 128:20 131:11,19 139:20 144:3 149:11 157:9,14,18 157:23 169:6 170:14 179:6,11 181:3 186:10 187:12 193:15,20 195:4,25 196:5 taken 1:23 3:14 85:17 86:16 115:14 129:5 145:12 187:14 218:15,18 talk 4:19 101:14 talked 122:19 talking 51:15 129:8 141:15 168:8 178:18 Tampa 2:3 218:12 tax 47:20,25 48:18 49:2 171:17,22 172:9,12,13,22 173:1 175:2,6,12 175:25 taxes 48:16 172:19 175:20 TCM 77:7 team 195:16 tear 194:24 technician 112:11 166:10 technician/advisor 165:24 technicians 195:17 195:20 technology 11:23 173:8 175:1 Techs 12:18 Tecum 18:3 TELECONFERE... 218:2 telephone 165:11 tell 7:10 20:22 32:21 61:19 90:6 92:16 104:8,10 110:25 112:16 114:11 115:23 116:5 130:10,21 140:16 141:13 145:23 183:8,21,24 190:11	198:18,23 telling 89:17 103:14 116:18 152:14 Ten 87:8 tendency 4:3,11 term 16:8 33:15 38:19 40:17 44:24 terms 16:9 24:24 25:8,14 26:25 28:7 29:5 32:17 33:22 147:7 155:6 159:17 test 7:22,24 8:16 24:14 28:1,2,4 77:9 77:11,15 100:13,14 116:10 159:16 testified 3:4 57:14 134:3 144:19 156:9 158:23 160:25 195:2 196:1,17 197:5,24 200:12 205:5 206:12 211:12 testimony 101:15 118:11,18,21 119:14 128:6 152:7 157:12 171:6 179:9 193:18 195:14 text 195:8 Thank 96:20 139:1 139:15 themselves 213:22 Thereupon-- 3:1 thesis 11:8 they'd 27:16 thing 5:10 6:5 8:19 25:9 33:12 70:18 97:25 103:2 108:2 110:13 122:20 146:22 147:15 155:6 156:24 167:17 186:7 199:25 things 3:18 4:5 7:7 12:24 34:13 71:16 89:21 think 4:12 25:2 27:20 51:8 60:10 79:12 92:9 93:15 94:11 96:5,14 98:21,23 108:25 112:12 128:23,24 138:3,15 139:7 148:3 153:3 161:22 177:5,12
---	--	---	---	--

191:14 193:7 194:3 200:2,10 202:11 203:6 thinking 55:11 203:7 third 40:5 188:9 Thirty 166:2 thought 30:1 33:24 52:19 96:9,10,11 96:14 131:10 134:11,25 135:17 135:24 136:8 146:7 148:1,21 161:9 thousand 66:11,22 210:16,17,20 211:16 three 9:5 12:24 45:5 72:6 73:3 95:13 111:20 147:23 148:16,17 156:12 163:22 180:8 187:8 187:18 191:3 threw 56:24 throw 55:23 56:23 57:5 till 104:16 105:1 119:9 123:19 150:19 183:20 time 3:16 4:16 6:4,25 20:15,16 22:21 23:1,5 26:9,17 27:12 32:21 34:23 36:17 37:24 39:11 40:22 41:1,5,10 42:15 43:3,8,17 44:10,19,20 48:3 49:14 53:5 65:21 70:7 72:19 73:12 73:17,21 75:1 79:12 80:7 85:22 87:4 89:14 91:9 93:14,20 96:22 97:17 101:4 106:22 109:8,19 110:14,21 113:2,18 115:7 118:2,10 125:5 126:15,19 133:7,12 133:19 134:19 136:14 139:15 142:12 144:16 148:1,9 150:10 151:19 155:11 156:1 158:1 160:16 160:20,23 161:3,8	166:18 176:3,9,12 179:2,10 180:9 196:23 197:9,11 198:5,8,16 199:14 213:3 218:18 times 64:8 66:2,3,11 66:22 78:1 88:17 118:8 129:10 155:10 tint 55:10,10 tire 72:19 75:5,6,8 112:18 158:24 159:2 160:2,4 162:2,3,13,19,21 194:21 195:19 208:2 tired 97:11,17 tires 163:6 title 12:12 19:21 174:8 titled 20:3 to-bumper 62:3 today 3:19 4:7 6:16 7:5 16:13 17:12 18:4,14 41:6 59:18 59:24 60:15 72:14 117:8 118:23 119:14 136:12 150:19 154:2 155:15 171:6 184:19 193:16 201:9 203:24 206:10 208:7 210:6 210:13 today's 6:11,16 7:3 15:19 53:14 164:15 told 27:19 29:10 30:19 33:9 42:19 61:15 75:18 81:23 88:6 92:6,11,14 98:21 103:13 104:3 104:15 106:1 110:13 112:17 113:16,18,24 114:13,15 115:18 118:9,11,19 119:4 119:7,8,15 120:13 126:17 127:6,15 128:8 129:20 130:20 131:14,17 137:1 140:18,19 141:11,20 142:8,14 142:15,17 143:3,7	145:14,18 149:5,21 153:5 156:11,15,24 157:2,7,13 165:25 166:3,10 167:19 170:11 187:23 188:5 190:9 198:13 198:18,24 212:12 213:7 tomorrow 162:11,14 top 35:25 37:18 73:6 153:5 180:18 topped 85:19 tops 128:23 total 86:22 172:6,7 tow 146:1,2,16,17,17 146:18,19 towed 139:21,22 145:4 150:14 towing 146:3,19 147:11 186:15,17 186:19 202:24 Toyota 176:23 trade-in 161:21 trade-in/sell 161:17 traded 38:25 43:20 68:11 70:9 trading 16:17 traffic 128:11 trained 195:20 training 16:21 transact 174:19 transcript 4:8 216:10 216:11 218:16 TRANSCRIPTION 218:2 transferred 203:13 transmission 80:21 195:19 transportation 134:22 trash 56:25 travel 117:20 traveling 43:21 trial 218:18 trick 167:12 tried 103:11 trip 114:17 true 152:13 154:3 164:7,20 216:11 trust 153:7 try 4:20 97:3 117:18 118:8 186:5,7 trying 17:15 96:18	114:17,17 155:4 160:19 167:12,13 180:5 204:5 turn 18:5 19:25 21:3 35:15 37:10,23 40:3 53:21 58:14 58:18 59:5 71:20 71:25 98:9,9 167:3 170:16 Turning 92:17 twenty 102:22 twice 88:24 89:21 208:25 210:3 212:7 two 7:2 12:3,10,16,19 24:9 39:17,18 43:15,17 49:3,5 55:9 59:20 66:23 79:8 83:14 87:20 88:5,12,19 92:9 93:15 94:1 136:5 142:24 147:19,23 167:25 201:4 203:11,12 210:7 211:3,4,15 type 64:13 70:18 105:16 Typically 5:7	89:18 90:8 113:24 114:18 137:4 139:9 139:9 146:12 151:16 160:19 163:19,20 172:21 178:24 180:5 190:4 205:16 207:13 understanding 31:16 38:13 41:13,17 49:13 79:17 85:2 86:25 96:20 115:17 141:1 143:8,19 166:8 175:17 207:7 understood 5:3 9:9 24:11 25:18 28:19 34:17 42:19 49:6 52:16 58:10 59:1 84:19 114:9 115:1 140:13 149:19 150:7 188:2 193:5 207:24 213:15 undertake 43:12 unhappy 26:25 92:3 UNITED 218:1 University 8:25 10:11 unseen 190:2 Up- 77:6 update 86:8 upset 82:25 89:20 upstairs 27:16 USA 60:22 61:2 use 4:4 40:12,15 42:7 49:15 124:21,23 134:20 154:23 177:25 179:6 180:6 186:8 197:10 198:15 usually 122:12 137:11 utilize 74:10 175:11
U				
ultimately 143:11 159:15,20 161:23 um-hm 4:5,15 11:21 20:17 22:14 31:12 34:5,7,9 47:1,21 48:5 58:17 78:2 83:15 102:2 103:9 105:5 112:23 114:20 133:17 136:10 143:25 146:15 168:9 198:1 under- 20:22 59:11 61:4 undergrad 9:3,10 underneath 80:17 81:20 undersigned 215:6 understand 4:23 5:1 5:4,5,16,17 7:25 20:11,12,18 21:14 31:22 35:9 40:22 43:7 46:10 47:25 54:24 61:8 67:11 67:25 81:9 82:9				
V				
v 1:10 217:3 218:8 V-6 60:2,4 V-8 60:2,4 valet 105:16 122:7 value 161:17 170:22 varies 16:11 various 14:24 24:1 25:14 vehicle 15:22,25 16:5 16:25 18:11 19:2,5				

21:10,23 22:8 24:7
 24:14 25:21 26:3
 27:23 28:22 29:1,6
 29:11,19,25 30:5,6
 30:7,9,14,18 31:10
 38:2 40:23 41:2,15
 41:18 43:13,24,25
 45:9 46:15,18
 49:22 50:21,22
 51:3,11,13 53:1,13
 53:18 54:17,25
 55:3 57:16,23 58:4
 58:12,20 59:1,17
 60:21,22 61:1,6,6
 62:3,16,21,23 63:5
 63:6 64:13,16,24
 65:12,14 66:25
 67:18 68:16 72:3
 72:12,15 73:11,18
 77:9,15,21 78:5,10
 79:8,14 80:18
 81:20 83:1,22 84:3
 84:15 85:13,25
 87:4,6 88:2 89:2,19
 91:3,23 92:21
 93:20 95:15 96:22
 97:6,13,20,24 99:9
 99:18 100:15,24
 101:5,15,18,22
 102:6,15 105:17
 106:13,16 113:13
 114:1,12 115:3,24
 116:6 117:13,15
 118:13 120:15
 122:25 123:11,13
 123:25 124:9,9,11
 124:13 125:10,17
 125:20 126:4,4,18
 127:5 128:16,17
 129:18 130:1 131:4
 131:22 132:5,15
 133:2 139:16 144:1
 144:2,7,15,17,21
 145:3,12 147:11,18
 147:22 148:9,12,13
 149:8,9,10,19
 150:25 152:1,8,21
 154:13,23 155:16
 157:18 158:2,5,23
 159:10,22 162:1,23
 165:13 166:8,14,15
 167:15 168:22
 169:7 175:10

176:11,14 177:2,4
 178:2,3,7 179:2,4,5
 179:6,11,12,17,23
 183:23 185:19
 186:6 190:2 192:2
 192:6 194:5,13
 195:25 196:18
 197:10,12 198:2,11
 198:13 199:14
 200:8,11,14 201:24
 203:10,10 204:8,15
 205:12,17,23 206:4
 206:16,21 207:8
 208:11 212:11
 213:4
vehicle's 18:9,14
 49:25 50:6 92:5
 108:19,22 165:8,9
 165:12,16
vehicles 15:11,13
 22:17 23:5,17 24:1
 41:8 43:16,17
 46:10 59:20 63:16
 64:24 65:6 68:19
 176:7,25 177:14
 178:12,17 195:4
Velar 59:8,11,21,23
 59:24,25
verbal 133:1
verbatim 120:18
Verified 85:18
verify 77:4,15 202:14
versus 47:6,10 59:21
VIDEO 218:2
VIDEOTAPE 218:1
VIN 189:8,10 190:1,3
 192:11,12
virtual 43:4,10
virtually 14:17,21
visit 23:13,21 24:11
 24:15,18,23 25:1,3
 25:4,5,9,13 73:8
 79:3,9,19 81:19
 83:13 84:2,16 87:2
 87:22 88:2 89:6,12
 89:22 90:1,8,15,17
 91:8,15,22 92:2
 93:19 94:10,14
 95:9 98:15 100:23
 102:13 108:20,23
 112:21 113:13
 115:16 116:21
 122:24 130:1,12

143:24 155:24
 167:4 168:7 209:7
 209:23
visit's 155:20
visited 81:12,18
visits 136:21 137:9
 147:5,6
visual 85:22 161:19
volume 47:8
volunteered 42:13

W

wages 171:3,7 172:7
wait 4:14 14:18
 94:22 98:4 119:22
 156:16,24
waited 94:23 112:8
waiting 97:11,18
 166:3
waive 214:2
waived 218:20
walk 111:6 160:9
walk-in 111:1
Wallace 1:8,21 2:14
 3:2,8 17:12 92:12
 179:21 214:10
 215:7 216:9 217:4
 217:18 218:11
want 7:1 30:16 32:21
 32:22,24 34:2 35:1
 35:12 42:11 43:23
 44:8 46:21 47:19
 48:16,16,21 51:4
 67:24 68:2 104:23
 113:3 118:17
 119:15 121:4
 123:19 126:20
 140:1 142:3,5
 145:8,20,21,21
 149:1,7 150:5
 151:23 168:24
 169:1 179:21
 183:15 186:13
 203:22 211:14
 214:2
wanted 34:16 49:9
 55:10 126:5 133:20
 133:23 134:10
 142:4 149:24 152:8
 160:24,25 166:21
 168:18 171:16
 178:2 179:23
 193:18

wants 5:21
wards 108:9
warehouse 150:18,19
 150:21 151:7
warranties 49:21
 50:1,4 63:12
warranty 18:9,14
 31:11,15,17,23
 32:7,10,16 33:20
 33:21,25 34:6,24
 35:7 49:23 51:12
 53:17 58:21 59:1
 60:21 61:6,16,22
 61:25 62:3,11
 63:13 69:9,16,22
 69:24 70:5,9,14,18
 72:2 78:19 140:15
 140:21,24,25 141:3
 141:21 142:8,23
 143:9,12,16,20
 145:22 149:14
 193:16,17 195:9
 207:5,9
wasn't 30:1,14,18
 69:24 75:18 106:21
 106:22,24 115:17
 120:24 135:19
 138:21 157:10
 164:3 183:25
 210:15 212:10
way 4:6 95:18 120:18
 120:23 147:3 148:8
 172:19,20 190:12
 190:21 211:12
 212:9 213:14
we'll 5:18 91:20
 106:4,4,25 118:23
 128:22 129:2
 196:25 214:3
we're 3:22 5:19,20,23
 12:20 17:8 28:12
 85:4 127:12 137:4
 146:1,16,17 178:18
 213:4
We've 195:20
wealthy 46:21
wear 40:12,15
 194:24
week 6:17 16:14
 104:24 118:23
 119:6 124:12 127:7
weekly 16:18
weeks 31:1 109:12,14

110:1,8 142:24
went 3:18 7:21,24,25
 8:23 9:23 10:10
 22:9,16 23:5,9,21
 24:11 25:25 26:9
 26:11,19 27:6
 52:24 55:9 56:3
 70:21 81:18 88:8
 94:5 110:21 112:4
 112:21 116:10
 117:3 149:12,24
 161:3 180:13 184:3
 184:11 193:17
 197:25 202:1,2,25
 207:24
weren't 43:8 108:1
 128:11 137:7
 169:16 208:20
west 2:3 187:10
 191:10,12,12,21
 192:7,8 205:9
 218:12
Weston 191:15
wheel 34:13
whereabouts 165:18
 170:25
whichever 58:22
 60:23 61:10 62:4
 63:19 64:1 218:19
white 27:20,21,22
 36:20 155:1
window 25:17 54:19
 55:10,15 133:3
 176:18 179:20
wise 117:19
witness 3:3 14:19
 67:22 96:2 122:11
 123:22 128:21
 129:1,4 135:19
 140:7 143:14
 152:23 168:3
 185:23 193:9
 196:15 198:21
 204:23 207:2,16
 208:22 215:11
woman 123:17
wonderful 27:9
word 33:21,23 82:14
 82:16,17 130:23
 170:14
words 154:15
work 5:23 14:15,17
 14:21 16:19,24

43:4 55:22 60:13 72:8 115:25 129:25 131:16 156:13,20 179:5 194:8 204:10 211:18 213:8 worked 15:1 working 72:17 165:25 workmanship 72:4 worried 169:16 worry 30:20 32:22 33:11,13 153:19 worth 171:11 190:25 wouldn't 47:4 127:22 157:9 183:20,24 write 145:11 189:14 writing 116:23 147:7 written 18:9 51:12 53:17 56:6 151:9 202:16 wrong 28:5 58:11 63:6 68:4 107:7 169:19	157:6 160:9 161:6 161:25 165:5 166:24 169:13 177:24 179:5,13,19 180:24 186:18,19 188:6,9,13,24 189:8,18 190:9,15 190:18,22,23 191:1 191:8 192:1 193:6 196:4 197:16 199:10 200:2,16 201:23 204:23 210:25 211:4 213:6 213:6,14 year 7:14 11:3 34:4 36:13 38:22 40:16 40:19,24 41:3,20 42:5,7,12,16,20 43:2 45:17 46:5,11 49:7 74:4,11,19 101:12 103:24,25 104:16 120:25 121:2,6 123:5,18 126:13 134:13 135:17,22 136:3,5 136:5,9 147:25 151:5 171:18,23 172:7 186:8 years 3:13 8:9 9:4,6 12:3,10,19 13:8 15:1 32:24 33:4,5,9 33:10,15,19,22 44:24 45:5 59:2 61:9,9,13,15,23,25 66:23 67:11 79:8 87:20 136:5 142:9 167:25 172:14 173:2 years/ 60:22 years/50,000 61:7 62:4 years/60,000 58:22 Yep 150:16 171:20 188:4 191:4 York 181:9	<hr/> 0 <hr/> 0.00 78:23 86:22 00004 58:18 0001 56:13 02.29.2024 215:18 <hr/> 1 <hr/> 1 2:19 17:2,5,23 76:16 79:13 83:21 100:24 129:3 157:22 163:22 164:2 167:4 1,000 66:3,3 1,478.88 39:4 10 1:19 5:19 8:9 13:8 85:20 87:6,13 98:5 132:20,24,25 133:3 153:23 10,000 40:19,23 41:2 136:9 166:22 1031 1:17 1040 172:22 11,864 84:3,25 87:14 131:22 132:1 196:20 12 64:1 71:24 162:17 12,000 41:19,20 42:5 42:7,19 43:2,23 48:21 63:18 134:10 135:16 136:8 121 2:6 13 40:10 51:8 53:19 14,500 185:15 15 3:13 84:23 192:15 196:19 218:18 1505 2:6 153 2:21 15th 21:21,22 22:3,7 25:24 26:9 27:6 36:3 47:13 55:1 73:18 83:18 87:5,5 87:13,23 88:2 94:13 101:1 155:2 164:25 165:6 166:14 209:21 16 59:5,7 16,000 63:18 163 2:22 164th 3:11 14:16 17 2:19 8:11 18 49:19 19 2:20,20 36:17 193 2:15	<hr/> 2 <hr/> 2 2:20 19:11,13 31:20 51:8 60:14 65:11 95:3,5 128:24 154:6 167:2 193:15 199:21 200:19 203:21,24 2,000 178:14 2.0 59:8 63:16 65:7 2:30 128:25 2:38 1:19 20 91:10,12,13,14 107:6 128:13 135:12,16 136:1 192:16 201:3 200 186:15 2000 7:15 2001 9:8,11 76:16 2002 14:6 2004 9:11 2009 10:4,4 2010 10:4,4 2012 10:13,21 11:1 2017 38:25 174:4 2019 54:8 55:24 56:6 57:16,21,22 58:1,3 59:21 2020 15:7,14,15 21:8 21:18 36:3,13 44:19,21 47:14,14 48:3 55:1 56:1 57:17 58:1 59:22 73:19 87:5 102:23 102:25 155:1,2 164:25 165:4,6 171:22,25 172:14 172:22 175:2 189:4 197:14,15 2021 9:5 12:21,22 44:18,21 45:16,16 46:6,6,23 49:8 73:19 78:10 79:13 81:19 83:18 88:2 89:15 90:9,17,25 94:3,4,13 95:23 100:24 101:1,13,16 101:22 109:1,5,10 115:16 118:7 122:24 123:3 124:6 125:14 129:8,13,19 130:5,12 131:14,21 132:14,18 133:12 134:14 136:21,22	155:10,13,16,17,20 160:13 165:21 166:9,13 167:4,5,7 167:15 168:7,16 171:3,23,23 172:4 172:14 176:4 196:19 197:7,11,13 197:15,15,25 199:16 200:1 209:5 209:18,21 2022 90:24 95:3,20 101:5 109:1 118:9 118:13 126:15,19 127:16 128:7 129:9 132:3,11,15 134:14 135:11,15,25 136:22,23 138:20 144:20,25 156:3,16 157:2,3,13,17,22 158:3 165:7 171:3 171:17,19 172:4,14 172:23 175:3 177:17 197:2,7,12 2022-014076-CA-01 1:5 2023 1:18 12:20 135:8,22 214:14 215:12 216:20 217:4,19 218:7,16 203 2:16 205 92:19 21 66:6,10,10,21 76:17 84:16,23 117:25 130:1 195:14 201:3 218:16 21,000 66:10 79:7,8 87:19 132:16,25 133:3 167:25 21st 216:20 22 9:9 71:25 95:5 126:12,13 155:17 176:5 2221 3:11 228 1:17 23,000 189:21 190:4 190:7 23,000,000 184:17 24 50:14,16 73:1 76:12 218:7 25th 21:8,18 38:22 26 1:18 217:4 26th 215:12
<hr/> X <hr/> x 1:15 2:10,18 36:14 212:4,13 213:4,5				
<hr/> Y <hr/> yeah 6:14,17 7:5 8:4 8:18 9:12 10:9 14:22 15:9 23:23 28:3 31:2,4 33:2,4 33:6 43:18 46:13 56:22 59:20 65:8 68:21 69:14 70:13 72:21 74:23 80:13 80:19 81:11 83:24 87:11 93:16 94:5 94:20 98:4,13,23 102:7,14 103:1 104:1,4 105:8 107:4 110:6 112:14 114:15 115:8,13 116:7 117:4 118:4 118:14 121:7,7,16 121:18 122:3 125:13,24 126:13 130:2 131:25 136:3 136:20 138:3,25 141:6,18 143:1,7 144:22 145:18 147:19 148:3,20	<hr/> Z <hr/> Z-e-a-l-t-y 14:1 Zealty 13:24 14:9,10 14:25 173:5 zero 86:21 200:3 209:6,22			

27,000 197:6	61:6,9,9 62:4 75:21	728-9886 218:5	
270 2:3 218:12	75:23 76:2 78:21	75 2:21	
2nd 95:9,16,20 97:7	84:8 85:5 93:5		
101:5 128:12,17	154:6,8,11 157:21	<hr/> 8 <hr/>	
132:3,11 137:20,23	167:3 197:1 199:5	8-cylinder 60:9	
140:3 143:24 165:6	201:7	8,000 70:22 166:22	
197:2	4,000 180:11,15	190:22	
<hr/> 3 <hr/>	190:20	<hr/> 9 <hr/>	
3 2:14,14,15,20 19:15	40 77:20	9,000 166:22 190:22	
19:17,20 71:25	41 188:5,6	9,400 165:22 166:18	
164:23,23 169:11	42 66:6 187:18 188:6	166:22	
180:15 195:12	43,000 187:11,18	93 65:21	
203:1	43,851.61 187:5	954 218:5	
3,000 180:12	430 45:8	955442 215:19	
3.0 59:9 63:16 65:15	44,000 187:11		
65:25 66:18 87:18	462 194:1,2 204:6		
87:24 167:24	463 60:19		
3/1/21 73:4,9	465 62:2		
3/2/22 73:6 92:19	469 62:11		
30 40:17 85:20	470 63:1		
121:16,17,18	482 63:9		
128:20 136:13	493 64:22 65:5		
169:3,7,9	203:24		
30,000 140:17,18	495 65:24 200:21		
305 218:5	498 65:5		
311.57 186:23	<hr/> 5 <hr/>		
325 150:22	5 2:21 58:22 92:18		
327211 73:15 76:4,11	153:6,8,10,14		
199:6,20	5.0 59:9 63:16 65:22		
33 192:20,25 193:3	5/15/21 73:5		
33,000 92:24 98:15	50,000 60:23 61:10		
98:22 101:6 142:5	61:19 171:3,7,10		
187:23	172:3,6		
33134 2:6	500 210:10		
33179 1:18	5100 2:3 218:12		
332587 84:5,10,19	<hr/> 6 <hr/>		
131:25 199:21	6 2:22 28:24 163:10		
33609 2:3 218:12	163:13 193:20		
34 66:6 193:4	6-cylinder 60:8		
34,000 66:10	6,000 67:14,20 69:4		
350465 93:8 98:25	71:15 74:5,21,22		
132:3 140:5 201:8	75:1		
360 170:13	6,687 73:12 167:4,17		
37211 78:17	6,887 76:24 79:13		
374-2222 218:5	83:2		
38,000 135:15	6600 167:8		
38,427 99:2 101:7	<hr/> 7 <hr/>		
132:5 144:24 197:3	7 31:9 170:16		
39 38:19 62:9 206:20	7,000 168:23 169:15		
<hr/> 4 <hr/>	70 66:6		
4 1:17 2:21 60:22			