```
State of Florida
 1
                                               Judge Greene
      County of Broward
 3
                          IN THE CIRCUIT COURT
 4
                     OF THE 17TH JUDICIAL CIRCUIT,
                  IN AND FOR BROWARD COUNTY, FLORIDA
 5
                          Case No.: 01-012933-12
 6
 7
      LORRI C. HINTON and LONNIE W. HINTON, JR.,
      individually and as natural parents and
 8
      quardians of LOREN HINTON, a minor,
 q
                       Plaintiffs,
10
      VS.
11
      2331 ADAMS STREET CORP., a Florida Corporation,
12
                       Defendant.
13
14
                 EXCERPT of Proceedings had and taken before
      The Honorable CHARLES M. GREENE, one of the Judges of
15
      said Court, at Courtroom 850, Broward County
      Courthouse, Fort Lauderdale, Broward County, Florida, on Thursday, the 30th day of January, 2003, commencing
16
      at the flour of 9:30 o'clock a.m., and being a JURY TRIAL: CLOSING ARGUMENTS; MOTIONS; JURY QUESTION.
17
18
      APPEARANCES:
19
20
            ANDREW HAGGARD, Esquire,
            and MICHAEL A. HAGGARD, Esquire,
21
            Haggard, Parks, Haggard & Bologna,
            Appearing on behalf of the Plaintiffs.
22
23
            JOHN F. KENNEDY, Esquire,
24
            and PAUL L. NETTLETON, Esquire,
            Carlton Fields, P.A.,
           Appearing on behalf of the Defendant.
25
```

ESQUIRE DEPOSITION SERVICES (954) 331-4400

```
(Thereupon, the following proceedings were
 1
 2
          had in the presence of the jury:)
 3
               THE COURT: Mr. Haggard, would you care to
 4
 5
          proceed?
               MR. MICHAEL HAGGARD: Yes, Judge. Thank you.
 6
               May it please the Court. Good morning.
          We're finally here after two weeks.
 8
 9
                I want to thank each and every one of you on
          behalf of my father, on behalf of Lonnie Hinton
10
          and Lorri Hinton and, most importantly, Loren
11
          Hinton for your unbelievable attention these last
12
13
          two weeks.
               The reason I know that is the courthouse has
14
          had to order several new note pads for all of you
15
          because of your incredible attention, your
16
17
          analyzation of the evidence and paying attention
          to every word from the witness stand.
18
19
               And it's very, very important that you do so,
          ladies and gentlemen, because to put it simply,
20
          the future of a four-and-a-half year old little
21
22
          girl is in your hands.
               You have an awesome huge responsibility and
23
          you're going to get to that responsibility today
24
25
          when you go back in that room to deliberate and
```

1	I-N-D-E-X		Page :
2	APPEARANCES (cont.)		
3	(
	JIM C. BLECKE, Esquire,		
4	Deutsch & Blumberg,		
	Co-counsel for Plaintiffs.)		
5			
6			
7	CLOSING ARGUMENTS	PAGE	
8	:		
9	By Mr. Michael Haggard	3	
10	By Mr. Nettleton	45	
11	By Mr. Andy Haggard	84	
12			
13			
14	JURY QUESTION	97	
15		•	
16	_		
17	~		
18			
19 .			
20			
21			
22			
23			
24			
25			

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 4 decide Loren Hinton's future. I told you in opening statement that when a company acts negligently, recklessly, gross negligence and ignores repeated warnings, when they act with the indifference towards human life, when you have that picture on one side and you have the other picture of a four-and-a-half year old little, innocent, sweet girl, when those two Я pictures collide, you have tragedy and catastrophe 9 and that is exactly what has happened in this 1.0 11 case. No one within an earshot of this courtroom 12 would argue that this hasn't been an incredible 13 tragedy and that it could have been easily, easily 14 1.5 prevented. This case is about a negligently maintained 16 pool gate fence. It is that simple, ladies and 17 gentlemen. We have the burden of proof by the 18 preponderance of the evidence to prove this, which is what you have seen for two weeks. 20 Let me go through four or five points. If 21

22

23

24

25

several, several things.

you remember back on Tuesday, the 21st of January

when we started, I told you that we would prove

One: This pool gate was negligently

_ .

B

Я

1.5

maintained on the day of the incident and you have heard in the months before.

Frank Griseau, the manager of 2331 Adams
Street Corporation, got on that stand and
everything he says the Judge will instruct you
they are responsible for. And he said, and I use
his words and his words only, four to five times a
day I found this gate totally destroyed.

Ladies and gentlemen, that is negligence by itself and alone. They were warned by seven different tenants: Gladys Archila, Janet Pinero, Richard Pinero, Marta Irabetta (phonetic), Renee Cathery (phonetic), Paul Thibalt (phonetic), Nancy Goldin, all warned Frank Griseau, others warned Andy Finkelberg that this gate is going to kill a little child.

They did nothing about it. They broke the law, ladies and gentlemen. Pool gates and fences have to securely secure the area. That's their whole purpose. This gate in these pictures as you can tell certainly does not.

You heard that Frank Griseau, the manager who lived next door to the Hintons, he never, ever, ever warned them of this dangerous condition ever.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

n.

condition. That is obvious.

Everybody has testified, at least six witnesses, that this is how it looked on the day, both before and after with all the police crime scene tape. There is no question about it.

Well, what is negligence, ladies and gentlemen, because you're going to be deciding a couple different issues on liability and the first one I'll humbly submit to you is simple.

Negligence is the failure to use reasonable care. Reasonable care is that degree of care which a reasonably careful person would use under like circumstances.

You're going to have this back with you in the deliberation room and Judge Greene is going to read it to you.

There is no question that they were negligent. They never corrected this condition permanently. That would have absolutely prevented this incident. If it's padlocked, because they didn't want to spend the money which we'll get into, or if they fixed it this would have never happened. And they never did that, ladies and gentlemen.

Judge Greene will instruct you they're

And ladies and gentlemen, you paid attention to that because you asked each and every witness, different jurors, did you ever tell Lonnie Hinton, did you ever tell Lorri Hinton. You asked that of each witness and every witness said no, no. Frank said no. That would have prevented this incident.

They never corrected, never fixed this gate permanently. And let me tell you something and you know this, Loren Hinton pays for it every minute of every day and there is no dispute on that.

You will first decide in this case, the first question posed to you will be did they fail to maintain this pool gate. Ladies and gentlemen, the answer is simple. You could have decided that issue the first morning of testimony.

When Gladys Archila and the Pineros came in and said this is how it looked for several months, we told Frank Griseau and he was never outside fixing it.

And you know what? If he was outside fixing it temporarily, which he said that's all he would do is straighten the pole up, he wasn't successful. He didn't correct a dangerous

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 8

responsible for their managers and their employees. A number of questions were asked by the jurors: Is so and so an employee, Frank Griseau? Every time, yes, yes, yes. The Finkelbergs? Yes, yes, yes. The Judge will instruct you on that. And he never, never fixed it.

Negligence was proven in this case by one of your all's questions. I'm not sure if it was just one juror or several jurors. But the question was asked to all Finkelbergs and Frank Griseau: In these pictures does the gate appear to you to be in working order?

That was one of your questions. Do you remember the answers? I think all of you wrote it down. Each one of them said the obvious answer:

No. it does not. Obviously.

This is documented proof, ladies and gentlemen. I'll get to the defenses on this and I'll tell you from the outset they are desperate, the defense.

The honorable thing, the accountable thing to do would be to come in this courtroom and say we had a bad gate and look at these parents and say two words: We're sorry.

2

3

Я

9

10

11

12

13

15

16

17

18

19

20

21

22

23

24

25

1

2

3

5

6

7

8

q

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

5 7

1

2

3

17 18 19

20

25

5 6 7

8

9

10

11 12

13 14

15 16 17

18 19

20 21 22

23 24

25

But no, we had to talk about vandalism. We had to talk about Frank trying to fix it. Ladies and gentlemen, that is negligence.

And you know what? The bad tenants -- and I think you all asked a perfect question: Were the Hintons bad tenants? And Frank Griseau, in spite of everything else he tried to get out of, said no, they were not.

But I guarantee you one thing, the checks that my dad went over with Andy Finkelberg, they cashed the checks of those tenants they had a problem with. They took those right to the bank. They didn't have a problem with that. They fixed up all those apartments to paint them, fixed those refrigerators so they could rent it out.

They almost had a little girl one month before drown in this pool, one month before the incident and they knew about it and they did nothing.

Why wait to fix it? Why wait till we have the money? Well, isn't it interesting when some of the Finkelbergs get up here and testified, oh, we fixed everything. \$50 wouldn't be a problem. We did an \$8,000 plumbing job. That was no problem.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 11

drowning. That's what he testified to.

Then when he was impeached with his sworn deposition that was taken three months after this incident, he was reminded that he said, well, the reason I fixed it was I had my own three-and-a-half year old who runs around in the apartment complex with all the other neighbors, which was the standard, which was the circumstances of the neighborhood and we'll talk about that, and he wanted to fix it because of other children because he knew they could drown.

That is safety, ladies and gentlemen. That is the definition of it. But instead of getting up there and taking the honorable approach and saying I knew it was safety, I knew it was safety and they just didn't get it done for me, they have to answer like that.

And you saw what happened yesterday which I term desperation day for the defense yesterday. They bring in Debra Haase, whose husband had passed away, who she had told everyone involved in the case she didn't remember what time she was outside. She said I was outside. I can't remember what time.

Lonnie Hinton said she was outside. Ricardo

Well, then fix the fence, ladies and gentlemen. Go one mile to Home Depot and install what the law requires for under \$50 and we're never here. And more importantly, Loren Hinton's life hasn't been devastated for \$50.

The other reason: Let's wait till after the summer months. Let's leave this gate open. This is Frank Griseau's testimony and Andy Finkelberg's testimony. Let's wait till after the summer months when everybody in the world knows people use pools as much. That's when they use the pools. Let's just wait.

They would have left it like this, ladies and gentlemen. It doesn't matter. Let's just keep waiting. That is absolute negligence.

They also tried to say, Frank Griseau -- and if you remember, I had to go over this with him several times and the defense continued to say it -- well, it wasn't a safety concern to him when he fixed it.

Well, it should have been. Does anybody look at this and not know that this is a safety hazard, ladies and gentlemen?

He said he was more concerned with the kids slipping and falling on the pool deck than a

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Pinero said she was outside. Lorri Hinton said she was outside. Mrs. Haase can't remember what time a year-and-a-half ago, shortly after her husband passed away.

Page 12

And Mr. Kennedy, do you remember this, told you in opening statement no one can find Debra Haase. No one can find her. And that night when we got done, and I'm sure you all remember because you have been getting done late every night, 5:15 he was on the phone with her trying to get -- and I'm using Mr. Kennedy's words -- her to work with me, work with me.

That was supposed to be a bombshell yesterday, ladies and gentleman, according to the defense. And let me tell you something, it was desperation, absolute desperation because they have no defenses. This case is that simple.

The last question that you will answer on the verdict form, ladies and gentlemen, is whether the Defendant's conduct rises to the level of punitive damages.

Remember, the burden of proof for the Plaintiffs on the issue of negligence is like a seesaw, the preponderance of the evidence. Did we tip the scales that much on the first question.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

6

7

8

q

10

11

12

13 ं

14

15

16

17

18

19

20

21

22

23

24

25

The issue of punitive damages is a higher

beyond a reasonable doubt but clear and convincing

Let's go through it. Number one: -- I

apologize because it says self-locking gates and

we have talked about this a lot, so I'm going to

Corporation in compliance with the Hollywood Code

The answer is absolutely not. How do we know

This corporation broke the law and I want to

put the code next to it -- Was the Adams Street

of Ordinance requiring all pool areas to be

secured with self-latching and self-closing

that? Everyone has said in that condition it

seen the pictures. You will have them in

evidence. It would not close.

would not latch. It would not close. You have

talk about what the Defendants tried to do with

you all here. Do you remember Frank Griseau, an

inspection report on May 14, the day before, you

standard, clear and convincing evidence, not

evidence, ladies and gentleman. And yes, the

evidence, it is conclusive, is that they are

responsible for punitive damages.

2

1

7 Я q

10 11 12

14 15 16

17

18

19

13

24

25

1

remember this?

gates?

ESQUIRE DEPOSITION SERVICES (954) 331-4400

6 7 ß

9 10 11

12

13

14 15

16

17 18

19

20 21 22

23 24 25

You remember this? When I got up to ask him told you to fix it after the little girl almost

Mr. Griseau, what has the testimony been about that document from two people. Jerry Dworkin, one of the top aquatic specialists in the company: Has nothing to do with pools, nothing to do with pools.

How about Andy Finkelberg? Do you remember his testimony when my dad got up and said, Please tell us why defense counsel asked you about this document which has nothing to do with pools. And Andy Finkelberg shrugged and said, I have no idea.

Why would defense counsel be doing that, ladies and gentlemen? Why? Why would they show an inspection report from nine months before that the pool gate or the pool presumably was fine?

Ladies and gentlemen, that proves one thing and one thing very clearly. Once these people bought that complex the pool gate went in a horrible condition. That proves that they are absolutely responsible.

They would be responsible with starting that under the prior owner anyways under the law but this just proves one thing: The change in ownership is the reason that that pool gate went to the condition it did.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

By the way, none of those documents have been admitted into evidence because of their absolute irrelevance, none of them, because under the laws the Judge has decided they will not come back. You have to question why and what someone's trying to do with your common sense on that issue.

Did they ever effectively respond to tenant complaints concerning the broken pool gate in its unsafe condition?

You know, Ricardo Pinero saved Loren Hinton's life. He saved a little girl's life one month before. We have learned a lot about heros in this country over the last couple years.

And the defense gets up and cross-examines him on the fact that Frank wanted to evict him because the sewage is all over his house.

why are we talking to Ricardo Pinero about مد that? You saw how incensed Ricardo Pinero got when this man saved her life. And the only reason they were mad at him is because he told them you did this to Loren. I told you one month before.

the final question, Ricardo Pinero, he told Frank right after this accident, It's your fault. I

fell in one month before. Why didn't you do it?

Page 16

Did the Adams Street Corporation post warnings to ensure that all residents were made aware of their unsafe pool area?

Ladies and gentlemen, we know that they're negligent with any one of these. Punitive damages are established by a number of these.

Put a warning in the common areas and go to Kinko's and run off 30 copies and padlock that gate and Loren Hinton is in school today with her friends. It costs about \$3 to run off these copies. And now we're dealing with a girl whose life will never ever be the same.

Did they take steps to prevent this dangerous condition? I'm sure the defense will get up and say, yes, he tried to fix it. Well, you have to fix it, that's the law, and they never did.

Did they follow any procedures for maintenance, inspection, supervision? They had none. The owners are out of the country. Frank says he tells Andy. Andy Finkelberg never tells his father.

And what did his father say? His father said if somebody would have told me, I would have fixed it. And if they didn't tell me, that was

1

2

3

Δ

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

110

reckless. That was his testimony, the Defendant in this case.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

5

6

7

8

g

10

11

12

14

15

16

17

18

19

20

21

22

23

24

25

1 13

And that was also the testimony of the only aquatics safety specialist you heard from who consults with all of the health codes around the country to ensure the gates are safe for one reason, one reason only: To stop accidents like these that keep occurring.

Did Adams Street act responsibly by permitting a toddler slide to remain within the pool area?

Ladies and gentlemen, the most telling picture in this case is the picture -- and I'm going to show it to you in a little bit -- with that slide, Loren Hinton's shoes and that broken gate. It tells it all.

You're going to have that slide. You're going to have that slide back in evidence. Why would you have a one to three year old Little Tyke slide leading right into the water? Especially when you were told one month before that a little girl was standing next to it by herself and almost went in the pool. Why?

Ladies and gentlemen, the last question on this verdict form is are they liable for punitive

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 19

want a discount --

MR. NETTLETON: Your Honor, objection. I think he's misstating that.

THE COURT: Overruled.

MR. MICHAEL HAGGARD: They came in here in opening statement and they want a discount, ladies and gentlemen.

I'm going to tell you another thing and you heard this on the stand from Lonnie and Loren. If you find Lonnie Hinton, where there is absolutely evidence of no negligence and I'll go over that instruction again, one percent negligent when he knew nothing about the pool gate --

what did he do? Who did he go up to as anyone was not a nice conversation. How could you not knew nothing about this.

gentlemen. Here's the evidence. Every witness on told you that they watch each other's kids; that they do not need to say when a phone rings, hey, I'm going to get the phone, please watch Loren for

damages? The evidence supports it. You are sworn to apply the evidence to the law. That is your duty and we are confident that you will follow

Despite this overwhelming evidence, their notice, their knowledge, the warnings and their own manager's words it's a destroyed condition, what do they seek to do, ladies and gentlemen?

They seek to blame the father of this four-and-a-half year old child. They have nothing else to do. They want to play the blame game in this case. That's what they want to do.

And let me tell you something, it is not a game. This is the most serious issue that you will decide for a couple reasons, ladies and gentlemen. Let me explain why.

In this verdict form there will be percentages that you, if you decide that Lonnie Hinton is one percent negligent, that you will have to break down a percentage. I don't think you're ever going to get to that. The law has no basis for it but I want to tell you the effects of

If you find Lonnie five percent at fault, five percent of Loren's damages are reduced. They

ESOUIRE DEPOSITION SERVICES (954) 331-4400

the next one to two minutes.

They say I'm going in and look at someone and they - and that person watches their child. Michelle Hillerio said it. Gladys Archila said it. The Pineros said it. Nancy Goldin said it.

Page 20

The burden of proof on this issue is the Defendants. They have to tip those scales for you to put one percent of negligence on Lonnie Hinton.

Lonnie Hinton was cooking downstairs in the play area while his kids were playing hide-and-go-seek. I would submit to you that that occurs in every city in the United States of America. Every child has played hide-and-go-seek and every family has barbecued. Not as much as Lonnie Hinton. He liked to barbecue.

The testimony is there's always kids and older kids playing in that apartment complex. The testimony is that there's always neighbors outside.

They bring in their bombshell witness, Mrs. Haase, who they try to get her to work with them and they try to, as Miss Haase said, be very, very insistent about what I say. And she says I just can't remember what time I was outside but I

- would? He went right up to Frank Griseau and it
- tell me? How did you leave me in the dark? He
- Here's the evidence in the case, ladies and
- that stand who lived in that apartment complex

was outside.

1

2

3

4

5

6

7

8

q

10

11

12

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

2.4

25

: 3

Ricardo Pinero saw Lonnie barbecuing and named Candace Green, Marta, Milly, all of these people that were outside.

Ladies and gentlemen, Lonnie Hinton turned to his children and said, I'm going to take the meat upstairs. Finish with your buddies and I'm coming back to get you because we got to go eat.

He walked up those stairs. He walked down to his apartment. He opened the door. He put the food down. He kissed his wife and he started heading out the door when the screaming occurred.

That is a couple minutes, ladies and gentlemen, while she's down with the neighbors and the children, which is the absolute standard under the circumstances that everyone in the apartment complex has told you about.

Frank told you about it, do you remember? How many children play in that area? They play all the time. What games do they play, Mr. Griseau? They play hide-and-go-seek. Does everybody play around in the common areas? Yes.

The defense keeps saying, well, a two year and ten month old could open -- Well, actually they never asked this question. They say could

ESOUIRE DEPOSITION SERVICES (954) 331-4400

Page 23

our children and we have different standards. This was the Adams Street complex.

The evidence in this case is clear as to what under the like circumstances were. You will see that, listen to that negligence. Some of us don't let our children be baby-sat till -- or never.

That's not the standard, ladies and gentlemen. You have to apply the law and the evidence in this case. And what you have to do on this issue is you have to compare because what this is called is comparative negligence.

They are trying to say Lonnie is comparatively negligent. There is no issue on whether they are negligent. Compare the two.

Put that picture in one hand of everything that Adams Street did or, more importantly, did not do, the warnings, the slide, the broken condition they knew about, all of that on one side where Lonnie didn't know anything about it and did what every other parent does as reasonable.

You would need a thousand percent, ladies and gentlemen, because their negligence doesn't fit into a hundred. It's so bad. And when you compare it, I'm confident as you told us in voir dire you can do the job.

open a door.

1

2

3

1

5

6

8

a

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

Here's the doors that we're talking about to the complex. You will have this in evidence. It's a nine foot steel door. Loren couldn't open that, ladies and gentlemen. She was two years and ten months. Plus she's playing with all her neighbors and friends.

You have to ask yourself why they never cared to ask this question. You know, before you seek to blame a father in this case, don't you have to warn him? Doesn't there have to be a level playing field?

If you have all that knowledge and you consciously make the decision not to warn anyone, ladies and gentlemen, how do you then seek to blame the father for this tragedy?

And I will tell you one last thing, ladies and gentlemen, on this issue. Two last things. There's absolutely no evidence at all to suggest this and if you put one percent on Lonnie Hinton, as he testified on that stand, he will live with that for the rest of his life.

And all we ask is that you follow the law and apply the evidence in this case to the law. Some of you, all of us, we have our own standards for

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 24

Can you apply the evidence to the law? And we are confident that you will do so and find zero for Lonnie Hinton, that he was not negligent at all in this case.

The pool gate, ladies and gentlemen, is for one purpose and one purpose only: To prevent little kids from getting in. Why would we have pool gate laws all over this country if little kids aren't directly supervised eye-to-eye all the time? Why would we have those laws?

They're for this exact situation and situations like this. That's what the law is for and your job, as you well know, is to follow that

I want to turn your attention, ladies and gentlemen, to the damages in this case. The damages in this case, as I've told you in opening statement, are perhaps the most devastating damages that can befall a human being.

There are some horrible injuries out there that can happen to people. We have heard and seen of people who become paralyzed, quadriplegics. We see Christopher Reeve and his improvement on TV and he can communicate. He can do certain things. Loren's injury is not even on that level,

ESQUIRE DEPOSITION SERVICES (954) 331-4400

ESQUIRE DEPOSITION SERVICES (954) 331-4400

1

2

3

4

5

6

7

8

۵

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

6

7

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ladies and gentlemen. She is a prisoner in her own body. She is trapped in her own body. She has been that way since May 15 of 2001, for the last 20 months. She is that way today in her house and she will be like that for the rest of her life.

1

2

3

6

7

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12

13

15

16

17

18

19

20

21

22

23

24

25

543

Your job in this case on the issue of damages is to somehow compensate Loren Hinton for all, all of her damages. The law in Florida on damages has been established for hundreds of years and it is very, very simple and is created for one purpose: So that you can look at a devastatingly injured child like Loren Hinton and somehow within your power make her whole.

I talked to you in opening statement, ladies and gentlemen, if you could -- Juries are so powerful. You are going to affect this little girl's life for the rest of her years. But if you could, you would simply blink your eyes, make a wish and have her go back to May 15, 2001 before this tragedy. But you cannot. But you can make a difference. You can make a big difference with your verdict today regarding Loren Hinton.

We had the burden of proof, preponderance of the evidence on each issue of damages and we

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 27

plan can change, how much her medical condition can change at a moment's notice and all of those things are not included in the plan.

You, however, are allowed to go above that plan, ladies and gentlemen. You have heard of the different complications. You have heard of hospitalizations. You can apply that evidence to this plan.

The future medical expenses in this case, ladies and gentlemen, are around 42 million dollars. And one of the jurors asked I think of Doctor Cohen:; What does the effect of moving from Florida to California have on this plan? And I have to tell you what an important question because it absolutely affects the plan and we have to consider that.

The defense got up and talked to Doctor Raffa about what index he used to come up with what it will be raised by California. Ladies and gentlemen, go with whatever increase you think it whatever it is.

But let me tell you this, ladies and gentlemen, the reason the question was asked I wholly embrace it, ladies and gentlemen. We wholly embrace it because we have proven each element of damages by the preponderance of evidence and I will go over them with you.

Page 26

Page 28

The economic damages, past economics, you will receive the past medical bills in evidence. They are \$717,000. And when I go over the verdict form with you at the end of my closing argument, I will show you each question. But they are in evidence. They are not disputed, ladies and gentlemen, and you will have the exact number to put on that verdict form.

Let's talk about the future medical expenses in this case. The Life Care Plan is absolutely unrebutted. Loren Hinton is entitled to every single element on that Life Care Plan that is included in Doctor Raffa's economic analysis. There is no dispute on that.

And one of the jurors asked, well, is she entitled to it regardless of this issue - and I will get to this issue - of life expectancy and it was answered ves.

We also know most importantly, most importantly that this is a bare essentials. We heard during just these two weeks how much this

ESQUIRE DEPOSITION SERVICES (954) 331-4400

knows California, Southern California is more expensive than this area. Everyone knows that and that has not been argued against.

But regardless of whether you accept the twelve percent or you include all the different things we talked about, ladies and gentlemen, the economic damages in this case are undisputed. The costs of medications, the costs of therapeutic needs, the costs of surgery are undisputed.

And let me talk to you a little bit about Doctor Raffa. He's a renowned economist, speaks all over the country. The defense talked about other economists. Well, where were they? There are a number of economists that the Defendants could have brought in here.

You know what they could have done? Could have paid him \$28,000. They paid somebody else to come in here. But they couldn't find an economist in the country to take \$28,000 and come in here and rebut these numbers. You know why? Because you can't.

Where's their life care planner? I mean, all this is stipulated to, ladies and gentlemen. All this is stipulated to. And whether you think it's five percent or not, you all who have raised all

is: Five percent, ten percent, fifteen percent,

presume by one of the jurors is because everybody

Δ

the questions about different things, why is it not in the plan, is it going to change, you have one chance to do this. As we have talked about a lot, we can't have you come back in five years.

R

2.2

This money that you award Loren Hinton, as you have heard from the Court a stipulation, will go into a guardianship account immediately. And obviously it's a conservative account because you cannot risk losing this money for this child. It's administered by the Court.

And that is so important because that's why we're talking about numbers that Doctor Raffa has explained to you in detail that have to be conservative because of the fact that she's a child and the guardianship Court is dealing with her.

They could have had an economist in here. They didn't because the last thing in the world the Defendants want, ladies and gentlemen, is an economist to get on the stand and give you the same exact numbers. This is undisputed, ladies and gentlemen.

I think everybody has this number and we'll go over it one more time.

Ladies and gentlemen, I want to talk to you

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 31

exact injury, the same exact condition as Loren Hinton.

Doctor Kushner testified under sworn oath that with optimal care, Lorenzo would live a normal life expectancy six months ago.

Now, either one of two things happened: That \$28,000 really got to Doctor Kushner or he swore to tell the truth six months ago and he was absolutely wrong. Either which way, there is no conceivable way, ladies and gentlemen, that you can give this man's testimony any credence.

His Honor instructed you that he was not qualified, ladies and gentlemen, not qualified to give a number of these opinions. And Lord knows, he's given the opinion twice and one time he said one thing and one time the next. That is not the preponderance of the evidence.

Who did you hear from on the other side?

Doctor Lucy Cohen only treats severely disabled kids. She's Loren's treating doctor. No one hired her in this courtroom. She's her treating doctor. She's with her. What was she paid, ladies and gentlemen?

This man comes in here. I'm so glad I asked him in recross because I would have left out the

about an issue that has been raised. It is a controversial issue. It is an issue that is touchy to this family and I think to everybody in this courtroom.

The evidence you have heard in this courtroom overwhelmingly supports the fact that given optimal care, Loren Hinton will live a normal life expectancy. She deserves every chance in the world and I think everybody agrees to that.

The defense listed a witness before ever talking to him because they knew that he would play ball. They brought in a witness yesterday by the name of Doctor Kushner and, I have to be honest with you, I don't know where to start on how to deal with Doctor Kushner.

But I guess the first place might be the fact that he absolutely suddenly within six months, despite his 14 years he kept talking about of his neurology practice, the last six months must have been truly enlightening for this man because he totally changed his sworn testimony six months ago.

And I think one of the jurors asked the question -- Everybody knows and you saw a picture of this young boy, Lorenzo Peterson, the same

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page :

\$13,000 that we didn't know about, \$28,000 to come in here and change his opinion.

What did the respiratory therapist, physical therapist, every person who deals with her everyday for the last 20 months say? She's rolling on command. You have seen that video. You have seen it several times. And I'm sorry for Doctor Kushner that Loren can't roll over quick enough for him. I'm really sorry for him about that.

You know, it seems like when every other witness came in and looked at that tape, it was like everybody in the courtroom was cheering for this little girl. Come on, Loren, come on, do it, do it.

She can't win with Doctor Kushner. She can't win with him, ladies and gentlemen. And it would be nothing short of a travesty if you all gave his testimony any credence for two reasons: One, if you do and you reduce her life expectancy five years or ten years, Loren Hinton doesn't get that medical care during that time.

And if you give him any credence, ladies and gentlemen, then who knows what's going to happen in that next courtroom with him. Maybe it's

Δ

R

Ω

\$50,000 then. He's hired by Firestone.

Я

g

Ladies and gentlemen, this man has no credibility. I don't know that any witness has ever walked through those two doors with a bigger cloud over his head than that man when he left here yesterday.

Ladies and gentlemen, understand something. The defense is arguing that she was hurt so bad, reward us for it. Lower her medical bills.

Reward the Defendants. We hurt her so bad. We hurt her so bad that she's going to die early.

There is no evidence of that, no evidence of that in this case that she will. She deserves every shot. And you can't come back here, ladies and gentlemen. If you say that she was going to die early in five, ten years, you can't come back in 65 years to correct your decision. Base it on the evidence.

By the way, Lorenzo Peterson, 16 years old when this man gave his opinion. Life expectancy is 62 years for an African American male. What is the difference between Loren and Lorenzo?

When Doctor Kushner said, well, maybe I will treat her in the future, I'll tell you one thing beyond a reasonable doubt: Loren Hinton will

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 3

studying all the time, college, but I'll tell you what, when you get that test score back, that accomplishment, I know Loren's never going to feel that.

THE COURT: Fifteen minutes.

MR. MICHAEL HAGGARD: Yes, sir.

Ladies and gentlemen, we have suggested an amount in the middle between the Associate's and the Bachelor's degree and it is up to you. It is up to you. One million dollars is the number we chose between those two.

The non-economic damages, ladies and gentlemen. You have to assess this little girl's life now. You have to assess it at this point in time. What has she lost? What has she lost, ladies and gentlemen, over the last 18 months?

The past pain and suffering, the past mental anguish and the loss of the capacity to enjoy life. And I think you have to start with this picture and you have to think back to when Loren Hinton went through that gate.

You have to take yourself to that pool when Loren was playing hide-and-seek. She ran to that slide to hide from her friends. She went in that water. You have to think about that.

never see Doctor Kushner again. Thank God for that.

Let's talk about the future earning capacity because I think it's very interesting that the defense has spent so much time on this, ladies and gentlemen.

In this case we have seen the numbers. It's a catastrophic case, make no mistake about it, and you all know, you have known since voir dire this is a gigantic damage case. There is no way around it

Why is the defense talking about the difference between a Bachelor's degree and Associate's degree, 700,000 or 1.4 million? Why? Because they know she is going to be around at that time. They know she's going to live that long till the end of her life expectancy and her work life expectancy.

Ladies and gentlemen, I'll tell you what. I don't know if Loren would have gone to college. I know one thing. These two right here would do anything in the world to see Loren Hinton with a cap and gown and throwing that in the air. I know that, ladies and gentlemen.

And I know another thing. I don't like

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 36

Page 34

You have to take yourself to that pool and you have to think about the horrible thing that happened next, when she lost oxygen, when she went under water.

You have to think about her at that hospital with the mechanical ventilator and you have to think about the tremendous struggle over the last 20 months that this little girl has gone through. That's the last 20 months.

I'm going to go to the verdict form because I'm running out of time here. Let me go right to the verdict form.

Ladies and gentlemen, you know the answer to the first question is easy. They are absolutely negligent.

Next, please.

I cannot state to you how important this is, ladies and gentlemen. There's absolutely no evidence of it, negligence on Lonnie Hinton, and you know it. Everyone in this courtroom knows it.

Next.

If you answer no to that second question, you will not have to answer number three. But ladies and gentlemen, there is no question. It's a

R

q

25/3

hundred percent. And think about the ramifications if you find otherwise under negligence.

Next.

Я

These are the past medical bills. You will have them in evidence. They are undisputed.

Next.

Those are the present value of the future damages for medical expenses. You have that in your note pads.

Next.

This is what we were talking about, the present value of any future damages for lost earning ability, ladies and gentlemen. You judge Loren on that. That's your job. You judge Loren Hinton on that and what her aspirations were.

→ Next.

Ladies and gentlemen, I want to talk to you about pain and suffering in this case. We have talked about the past pain and suffering and we have taken you to the pool.

We heard about 1440 minutes in a day. That's how long Loren is in pain, is suffering. And most importantly, the only thing I agree with Doctor Kushner on is that she has totally lost the

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 39

That is a recommendation for the past 20 months. You can give more, you can give less. That is totally up to you. Your job is to somehow assess her life. You have to do that under the law.

Ladies and gentlemen, \$1 a minute or under \$1 a minute for the rest of her life. You will have that United States Census Life Tables. 71 years comes to 35 million dollars. And let me tell you something, ladies and gentlemen, that's not a lot of money comparatively.

If this was a commercial case, contracts case and Boeing was in here with a 737 that got burned up by a maintenance company, it would be 100 million dollars, 200 million dollars, 500 million dollars.

Picasso, 200 million dollars.

There's a shortstop from right down the road in Miami that plays baseball for the Texas Rangers, 250 million dollars.

Let me tell you something very honestly and very humbly, that doesn't even compare to Loren Hinton. It doesn't even compare.

Ladies and gentlemen, Loren, you have to think about what she's going to miss. She will

capacity to enjoy life.

There are 10,080 minutes in a week that this little girl goes through what she goes through. There are 524,000 minutes in a year. Ladies and gentlemen, every minute of every year for the rest of her life she is in the condition that you have seen her in.

I was going to play you a couple clips of the day-in-the-life. You have a video back there. Please go over it again. It's only 14 minutes. Ladies and gentlemen, it is a -- it doesn't give it justice what she's going through.

524,000 minutes a year, we are asking for under \$1 a year -- strike that -- \$1 a minute for Loren Hinton, under that, for what she is going through.

In the past, ladies and gentlemen, when you take yourself to that pool and you think about this little girl and you think about her -- and I know it is difficult, I know it is horrible to think about but you have to -- about her going under that water, for the last 20 months this incredible struggle that this sweet innocent child has gone through, we have recommended the amount of five million dollars in the past.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 4

never have that first boyfriend. She will never have that special time when someone tells you for the first time that they love you.

She will never hear in a chapel with all her friends and family that music when everybody stands and she turns that corner with that wonderful man to get married. She will never have that.

And she has been robbed of the greatest gift of all and that is having her own child. She will never hear that child say the three most beautiful words in the world, depending on if you're a mom or dad: I love you, mommy. Ever.

And you have to take yourself into the future, ladies and gentlemen, and I hesitate to say this in front of these two, but there's going to be a time where Loren is going to be all alone. They're not going to be there anymore. You have to think about that grown woman in that state all alone.

That amount of money, ladies and gentlemen, under the law in the State of Florida pales in comparison to what this child is going to go through every minute of her life.

We humbly, humbly suggest and it is up to

ESQUIRE DEPOSITION SERVICES (954) 331-4400

ESQUIRE DEPOSITION SERVICES (954) 331-4400

you, you can give more and you can give less but, ladies and gentlemen, this injury is the worst that can befall a human. Next, Brian.

1

2

3

4

5

6

7

Я

9

10

11

12

13 éce,

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

6

8

10

11

12

13

15

16

17

18

19

20

21

22

23

24

25

The next two questions are Lorri Hinton's claims, Lorri and Lonnie, for the loss of her companionship, the love, the society of their child. My clients have directed me not to ask you for a number. They have said to me and I have to listen to them, take care of our daughter, Michael. Take care of our daughter.

Under the law I have to tell you and you know that they're suffering, suffering. The change in their life is absolutely insurmountable. I am in awe of these parents, the struggle that they go through, the immense struggle they go through.

But they will not allow me to put a number up there for you. That is your choice. You're going to judge Lonnie, judge him here as well.

Next. Actually, Brian, that's okay. Both those questions are for Lonnie and Lorri.

Ladies and gentlemen, when you go back in that room, be strong. If you have convictions about this case and I'll humbly say because we are confident that this evidence has been

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 43

25

MR. NETTLETON: Judge, I have a quick motion. THE COURT: Okay. We've reconvened. We're outside the presence of the jury. Counsel and parties are present.

MR. NETTLETON: Your Honor, we need to move for a mistrial at this point given the comment in closing argument about the suggestion that if they awarded her less money, that she would not get medical care.

That's a misleading statement. It's not true. There is no evidence that would support that and it plays to the passions and prejudice of the jury.

And I don't think it can be cured, so we'd ask for a mistrial, Your Honor.

THE COURT: Response.

MR. MICHAEL HAGGARD: Judge, as we know, there is no future collateral setoff rule absolutely into the future. That very well supports that that could happen and Your Honor has instructed them on collateral setoff, so I think it's pretty clear.

THE COURT: Number one, on the merits of your motion it's denied.

Number two, it's denied because it's not

	•
1	overwhelming, if you're on either side, be strong,
2	stay to your heart and discuss those issues with
3	your fellow jurors.
4	Because this case is so important for this
5	little girl. If you're shy, if it's not your
6	personality, fight. When I say, "fight," I mean
7	be strong because it is that important. It is
8	that important.
9	THE COURT: Five minutes.
10	MR. MICHAEL HAGGARD: Thank you, Judge.
11	They have robbed, taken Loren Hinton's
12	dreams. They have snatched her life away from
13	her, ladies and gentlemen.
14	Loren Hinton, this sweet four-and-a-half year
15	old angel, has one dream left. That dream is for
16	justice in this courtroom and the only people in
17	the world who can make Loren's dream come true is
18	you.
19	Thank you for your time.
20	THE COURT: Is the jury okay? Break?
21	I'm sorry. Okay. Restroom break and then
22	we'll start with the defense's closing.
23	(Thereupon, a recess was taken and the
24	following proceedings were had outside the
ſ	

ESQUIRE DEPOSITION SERVICES (954) 331-4400

presence of the jury:)

Page	
------	--

```
timely. Had you objected at the time, the Court
         still would have denied the motion but, if
2
         necessary and if it had been appropriate, which it
         was not, then the Court could have addressed it in
          the way of a curative possibly.
               By not making a contemporaneous objection,
          you have waived that objection and additionally
          deprived the Court, had it been necessary which it
8
          was not, of an ability to cure.
               Bring in the jury.
10
               THE BAILIFF: Jury entering the courtroom.
11
               (Thereupan, the following proceedings were
12
          had in the presence of the jury:)
13
               THE COURT: Okay. Jury has returned.
14
               And Mr. Nettleton, at this time would you
15
          care to make your closing argument?
16
             MR. NETTLETON: Thank you, Your Honor.
17
               THE COURT: Before you do, let me just tell
18
          the jury just in the way of housekeeping,
19
          hopefully you all had a good break at that time
20
          because what I would like to do is I would like to
21
          get through the argument and then charge you and
22
          then I will have your lunches brought into the
23
          jury room.
24
               Okay? Is that acceptable to everyone?
25
```

2 13

MR. NETTLETON: Thank you, Your Honor.

Good morning, ladies and gentlemen of the

R

🤟 13

R

Good morning, ladies and gentlemen of the jury. My name is Paul Nettleton. I haven't spoken to you before. I want to join Mr. Haggard in thanking you all very much for spending the time and attention that you have.

I want to thank you also on behalf of my clients. They appreciate your attention.

Everyone knows that jury duty is not an easy job.

It's tough and it's especially tough in this case.

We've got; a little girl here, Loren Hinton, who has suffered a catastrophic injury. She's never going to get better. There is no dispute on that.

Everyone in this courtroom, the lawyers, the court personnel, and I'm sure each one of you feel extreme sympathy, compassion for this little girl. That's understandable.

But the law that the Judge is going to instruct you on requires you to look past that emotion, to put that emotion aside, to look at the facts objectively and to decide the case based on the true facts as you find them, based on the law he instructs you on.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 47

what not to believe and to decide the case on the merits.

There's two big questions that are presented. What happened on that day on May 15, 2001 between $4:30~\rm p.m.$ and $6:10~\rm p.m.$?

The other big question: What was the condition of that fence and that gate that day, the days and the weeks preceding it and what was going on about it?

Now, you have heard a lot of comments during the course of the trial about the fact that my client is a corporation. That has been emphasized throughout the trial. It's been emphasized in some sense that a corporation is deserving of less attention in a court of law.

Well, as the Judge will instruct you at the end, a corporation and all other people stand equal before the law and must be dealt with as equals in a court of justice. But it's not just that here that's a legal principle which sounds good.

Mr. Haggard stood up here and told you that your verdict's going to mean a lot to Mr. Hinton, how you decide that negligence issue.

Well, it's going to mean a lot to my clients,

Now, as Mr. Kennedy told you in opening statement, we have never suggested and do not suggest that the Hintons are bad parents, that they don't love their children, that they don't love them very much. That's never been an issue.

What is the issue? The issue is responsibility: Responsibility of my clients in terms of the property and the responsibility of the parents in regard to the children.

In the end the issue that you're going to have to decide is who is responsible, one of us, both of us, and to what degree.

The lawyers' jobs are almost done.

Mr. Haggard will be getting up again to speak to
you one more time after I'm done and then we all
sit down and it's over for us and your job starts.

And we think we have had it tough gathering all the evidence and getting it in here to present to you, but it pales in comparison to what you have facing you.

Now, we can point to the evidence we think is important. We can point out what we believe are conflicts in the evidence that you should challenge. But in the end it's your decision as to what evidence is important, what to believe,

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 48

too. My clients, the so-called corporation, is a family company owned by Roberto Finkelberg, Romina Finkelberg, Alexandro Sorgente.

They've been sitting here for two weeks with you as well listening to the evidence. You have heard from the testimony how they got involved in this property. Mr. Finkelberg wanted to assist his daughter and his son-in-law in an investment.

They enlisted the aid of their son Andy who had come to this country already. He was working in real estate. He pointed out some property. They thought it would be a good investment, the Tropi-Sun Apartments.

They had the property inspected by a professional property inspector. They fixed things that needed to be fixed. No one told them at any time before this accident that there was any problems with this gate, this fence, the pool, anything.

No one. Not the professional property inspector when they purchased the property, not all the government officials and inspectors who were out at that property at various times, not Andy, not Frank. And I'm going to talk about that a little bit later. But these people never heard

В

anything about complaints about the gate and it's $\ensuremath{\mathsf{undisputed}}$.

1.5

Now, I want to mention a little bit about the inspection reports because Mr. Haggard brought that up.

You heard the testimony on the stand. Yes, the inspection report on the property was pre-purchase, but you have also heard testimony that has been somewhat inconsistent about how long this condition has been existing.

So we thought it was important that you hear the history from the beginning of the purchase of the property as far along as we could get it. And no, there is --

Well, let me take that back. Obviously in the first property inspection there was clearly an inspection of the pool area. There was nothing found wrong with the gate or the fence. The only thing found was with regard to the masonite.

And then we have the Department of Health inspection that was testified to by Mr. Finkelberg, Andy Finkelberg. Now, it's interesting because they're right. There's nothing in that report about the pool and that's the whole point.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 51

Compensatory damages, as you probably know, are damages that you would award to compensate the Plaintiffs for their losses, their injuries, their medical expenses and so forth.

Punitive damages on the other hand are intended to punish someone. They're intended to punish someone for intentional acts of wrongdoing or for such gross negligence that it amounts to a complete conscious indifference to human life.

And I submit to you, ladies and gentlemen, that there is not one iota of evidence to support that type of a claim against my clients and that's why the facts concerning their knowledge about these events is so very important.

Now, the Judge is going to instruct you on the law when we're done with the closing arguments and the's going to instruct you that in order to find punitive damages, you're going to have to make -- you would have to find two things.

First, you would have to find that Frank Griseau or Andy Finkelberg, that they were acting as agents for the company in their actions, were personally guilty of intentional conduct or such gross negligence that they either - in a sense either tried to create harm or were completely The point is that they had an inspector out there looking at the pool area and he found other code issues. You heard him testify about it, that they didn't have the numbers painted on the pool,

they needed a shower inside.

Those things were done when they were brought to their attention. There was no attention brought to the fence and the gate as being noncompliant with the code.

Now, the fact that my clients don't know anything about the fence and the gate, does that absolve them of responsibility for the safety of this property? Absolutely not and we're not suggesting that.

Mr. Finkelberg on the stand acknowledged his responsibility for the safety of the property. But it is important in your determination of some of the claims that are involved in this case --

The Plaintiffs are seeking two types of damages in the case: First, compensatory damages, and then second, punitive damages. And what I would like to do is first talk to you about the damages and then I want to turn to what is really the central issue and that is the issue of responsibility here.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 52

Page 50

consciously indifferent to human life.

We submit that the evidence will not support that. But that's not all. You would also have to find that in addition, the officers, directors, managing agents — those are the buzz words, the reality is it's these people — that these people either consciously condoned those acts, participated in those acts, or engaged themselves in such gross negligence as to have caused injury here. And we submit again that there is no such evidence in this case.

Again, their involvement, they looked at the property. They hired a professional property inspector to inspect it. They got the report back. They did the things that needed to be done.

They purchased the property. They hired a manager. That manager happened to be there before. That manager didn't work out. They fired him. They brought in a temporary savior who was there everyday when he needed to be there. There were numbers given to people to call if there were problems.

And then they hired Frank. And Frank, there has been a lot made in this trial, we didn't hear

Я

g

q

₹313

much about it in the closing about Frank and that he had never run an apartment building before.

q

q

2.4

Well, I submit when you heard the evidence, hopefully you will see that they did the right thing. Frank had the experience in terms of his background as a carpenter. That was certainly going to be helpful in terms of what he was doing. He also had a business background, so in terms of experience he certainly was qualified to handle that job.

And again, the evidence I don't think can even be disputed by the Plaintiffs that these people knew nothing about what was going on at that site during the time between their purchase of the property and the accident.

Let me talk a little bit about compensatory damages. Counsel's right, we don't disagree about anything on the Life Care Plan. The items on the plan are appropriate. They're reasonable.

Doctor Kushner agreed with that.

But there are a couple issues and, as Mr. Haggard stated, the main one is a very tough issue. It's not easy to address but it does concern life expectancy.

The Plaintiff's figures that they've given

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 55

I would suggest that your common sense would probably tell you the same thing, even if you don't consider Doctor Kushner's testimony at all.

Now, Mr. Haggard wants you to accept

Doctor Cohen's testimony that she will have a
normal life expectancy. Doctor Cohen is a
pediatric physiatrist. Her specialty is involved
in bridging the gap between therapy and vocation.
Rehabilitation activities.

She is not a neurologist. She does not have the expertise to even address that issue. I think that became evident when at one point, actually two points in the trial she actually characterized the condition that Loren was in as a coma and at the very same time she's saying she recognized signs of her being alert and awake.

→They're completely inconsistent. I think that just underscores the lack of her qualifications to be addressing that issue.

Now, the Judge is going to read an instruction to you that goes along with the mortality tables that counsel referenced. That gives the normal life expectancy. That says that they're there for your benefit to look at but you should consider the health and other factors in

you all contemplate Loren is going to live a normal average life expectancy of 71 years. But you will recall that even their witness, Doctor Raffa, who talked about the life expectancy tables and the statistics, pointed out that that's an average.

It includes people that are very healthy that will live past 100 and it also includes very sick people, very injured people, who are clearly not going to live that long. And unfortunately that is the situation we have here.

Doctor Kushner came in here and talked to you about the likelihood of disease, likelihood of infection, effects on immune system, effects of antibiotics and continuing infections, all of those things that lead to a severely shortened life expectancy in someone in Loren's condition. And it's not pleasant but that is unfortunately the reality that you all are faced with.

You heard Doctor Kushner testify that he treats these kinds of patients. His longest living patient recently died six weeks ago of the very things he was talking about, the very risk factors, after two-and-a-half to three years from the accident.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 56

determining life expectancy. And that's what you need to do in this case.

Now, I suggested when I was examining

Doctor Raffa a ten year period as being probable.

And you will remember I did the ratio and the doctor, Doctor Raffa, didn't agree with me.

But I think you can do your own math. If you check the ratio whatever year you want to choose in terms of life expectancy, because you do need to do that as part of your determination, the ratio is the ratio.

And counsel had suggested through
Doctor Raffa that the figure would not be
sufficient to even cover one year. Again you can
do the math yourself. It just depends on the
years and whether you're touching the principal at
the same time. The math works.

But the other thing I would like to point out with Doctor Raffa's calculations, if you recall, is that his methodology is an attempt to inflate some numbers because he uses, if you remember, higher growth rates by using a 20 year average.

He uses current interest rates of four percent instead of a 20 year average to go along with the growth rates and he assumes, and this is

- 13

· 213

the biggest assumption, that that four percent rate is going to be the same for the next 71 years. And ladies and gentlemen, that's just not a reasonable assumption.

So again, I think you need to use your common sense in addressing the numbers here. As you saw through some of the calculations, changing the interest rate alone makes a ten million dollar difference in his original calculations.

Lost earning ability. We questioned the validity of the testimony, that's what we did, because it's based upon a speculation and the law requires you to base your verdict on the evidence.

Certainly she has a loss of earning ability and you can use your common sense and you can award what you think is appropriate. But we would suggest to you that taking numbers from an AA degree or a BS degree or anything else is simply based upon speculation and you should use your own judgment in that regard.

On the non-economic damages because of Loren's condition, of course, there is no question that she has lost capacity to enjoy life. Again there is no specific standard for those kind of

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 59

evidence. You need to determine what to believe, what not to believe, because there are conflicts in the evidence in this case.

And I was sitting down last night trying to figure out if all this could get pieced together consistently and frankly it can. It brings to mind if you have ever done a jigsaw puzzle. The pieces of evidence are the pieces of the puzzle and I would suggest that there's two pictures you need to put together here to determine what the real facts are.

There's a picture of what was going on with the fence and the gate and in the weeks leading up to the accident and the day of the accident, and then there's the picture of what happened that day between 4:30 and 6:10 p.m.

Now, you have two problems in putting that picture together, those pictures, because the pieces of the puzzle that you have received are mixed in with other pieces from another puzzle which doesn't show the true facts.

And in addition, you're hampered by the fact that unlike your normal jigsaw puzzle, you don't have a picture on the top of the box going in. You don't know what it's going to look like until numbers and you have to use your own judgment on that.

Page 58

Page 60

But let me turn to the issue of responsibility. Where does the responsibility lie for this tragic accident that occurred on May 15, 2001? Is my client responsible for failing to take steps to maintain the premises in a reasonable safe condition? That's one issue that's presented to you.

Is Lonnie Hinton responsible as a parent of Loren for negligently failing to care and supervise, watch over her at the time?

There is no doubt that my client had a duty to maintain safety, to maintain - to take reasonable steps to ensure reasonably safe conditions on the property. We don't dispute that.

But there's also a duty on the part of the parent, it's a continuing and constant duty to watch over, supervise and care for children, especially children that are too young to make their own judgments and to protect themselves such as Loren.

Now, in order for you to make a determination on these issues you need to sift through the

ESQUIRE DEPOSITION SERVICES (954) 331-4400

you put the pieces together and that's what you have to do back in the jury room.

Let me give you an example of the type of pieces that I think don't belong in the picture. I would suggest to you, you heard Mr. Pinero come in here and testify at one point that he saw Rob Lewis, the man who pulled Loren out of the pool, jump off of the balcony or the landing on the stairway into the pool.

I think everyone in this room would agree that that's not true. So now you have to question is that the only piece of his testimony that's not true?

Let's talk about the gate and the fence leading up to the accident and central to your consideration of this of course is the testimony of Frank Griseau.

Frank is a former employee of the Finkelberg's company. He was the manager for the couple of months leading up to the accident. He was charged with the responsibility on behalf of the company to maintain that place in a reasonably safe condition.

Now, what you heard and I don't think it's disputed from Frank or from any of the witnesses

2.5

. 13

Page 61

is that there were constant problems he was facing on that property with vandalism, not just with the pool area but all over.

* 13

But the testimony here focused on the pool area, what was happening. There were some older kids that were jumping on the fence constantly, swinging on the gate, pulling the gate off its hinges so it would stay open so they could get more room to run and jump in the pool.

And you recall the pictures because you have seen them throughout the trial. That's what Frank described was happening, the hinge -- that the gate would be pulled off of the hinge so that the gate could be shoved back so that it wouldn't close.

Again -- and let me say a little bit about the Hollywood code while we're talking about this. Hollywood code requires self-closing, self-latching gates. Obviously in this condition it is not a self-closing, self-latching gate.

There is no doubt about that but really the question is how did it get in that position and when did it get in that position. And I want to talk about that in a second but let me just talk generally about the design.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 63

it did not comply with the code on this day.

Now, Mr. Griseau told you that whenever he saw it in this condition he did his best to fix it and what he said was that he would straighten the pole so that it would latch.

And he also testified specifically that when he fixed it, it was secure and the way he described that -- and he had some language problems but the way he described it was when he fixed it, his three year old son could not get in. That means the latch connected.

Yet you have heard testimony from numerous people that they never saw him working on the fence, that the fence was always open. And that testimony, if you followed along, has somewhat changed over time.

→ But it used to be wide open constantly.

During trial the witnesses were starting to say, well, maybe it was kind of shut but it was never connected kind of stuff.

On the day of the accident there is no testimony, no testimony about how that gate got in that condition. I submit to you if you believe Frank, and that's your decision, if you believe Frank's testimony that he inspected the property

Because there was testimony by Mr. Dworkin that even if this were properly functioning, it would not comply with the code because it wasn't self-closing and self-latching.

But he never examined the fence. He never examined the latches. He never examined the hinges. And so you have the same information he had to make that determination and I would suggest to you, as he said, there are thousands of - or at least hundreds or thousands of different mechanisms for self-closing, self-latching.

You can have a hinge on the bottom that the gate fits into which when it opens is set such that the gate will swing back toward the middle. That's exactly why the kids were taking this off the hinge, so it would stay open. That's the reasen.

Now, you have a latch. I mean, it seems fairly obvious but if this post were sitting straight up, that latch goes back, hits the post, lifts up and latches down. That's why it's designed that way. That's a self-latching mechanism.

So the design of the fence would be self-closing, self-latching, but there is no doubt

ESQUIRE DEPOSITION SERVICES (954) 331-4400

._____

everyday when he got up and if there were a problem he fixed it, and he also testified whenever he saw the fence broken he fixed it as he described securing it so his three year old son couldn't get through, in other words it was latched, I submit that there is no negligence under that circumstance by the company, notwithstanding the fact of, no doubt, months of problems with this fence.

I would submit to you that the intentional act of whoever put it in that condition would be responsible for the problems and for Loren's access.

So if the condition occurred that day after Frank had secured it, you should not be finding negligence on the part of the company and it doesn't matter about the history of it if it was secured that day.

But you have to believe Frank on that and you may not. If you don't believe Frank's testimony, if you believe the testimony that he wasn't fixing it, that it was always open in that condition and you believe that he knew about it or should have known about it and he left it like that, then there's negligence on my client. That's your

ESQUIRE DEPOSITION SERVICES (954) 331-4400

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 64

Page 62

R

В

decision.

1.0

% 13

But that still leaves a question of causation and apportionment of negligence, the cause of Loren's accident in this case. As I said, every parent has a constant and continuous duty to watch over, to supervise and protect their children, protect their children who are too young to exercise judgment to protect themselves.

Now, Mr. Haggard has argued that you should find no negligence on the part of Lonnie Hinton because he acted reasonably, he didn't know the pool gate was in this condition, and that this was normal activity within this community to leave your children expecting that other adults in the community were going to watch them.

Well, I want to talk about the pool first. It seems to me it should be at least a little troubling to all of you that based on the testimony that has been presented here that it appears every single person at this apartment complex who lived either on the Adams Street side, the Madison Street side or was even visiting, you had Sam Sanchez come in visiting, recognized that the gate had problems, that it was open a lot. Everyone except Lonnie and Lorri Hinton.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 6

Andy does not actually -- If you remember,
Andy remembered talking to her, remembered telling
her about some problems with plumbing and the
screen. He did not remember her talking about the
pool gate, but there's probably a reason for
that.

Because what Nancy conceded when she was on the stand was that when she brought it up with Mr. Finkelberg, that he advised her that the previous owner, Margaret Wagner, had advised him that it had been inspected, that it was up to code. So it didn't register in his mind. It probably didn't even make his notes. He simply responded to her comments.

Now, she didn't remember that when she first got on the stand to testify. I had to show her her etatement that Mr. Haggard's investigator had taken two weeks after the accident and she did remember at that point.

But Nancy Goldin, she was down there a couple times. She exchanged recipes and food with the Hintons. She baby-sat their children. You heard about that. She was down at barbecues with them all the time watching the kids run around, yet the testimony is she never discussed her concern about

I suggest that again if you're putting the picture together and putting the puzzle pieces together, you have to look at what the evidence says in that regard.

Frank was their next-door neighbor. He certainly knows about the problems with the fence. He's testified about what was going on with it. He kept fixing it.

What he also testified about is he constantly complained to the tenants about the problem. Now, he was complaining because they kept breaking the fence and he had to keep fixing it and it kept getting broken. He had to keep fixing it.

And he said in his testimony he thought he had talked to Lonnie and Lorri Hinton about it, but on counsel's examination he conceded he had no specific recollection of that. But he talked about it to everybody in the apartment complex, so you have to question that.

Nancy Goldin. Nancy Goldin was the Hinton's neighbor on the other side. She testified about seeing the gate in a bad condition on a number of occasions. And if you recall, one of those occasions was in December when Andy Finkelberg was on the property.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

the pool gate with the Hintons.

Janet Pinero, she lived right across from the pool. She said she saw the pool gate wide open all the time. She complained to Frank and Andy repeatedly, according to her testimony, decrying the hazards to children, that a child's going to drown. You heard that and you also heard Frank dispute that he never heard those complaints.

Now, she was good friends with Lorri Hinton. If you listen to the testimony that was just read from Lorri Hinton's deposition, they used to sit out in front of her apartment right across from the pool and chat.

And what did they chat about? They chatted about their kids who were playing right in that area, playing right in this area here (indicating). Yet the testimony is still notwithstanding she was supposedly up in arms complaining to Frank, complaining to Andy about the dangers of this gate. She is sitting down with Miss Hinton right in front of this pool with the kids running around and doesn't tell her anything about it. Doesn't discuss it. That's the testimony.

Ricardo Pinero, if you recall his testimony,

FSOURE DEPOSITION SERVICES (954) 331-4400

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 68

Page 66

2

3

4

5

6

7

Q.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

9

10

11

12

14

15

16

17

18

19

20

21

22

23

24

25

13

13

14

Q.

18

19

1

8

11

16

24 25 he indicated in just a couple of months that he had been living there prior to the accident. He saw Lonnie Hinton going back and forth here more than 20 times, walking right out this exit gate which goes right by the pool gate. More than 20 times, two to three times a week. Yet the testimony here is that he didn't know that there was a problem with the fence or the gate.

There's some other testimony that's related to this. Again the complaints that we talked about, the testimony from the Pineros and others is that they were telling Frank that there was a problem, that it created hazards for children.

One of the things you heard about was this prior incident with another child where Mr. Pinero says he jumped over the fence to grab her, handed her off to someone. And frankly, whether that happened or not is not really crucial here.

What is crucial is was that communicated to Frank? Frank says no, he said he never heard about it. The Pineros say they absolutely told him. Now, we knew Frank was going to deny that which is why I kept trying to find out where did this conversation take place, if you remember.

And Mr. Pinero, who testified he overheard

apartment complex knew the condition of that fence and that gate. That includes I would suggest the Hintons.

I would also suggest that there were not all these pleas about safety concerns to children. I think there were complaints about cleaning up the place. Frank testified about that. That was Paul and Renee's complaint. They wanted the pool area cleaned up which included fixing up the fence. It looked dilapidated because it was being abused so

Now, why could that be a possible picture? I suggest you heard it from Mr. Dworkin, the Plaintiff's expert. It's not commonly understood, absent a tragic accident like this, that an open gate creates such a serious risk of catastrophic injury and death. That's why his company's in business. He goes around promoting public awareness of this very danger.

That is why Frank didn't recognize it as a serious hazard to children. That's why I suggest to you these neighbors at the time were not recognizing it as a serious risk to children.

And I suggest to you that the Hintons knew the condition of the gate, knew the condition of the conversation to corroborate the story, said that his wife was down here by the washing machine when she was telling it to Frank while he was standing up here.

At first he said he could hear it. Then he wasn't sure whether he heard it or not. When Miss Pinero explained where she talked to Frank, it was over here in front of the storage room right where Mr. Pinero said he was standing. Not on the other end of the hallway.

So again you need to question the veracity of some of this testimony. The pieces of the puzzle don't fit together. Let me suggest a picture. It's up to you to decide what it looks like in the

I would suggest to you that the fence and the gate was being constantly abused. I don't think there's any dispute about that. Sometimes multiple times a day, according to Frank.

Frank was fixing it but maybe he wasn't fixing it fast enough. He couldn't be there 24 hours a day. You have heard that.

And if this is happening multiple times a day, it's likely it was in an open condition, in a dangerous condition on occasions. Everyone in the

Page 72

ESQUIRE DEPOSITION SERVICES (954) 331-4400

the fence, but they, too, did not recognize the dangerous nature of that hazard.

A tragic event like that which has occurred here tends to create memory issues I will say. There's lots of miss-remembering I would suggest going on. There has to be somebody to blame. Blame the keeper of the gate. It's a faceless entity.

I suggest that's what's going on. And I suggest to you that the Hintons knew the condition of the gate, knew the condition of the fence. They had to. They walked by there all the time. There is testimony from their own witnesses putting them right in the area of this fence. That's the only piece of the puzzle that makes

→ But let's move away from the pool for a second because we're talking about responsibility of watching over a child. You heard about other dangers that exist with regard to allowing a young child to wander around this particular facility.

The cement stairs, there are two on each side of the buildings and on the third building: A treacherous hazard to any two year old, especially one running around playing hide-and-seek or tag or

q

something like that.

q

.13

1.5

:13

The gates leading to the outside. They want to say there is no way that Loren Hinton could have opened that gate, so they didn't need to be worried about that.

Well, if you recall the testimony of Michelle Hillerio, she was played on videotape, from Sam Sanchez that very day was calling up to his friend Rob Lewis to let him in the gate, what did she do? She called to her two year old child to go open that gate. It doesn't take much to turn a doorknob and push the gate.

And right outside the gate, parking lot, a few steps away traffic, busy roads. Then of course there's always the danger of the unknown.

Plaintiffs would have you believe as was just stated that this is a very family-oriented communal type home where everybody was looking after everybody.

But if you listen to the evidence, you heard that most of the people here didn't know more than two or three people by name. That's the reality. The parents on the Madison Street side didn't know the parents on the Adams Street side. That was Nancy Goldin's testimony I believe.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 75

did, so he went back to his apartment to get

But if you remember, Nancy Goldin testified here that the first time she saw Lonnie that day was when he brought her the cooked porkchop. Now, he got his grill and went downstairs. He cooked a single lambchop for Nancy Goldin and then delivered it to her.

Now, Nancy Goldin says she got the lambchop right about five p.m. and she's been pretty consistent about that, so maybe that's another corner piece in the puzzle. But then if you think about it, then you might question that occurring between 4:45 and 5:00 o'clock.

Now, the next thing in the sequence that you have heard testimony on is Nancy seeing Lorri Hinton and the kids coming home from school and what she testified was -- this is Nancy Goldin's apartment right here and the Hintons live down here (indicating) -- she saw them walk by this way going toward their apartment.

She said this occurred when she was sitting down eating a lambchop. She said she did that immediately after she got it because she ate it while it was hot, so a few minutes after five.

Then you have the rowdy kids, that's undisputed, that were tearing up the fence. There was testimony about their friends coming in creating problems.

All of these risks without regard to the pool were out there and I would suggest would lead a reasonable person to ensure that a two year old was, in Mr. Dworkin's words, adequately supervised, one-on-one eye contact.

Let's talk about May 15, what happened that day. It's a difficult puzzle, if you will, to put together. I tried to put a time line together and it didn't work. The only --

You know if you put a puzzle together, you start off with the corners and you get the sides and then you fill in the middle. I suggest the only corner piece you got in this one is 6:10.

6:10 is the time when 911 was called. That's documented. It also happens to be the time that Mr. Hinton says Nicholas knocked on the door and he looked up at a clock and noted the time.

But what happened before that? Lonnie has testified that he got home about 4:45. He went -- he says he went to Nancy Goldin's apartment to see if she still wanted the lambchop and she said she

ESOURE DEPOSITION SERVICES (954) 331-4400

Page 76

Page 74

Now, when she came in here she testified maybe it was like 5:20, so give it up to 5:20.

Now, Lorri Hinton said she came home between 5:30 and 5:35. When she came in, she went down to the play area and saw various people there, then walked up and went back to her apartment with the kids.

But again if she walked up the steps sometime after 5:35 and you don't know how long she was out here, you've got a conflict with Nancy Goldin's testimony of when she saw her and which direction she was going.

The Hintons here have told you that Mrs. Hinton then entered the apartment with the kids; that Mr. Hinton was about to go down and barbecue and that in fact he does. He goes down.

Now, what I have to think about here is Mrs. Hinton says, if you were listening to the testimony that was just read this morning, in fact that Lonnie Hinton at that point took the barbecue down with the kids.

Now, Lonnie has said that the barbecue is already down there because he had already cooked the lambchop. And you might also remember Frank's testimony that he never saw Lonnie cooking down

.13

here. He always saw him cooking up on the terrace.

-13

In any event, Mr. Hinton cooks the lambchops in the play area while his kids are playing in that area. He finishes cooking the food and he takes the food on a plate, the meat along with the grill, and goes back up the stairs. He takes the grill up with him.

As he's going up, and this was in the testimony that was read to you from his deposition, when he was going up he last saw Loren and he says he knows it was 6:05 because right when he saw her he asked a neighbor -- we don't know who the neighbor was -- what time it was, and the neighbor said 6:05, looked at his watch and said 6:05.

Now, when Lonnie goes up he was asked during his deposition quite a number of times who was down there, who was watching the children. And he was pretty consistent: Nancy Goldin, Debra Haase; Nancy Goldin, Debra Haase. His testimony was read to you from his deposition.

But you know Nancy Goldin came in here. She had testified earlier in deposition and testified

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 79

claimed were watching his children weren't doing it. They weren't even there.

Now, at trial last week Mr. Hinton for the first time identified three additional people, three additional adults that were down there presumably watching the children.

You heard about Milly and Martha or Marta, although I think his testimony was that they were simply washing clothes. It wasn't clear whether they were watching any children. And then there was Candace Green and it's not clear what she was doing. None of those people you have heard from in this case.

But Mr. Hinton continues to say he never asked anyone to watch his kids when he went up. He says he went up to his apartment only a few minutes, put the plate of meat down, got a drink, kissed his wife and was headed back down when Nicholas hit the door, knocked on the door.

In getting the news from Nicholas, he looked up at the clock on the wall and noted it was 6:10, that's in his deposition testimony, and then they went down.

I would again suggest to you, ladies and gentlemen, the pieces of the puzzle just don't fit

here consistently that she wasn't down there, that she was up in her apartment the entire time.

Then last Tuesday night, after opening statements in this case, we located Miss Haase for the first time and you heard Mr. Kennedy called her. She mentioned, as she admitted on the stand, that she was not outside at the time of the incident, and so Mr. Kennedy tried to get her to come down here voluntarily to testify.

She didn't cooperate anymore. She didn't tell us any more information. We didn't know what she was going to say because she wouldn't talk to us, so we served a subpoena on her. We didn't know what she was going to say because she wouldn't talk to us, but we thought you people needed to hear whatever she had to say to try to fit the pieces of the puzzle together.

And what happened? The Plaintiff's attorney's investigator went out this weekend and got her to sign a sworn statement that says she doesn't remember anything. I think you got to question why that was done. Why would they need a sworn statement from her saying she doesn't remember anything?

In any event, the two people that Mr. Hinton

ESOUIRE DEPOSITION SERVICES (954) 331-4400

Page 80

Page 78

together and they don't fit together if you try to work it backwards from the time.

You remember the testimony of Rob Lewis and Sam Sanchez. They came in the gate and -- Let me back up. Rob had come home earlier and had gone upstairs. He testified he didn't see anybody in the pool. He walks right by that platform and goes up.

His friend comes and is yelling to him sometime later and he's coming down the stairs. He still doesn't notice anything obviously. He goes down, let's his friend in. He comes back up the stairs, turns again to go up, still neither him nor his friend notice anybody in the pool.

But he takes two steps he said, two or three steps up this second flight and as he's turning back to talk to his friend, he notices Loren in the pool for the first time.

Well, what that suggests, ladies and gentlemen, even if you believe the testimony of Mr. Dworkin, who suddenly became an expert on people, how long they were in the pool, if you believe his testimony that it was two to four minutes, then obviously she was in that pool before. They just didn't see her. And then the

2

3

5

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

1

2

3

5

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

question is how long was she in that pool?

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

4

5

6

7

8

9

10

11

12

:13

14

15

16

17

18

19

20

21

22

23

24

25

So frankly you have to -- you return kind of to square one. 6:10 is when 911 was called. Now, certainly with the tragic events that occurred that day people can miss-remember. People may not remember at all, especially times, details. That's understandable.

But the testimony on all the timing on what occurred that afternoon doesn't fit together and there's not a single person that's come into this trial that has testified that they were down there watching Loren Hinton when Mr. Hinton went upstairs. Not one.

So I would suggest you also have to throw out that 6:05 time from this deposition. And frankly, you don't know, you can't tell from this testimony how-long Loren was running around that property unsupervised.

You heard the testimony this morning from Lorri Hinton about their views of allowing the children to run around the apartment complex unsupervised. That's what their feeling was at the time.

So how long was Loren Hinton out there? I don't think anybody knows. Certainly there has

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 83

MR. NETTLETON: Ladies and gentlemen, I didn't want to make you feel uncomfortable and I cut it a little short. Five minutes is a long time for her to be watching herself out there.

And Mr. Hinton went on to say in this response that he was relying on the security of the property, security of the property; that there was a secure fence, that it was secure from the outside. I suggest to you that's not a reasonable assumption for him to make.

You don't have an easy job ahead, but again I ask you to put aside your sympathy as the law requires, as you will be instructed. Sift through the evidence and determine what the true facts are and apply the law to those facts as the Judge instructs you. That's how you do justice here.

→ If you decide my client is responsible, I accept responsibility. If you decide otherwise, that's your prerogative based on the evidence. And if you have apportioning responsibility, I would remind you once again of something that Mr. Dworkin talked about. The number one first most important layer of protection is parental responsibility.

I thank you for your time and attention and I

been no testimony as to that. I would suggest to you it could go certainly -- They came home at about five, sometime after five, between 5:20 and 5:30, but I will suggest to you it really doesn't matter.

Page 82

Page 84

Because even if you use the five minutes, people in a casual conversation would think five minutes is not a very long time. Oh, I was just there for five minutes. It doesn't sound very long.

But remember something else that Mr. Dworkin presented to you, the expert on aquatics safety, facts about drowning, but I think you can extrapolate this beyond drownings.

Most drownings occur when a child has been out of sight for less than five minutes. That's why it's so important to keep track of your children. 80 percent of drownings occur notwithstanding a completely adequate barrier fence and gate.

Five minutes, it doesn't sound very long, but think about how long it is for a two year old to be running around unsupervised.

(Thereupon, Mr. Nettleton paused for 24 approximately four minutes.) 25

ESOUIRE DEPOSITION SERVICES (954) 331-4400

thank you on behalf of Mr. Kennedy and my clients, Roberto, Romina and Alexandro, and entrust the decision to you.

Thank you.

THE COURT: Members of the jury, everyone okay?

MR. ANDY HAGGARD: We're almost finished.

I've got a few minutes to talk to you and then you will go into your deliberations and decide this case.

I'm fortunate to have been able to sit here and listen to both closing arguments like a bystander maybe and to listen to both sides.

And I'm sure that Mr. Kennedy and Mr. Nettleton are nice people, but they have a job to do in this case and they have done it to I guess the best of their ability, because I must have been in the wrong courtroom for the last two weeks hearing the evidence I heard from that witness stand as opposed to what these gentlemen have said in this case.

Thank the Lord that you folks will be deciding this case, that you will be deciding Loren's future and not these gentlemen. Use your common sense.

Я

I have heard nothing but confusion and attempts to confuse you folks with who was called to testify, who wasn't, what they said and what they didn't say.

Я

The evidence is so unbelievably convincing, as my son said earlier, with regard to liability in this case and I don't need to go over it I don't think too much more.

That's the gate. That is the gate. That was in the condition it was in at the time of the accident and before that. And what do we hear? The attempt to confuse everybody here with I think Frank fixed it, maybe Frank fixed it, Frank tried to fix it, did the best he could but maybe it wasn't fixed, maybe it was.

Folks, there is the fence. We didn't take those photographs, the police took those photographs. That is the condition of the gate. That's the condition of the fence. That's the condition of the fence the day of the accident when little Loren went through there and almost

So all this stuff about vandalism four to five times a day and trying my best to fix it which $\ensuremath{\text{--}}$

ESOUIRE DEPOSITION SERVICES (954) 331-4400

Page 87

give you this, quote, puzzle. They were talking about this puzzle. There is no puzzle. There is no puzzle whatsoever.

Who did the Defendants bring in this case?
Who did these two attorneys bring in here to
testify in this case? And again, thank goodness
you all are deciding this case. Thank goodness.

Who did they bring in? They brought Debbie Haase and I wrote down the word that Mr. Nettleton used, he used to cooperate and come in here and cooperate. No, that wasn't the word. That was not the word. The word was to Miss Debbie Haase, Can you work with us? Can you work with us on that? And she said, No, I can't. And your investigator was too, what was the word, intense.

That's who they brought in. But that wasn't enough. That wasn't enough. They then brought in Doctor Kushner. Now, I bring that up. It doesn't have anything to do with liability because that's over. As Mr. Nettleton said, that's over. He's worried about the punitive damages because that's gross negligence. He's over this. That's absolute negligence.

But what else did they do? They bring in Doctor Kushner. Let me tell you something. I've

Mr. Nettleton, do you really believe that?

Do you believe that? Not one witness has come in here, not one, to tell you that Frank ever attempted to fix that fence either that day or any day before. Not one witness except Frank.

Page 86

Page 88

And I hope you all remember Frank sitting up there. I hope you remember that gentleman who was impeached no less than ten times by Michael on what he said before in sworn testimony and what he said when he testified in front of you folks. I know that you will remember that. That's the only person.

Mr. Nettleton talks about different witnesses coming in here, brought in here. Who did they bring in? There were 26 units out there, folks. We brought everyone we could find. Who did they bring in to testify in this case? It's not that hard.

If there was any validity to vandalism and I tried everyday to fix it, it's not my fault and I never received any warnings, I didn't know a thing about this gate being horrible, I knew nothing about it, where are the witnesses? Where are they? Not one witness brought in here.

We brought everybody in here to testify to

ESQUIRE DEPOSITION SERVICES (954) 331-4400

practiced law for 35 years. I have never seen anything like that in my life.

The man was paid \$28,000, 15,000 of it in the first three days, to come in here and testify and to tell you folks that this little girl, the daughter of these wonderful parents, is not going to live a regular life expectancy. Not going to live a regular life expectancy. Paid \$28,000 to come in here and testify to that.

Is that fair? Is that fair in this case? And ruled unqualified to answer other questions, unqualified, and left this courtroom. And do me a favor, please. Remember his demeanor. Remember what he looked like on that stand answering these questions when my son tried to ask and answering those. Try to remember that and I know you will.

And then the last witness was little Romina, who they brought up here, made her come up here I guess, brought her up here, asked her five questions and all five questions were in direct conflict with her testimony under sworn oath. All questions.

That is who they brought in. Why do I mention that? I mention that because His Honor's going to give you jury instructions about what is

1

2

3

9

10

11

12

,13

14

15

16

17

18

10

20

21

23

24

25

1

2

3

6

7

R

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

fair in this case and about what you're supposed to do in this case and what any jury is supposed to do in this case, and especially one as serious and catastrophic as this case, the jury instructions.

1

2

3

4

5

6

7

8

9

10

11

12

13

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

You will decide this case. If you remember when I picked the jury during voir dire, was the word remember and I talked to you all, and one gentleman who doesn't - he's not sitting here right now, asked the question, he said, You mean we decide the case on damages? We do it?

Yes, you do. That's the hard part. You do do that. That's your job. Thank goodness it's not the job of these gentlemen, it's not mine and it's not His Honor's. It is yours to decide the future of this family and Loren Hinton.

And let me remind you of something because all of this confusion and this jigsaw puzzle or whatever it is, remind you of one thing that we can finally get out of what Mr. Nettleton is saying is he's got no dispute, he's got no quarrel with or any dispute with the figures that my son but up. Not one.

Let me read his testimony. Let me read what he said to you with regard to the Life Care Plan,

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 91

of this accident.

That's what they're trying to do to make you come back -- and they didn't even give you a figure, but to have you hopefully come back and find some percentage of negligence on these folks, some percentage, hoping maybe you will put five or ten percent which will reduce, reduce the award to Loren Hinton that they have no dispute about. None. The figures are there. They don't dispute that.

His Honor will tell you forget what the lawyers say, forget what the Haggards say, forget what these gentlemen say. You have to decide this case on only one thing: The evidence that's come from this witness stand in the last two weeks and the law that His Honor Judge Greene gives you to apply to that evidence.

And that is your job and that -- nothing outside, no outside influences, nothing else, nothing but the evidence.

And I would submit to you that for the last two weeks, the only evidence you have heard, the only evidence you have heard whatsoever is that 2331 Adams Street was negligent in this case, simply negligent, and they were also negligent in which is 42 million dollars, not at all contradicted by any witness in the case and agreed to by Doctor Kushner and agreed to by everybody else.

Page 90

Forty-two million dollars is not disputed and was not disputed by Mr. Nettleton. He said that's true, that's a true figure. So you must give that. That's by stipulation. There is no argument.

The next is the loss of the capacity to enjoy life and that was asked of our doctor and that was asked of Doctor Kushner. And he said with no questions, our doctor and Doctor Kushner, she has without question lost the capacity to enjoy life. No argument whatsoever.

And that figure that my son put up was thirty-five million dollars in the future and five million dollars in the past. Not disputed one bit by Mr. Nettleton and this side. So those three figures, those three figures which total 80 million dollars is not in dispute, not in dispute.

What is in dispute? What did they try to put in dispute? Whether these folks are bad parents or whether these folks were bad parents on the day

ESQUIRE DEPOSITION SERVICES (954) 331-4400

a gross manner, gross negligence, which leads us and His Honor to punitive damages and that's the testimony in this case and has been for the last two weeks.

What I do want you to understand, because of all the things I heard in the last hour, I want you to understand a key word because sometimes we get tied up in some words here. The word is comparative negligence.

It's not just was 2331 Adams Street negligent and were the Hintons negligent. It is comparative, exactly what it means. You must compare. You must compare and then come out with any percentages, if any.

I would submit to you folks that when you take every one of these exhibits back, every single one of these back and you compare the Frank Griseaus, the Andy Finkelbergs, you compare the testimony of the condition of that gate and that fence and you compare what could have been done to that gate and fence any time. Just fix it.

And you compare the fact that they did nothing, that they never warned people. They never sent a flyer. They never orally told anybody and they had all the knowledge and they

never fixed it.

Compare that negligence, if you would.

Compare that negligence and also the idea that you had been warned numerous times. And some little girl almost, God forbid, drowned two months earlier and was saved by the same Mr. Ricardo Pinero that they now say has some kind of a grudge and is lying or whatever they're saying.

How many warnings do you need? How many opportunities do you need to stop something like this from happening to this little girl? How much do you need?

You've got warnings. You've got everything. You've got the gate. You've got the fence. Compare that, if you would, compare that to the actions of the Hintons and all those folks in that complex.

Compare that to Lonnie Hinton barbecuing with his friends with other children like you always do in a place that was a village. And you go upstairs for five minutes or three minutes or whatever it was knowing your friends are down there, whether it's Miss Haase or Miss Goldin or anybody else, and you're coming right back and you're coming right back down and you get a knock

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 9

But also what was left out again during these two weeks, what else was left out was when he read you this -- How many times have we done this with the witnesses they put on the stand?

What was left out was, question: Who was it that you were relying upon to watch your little qirl?

Answer: We were relying on herself.

And he stopped. He never read you the last part of it.

The area is secured. They were running around playing hide-and-go-seek at the time to my recollection with the entire complex being secured, the pool area being secured. It was safe. That was the mindset at that time and that's the answer to that question.

we're talking about a puzzle, jigsaw puzzle. Let me tell you what the puzzle is. The puzzle is this photograph right here which shows the gate and the fence and the absolute knowledge they had and in not fixing it for the number of days and months they didn't fix it. That's the first part of that puzzle.

And the second part of that puzzle is a beautiful little girl who no longer can walk or

on the door.

R

13

Compare that, that five minute span that we were able to do, compare that with the people that had the ability to stop this, who had the ability to save the life of Loren Hinton and never had this happen.

Compare that and I would submit to you that when you compare that, there is no comparison.

There is no comparison. And His Honor will read that instruction to you. It's not from me. It's 100 years of Florida law that you compare. And I would submit to you that there is no comparison.

We had a little demonstration here that Mr. Nettleton did with regard to what five minutes is like, of course it may have been three or four, but five minutes.

what was left out of that little demonstration or not mentioned again was that during that period of time that Lonnie Hinton was upstairs, what was left out is what was downstairs, the people, the neighbors, the village. That was left out. The noise, the talking, the hide-and-seek, all that was left out and made it look like she's left over in some desert somewhere.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 96

Page 94

talk, who will be in that condition for the rest of her life.

I would submit to you that that's the end of that puzzle. I'm not so sure you need anybody else for that puzzle. That's about it.

I was sitting I think Tuesday morning,
Wednesday, Thursday, I guess Tuesday morning and I
went downstairs from the area where I'm staying.
It was early morning, I guess 8:30, nine, and I
was sitting out there just thinking of what to say
to you folks or whatever witnesses we were going
to put on.

And I sat there. There were two little girls out there with their mother, about five or six years of age, and they were walking and they were talking and they were singing and they were hugging their mother and they were playing with each other.

And I had to think to myself that is something that Lorri Hinton will never have from her only daughter. But more importantly, that's something that Loren Hinton will never experience.

She will never experience going to school, having playmates, having a birthday party that she

1 8

will know about. She will never experience going to high school or college. As my son said, boyfriends, that's over. That's over.

ρ

g

1.5

But she will live a normal life expectancy according to everybody except Doctor Kushner. She will do that and she will need care for the rest of her life.

You have a huge responsibility, I don't need to tell you that, and I asked you in voir dire whether or not if you were one of the seven that were chosen, whether you felt you could get the job done.

You remember that? I asked you do you feel you can get the job done. Can you do it. And each one of you looked at me and said, yes, you could. You felt like you could because this is a tough one. This is a big one. And every one of you all looked at me and said yes and you looked at Lorri and Lonnie and you said yes. I would ask you or remind you that it is a big job.

Thank you for your time. Thank you for the time that you are going to put in the case. When you go back to deliberate, please consider everything you have heard. Consider the lawyers, consider the law, consider the evidence, consider

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 99

In determining the amount of damages, do not make any reduction because of the negligence, if any, of Lonnie Hinton. If you find that Lonnie Hinton was to any extent negligent, the Court in entering judgment will make the appropriate reduction in the damages awarded.

So does this mean if we find, A: 2331 Adams
Street Corporation 50 percent, B: Lonnie Hinton
50 percent at fault and the amount was 100 million
dollars, that Loren Hinton would receive only 50
million dollars in settlement?

 $\label{eq:mr.andy} \mbox{{\tt MR. ANDY: HAGGARD:}} \quad \mbox{{\tt Can I say something}}$ first?

THE COURT: You may.

 $$\operatorname{MR}.$$ ANDY HAGGARD: The standstill is not to get a verdict. The standstill is that they don't understand.

THE COURT: That's what I'm going to try to clarify, the law.

MR. ANDY HAGGARD: They don't understand.

THE COURT: That may be what it is, it may not be, but we'll see. And that's why I ask counsel if it will be okay to inquire of the jury.

MR. ANDY HAGGARD: Yes, sir.

THE COURT: Now, this question is addressed

the agendas of the different parties, everything you can possibly think of, and I know you will.

And when you make your decision and finally reach your verdict and come back here, Lorri and Lonnie and Loren will be here to greet you.

Thank you so much from my clients, from my son. Thanks.

* * * * *

(Thereupon, the following proceedings were had outside the presence of the jury at approximately 5:25 o'clock p.m.)

THE COURT: Okay. Let's bring out the jury.

THE BAILIFF: They're not ready. Mr. Chan is making notes.

MR. MICHAEL HAGGARD: Judge, are all the notes signed by the foreperson?

THE COURT: Yes, they are, even though the note that I just now have received at 5:28 is clearly in Mr. Chan's handwriting but signed by Miss Major.

Could you please clarify this passage, quote: By answering the following questions you will determine the total amount, 100 percent, of any damages that Loren Hinton and her parents sustained as a result of the incident in question.

ESQUIRE DEPOSITION SERVICES (954) 331-4400

Page 100

in the jury instructions on page 11. In determining the total amount of damages, you should not make any reduction because of the negligence, if any, of Lonnie Hinton. The Court will enter judgment based on your verdict and if you find that Lonnie Hinton was negligent in any degree, the Court in entering judgment will reduce the amount of damages by the percentage of negligence that you find is chargeable to Lonnie Hinton.

So I guess first thing to do is read the jury that particular instruction and see if that assists them. But I'm going to go a step further because here's what I anticipate.

I think what the jury wants to know is if there's a comparative negligence that's chargeable to_Lonnie Hinton, does that affect the verdict or judgment as to Loren.

MR. ANDY HAGGARD: Correct. That's their standstill, do you understand that? Not that they can't reach a verdict.

THE COURT: And clearly the answer to that is ves.

MR. ANDY HAGGARD: Yes.

THE COURT: But the question is -- That's the

Page 101 legal answer, if that's what they're asking. 1 MR. ANDY HAGGARD: Of course. 2 THE COURT: Any comments from the defense? .3 MR. NETTLETON: Well, I guess my concern is it kind of suggests that we're going to be looking 5 at a compromised verdict at some point and so I 6 have some problems with where this is headed. 7 MR. ANDY HAGGARD: That's what a verdict is. Я THE COURT: I candidly think every verdict to 9 some extent is a compromise of six minds that 10 collectively come together to form one verdict. 11 But the point is and I think this question 12 gives me the opportunity to ask them specifically 13 what they mean. And so if there is no objection, I will do that. 15 But if their question really comes down to 16 does Loren Hinton's judgment get reduced because 17 of the comparative negligence, if any, of Lonnie 18 Hinton, then the answer is yes. 19 MR. ANDY HAGGARD: Correct. 20 THE COURT: Correct. 21 MR. NETTLETON: Where's Jim? 22 MR. ANDY HAGGARD: He has no objection. 23 MR. NETTLETON: Is that correct? 24 MR. BLECKE: No objection to the Court making 25

ESQUIRE DEPOSITION SERVICES (954) 331-4400

had in the presence of the jury:)

1

25

Page 103

4

22

23

24

25

THE COURT: Okay. Jury has returned. 2 Okay. I have two notes from the jury. The 3 first note in chronological order --4 Counsel, everyone have a seat. Relax. 5 MR. ANDY HAGGARD: Thank you, sir. 6 THE COURT: -- is at 5:04. It says, We're in 7 a standstill. 8 Prior to bringing the jury back out, I 9 received a second note which I can recognize as 10 Mr. Chan's writing but signed by Miss Major and it 11 says, Could you please clarify this passage. 12 Quote: By answering the following 8.8 13 questions -- and now you're referring on the 14 verdict form to question - the statement between 15 question number three and question number four on 16 page two -- you say by answering the following 17 questions you will determine the total amount, 100 18 percent, of any damages that Loren Hinton and her 19 parents sustained as a result of the incident in 20 question. 21 In determining the amount of damages, do not 22 make any reduction because of the negligence, if 23 any, of Lonnie Hinton. If you find that Lonnie 24

	Page 10	
1 1	that inquiry.	
2	MR. KENNEDY: I don't think that accurately	
3	reflects the law.	
4	THE COURT: How does it not?	
5	MR. KENNEDY: Joint and several liability in	
6	economic damages but not	
7	THE COURT: Are you trying to Are you	
8	telling me that it's the defense's position	
9	that	
10	MR. NETTLETON: No, Your Honor, we're not.	
11	THE COURT: that the only	
12	MR. KENNEDY: No.	
13	THE COURT: wait a minute, that the	
14	comparative negligence, if any, of Lonnie Hinton	
15	only affects the damages that would be recoverable	
16	by Mr. and Mrs. Hinton and it does not in any way	
17	affect the damages of Loren?	
18	MR. NETTLETON: No, Your Honor.	
19	MR. KENNEDY: No.	
20	THE COURT: So then what are you saying?	
21	MR. NETTLETON: He's being quiet now, Your	
22	Honor.	
23	MR. KENNEDY: Yes.	
24		
25	(Thereupon, the following proceedings were	

ESQUIRE DEPOSITION SERVICES (954) 331-4400

```
Page 104
          entering judgment will make an appropriate
1
          reduction in the damages awarded.
2
               So does this mean if we find, A: 2331 Adams
 3
          Street Corporation 50 percent responsible and, B:
          Lonnie Hinton 50 percent responsible or at fault
          and the amount was 100 million, that Loren Hinton
          would receive only 50 million dollars of -- you
          say settlement. It would be the judgment.
 R
               JUROR CHAN: Judgment.
 9
               THE COURT: That's the question of the jury?
10
               JUROR CHAN: Yes.
11
               THE COURT: Okay. Is that what precipitated
12
13
          the first question?
               JUROR MAJOR: Beg your pardon?
14
               THE COURT: Is that what precipitated -- had
1.5
          you write the first question, we're at a
16
17
          standstill?
               JUROR MAJOR: Somewhat, yes.
18
               THE COURT: Because it's my job to help you
19
          with the law.
20
               Firstly I'm going to read back to you a
21
          portion of the instructions that I gave you which
```

Hinton was to any extent negligent, the Court in

In determining the total amount of damages,

you should not make any reduction because of the

is contained on page 11. Okay.

Page 105 negligence, if any, of Lonnie Hinton. The Court 1 will enter a judgment based on your verdict and if 2 you find that Lonnie Hinton was negligent to any 3 degree, the Court in entering judgment will reduce 4 the amount of damages by the percentage of 5 negligence that you find is chargeable to Lonnie 6 Hinton. 7 Now, I don't know if that answers your g question and you can tell me if it does or doesn't 9 10 or if you need further clarification. JUROR MAJOR: It answers it. You answered my 11 12 question. THE COURT: Okay. Let's not be shy. 1.3 JUROR LOPEZ: It's like for the example that 14 you gave there, so questions four through ten, if 15 we put 50/50 as an example on the top, the ones 16 between four and ten are going to be a percentage 17 of that 50 percent? If it's 100, it will be 50? 18 THE COURT: All the damages contained in 19 questions four through nine are all going to be 20 reduced by the percentage of comparative 21 negligence, if any, that you find attributable to 22 Lonnie Hinton. 23 JUROR LOPEZ: That's based on question three, 24 25 right?

200

ESQUIRE DEPOSITION SERVICES (954) 331-4400

```
that. And I'm going to speak to you and ask you
 1
          to do certain things in listening to each other's
 2
          opinion and I'm going to send you back there to
 3
          try again.
               The only verdict in this case has to be a
 5
          unanimous one. You all have to agree to the same
 6
          verdict. But I will tell you also, jurors can do
 7
          two things: They can agree on a verdict or they
 8
          can disagree.
 9
               If you disagree, then there is no verdict and
10
          this case will be tried again before another
11
          jury. So obviously the only thing everyone can
12
          ask of you is to make your best effort.
13
               Any additions or deletions to the
14
          instructions?
15
               MR. MICHAEL HAGGARD: No, Judge.
16
             . MR. NETTLETON: No, Your Honor.
17
               THE COURT: Okay.
18
               JUROR MAJOR: Thank you.
19
               THE COURT: So you just tell us whatever you
20
          would like to do.
21
               JUROR MAJOR: We would like to continue.
22
               JUROR RICE: We want to continue.
23
               JUROR CHAN: We'll discuss it.
24
               THE COURT: Feel free.
25
```

```
Page 106
               THE COURT: Exactly.
               JUROR MAJOR: Yes.
2
               THE COURT: Okav. Have I helped you?
3
               TUROR CHAN: Yes.
               TUROR MAJOR: Very much.
               THE COURT: Let me ask you a question. It's
          almost 5:40 and you have been deliberating since
          2:00 o'clock, took a little break along the way.
          I'm here to help you in any way that I can.
9
10
               It's entirely up to you how you want your
          deliberations to continue. If at any time now or
11
          later you want to stop, call it a day, that's fine
12
          and we start it up again in the morning.
13
               If you want to continue, you may do so and
14
          the only six people in this room who can make that
15
          decision are the six of you.
16
            JUROR MAJOR: Continue?
17
               JUROR RICE: Continue.
18
               THE COURT: Mr. Cortez?
19
               JUROR CORTEZ: What happens if like we're not
20
          getting anywhere? Is there any options?
21
               THE COURT: If the jury gets to the point
22
          that you come out here and you tell me that you're
23
          not getting anywhere, that you're really at an
24
          impasse, I'm going to speak to you further about
25
```

ESQUIRE DEPOSITION SERVICES (954) 331-4400

```
Page 108
                   (Thereupon, the jury was excused at 5:40
    1
              o'clock p.m. to continue their deliberations.)
    2
                   THE COURT: Anything else before we stand in
    3
              recess again?
    4
                   MR. MICHAEL HAGGARD: No, Judge, that's
              fine.
    6
                   THE COURT: Anything else?
    7
                   MR. NETTLETON: No, Judge.
    8
                   THE COURT: Okay. Let's stand in recess.
    9
    10
    11
                          CERTIFICATE
    12
    13
         STATE OF FLORIDA
                             )
7.2
                             ) ss:
    14
         COUNTY OF BROWARD
    15
    16
                   I, KAREN S. BARTON, Registered Merit Reporter
    17
         and Notary Public, do hereby certify that I was
    18
         authorized to and did stenographically report the
    19
         foregoing proceedings, and that the transcript is a
    20
         true and complete record of my stenographic notes of
    21
         the proceedings.
    22
                        Dated this 20th/day of March, 2003.
    23
    24
                             KAREN S. BARTON, RMR
    25
```

age 96:15 agendas 98:1 agents 51:22 52:5 ago 12:3 30:22 31:5,8 54:22 34:44 saree 37:24 56:6 60:10 107.68 agreed 53:20 agrees 30:9 ahead 83:11 aid 48:9 air 34:23 97:0,0 april 53:70 00:2 3 alert 55:16 Alexandro 48:3 84:2 allow 41:17 allowed 27:4 allowing 72:20 81:20 all's 8:9 all's 8:9 America 20:14 American 33:21 amount 35:8 38:24 40:21 98:23 99:1,9 100:28 103:18.22 104:6 24 105:5 analysis 20:17 analyzation 3:17 ANDREW 1:20 Andy 2:11 5:15 9:10 10:8 14:6,10 16:21 16:21 48:9,24 49:22 51:21 66:24 67:1.2 68:4,19 84:7 92:18 99:12,15,20,24 100:19,24 101:2,8,20 101:23 103:6 angel 42:15 anguish 35:18 enswer 6:16 8:16 13:17 answer 6:16 8:16 11:17
→12:18 13:16 36:13,23
36:24 88:11 95:8,16
100:22 101:1,19
answered 26:22 105:11
answering 88:14,15
98:22 103:13,17
answers 8:15 105:8,11
antibiotics 54:15
antibiotics 54:15 anticipate 100:14 anybody 10:21 80:6,14 81:25 92:25 93:24 96:4

apologize 13:9 appear 8:12 APPEARANCES 1:19 average 54:2,6 56:22 56:24 Appearing 1:22,25 appears 65:20 apply 18:2 22:24 23:8 24:1 27:7 83:15 awake 55:16 award 29:5 51:2 57:17 91:7 91:7 awarded 43:8 99:6 91:17 104-2 apportioning 83:20 apportionment 65:3 appreciate 45:8 approach 11:14 104:2 aware 16:4 awareness 71:19 awe 41:15 ome 3:23 a.m 1:17 appropriate 44:3 53:19 57:17 99:5 104:1 approximately 82:25 98:11 R 99-8 104-4 B 99:8 104:4 baby-sat 23:6 67:22 Bachelor's 34:13 35:9 back 3:25 4:22 7:14 15:4 17:18 21:8 aquatic 14:3 aquatics 17:4 82:12 Archila 5:11 6:18 20:4 area 5:19 16:4 17:11 20:11 21:19 28:2 25:20 29:4 33:14,16 35:2,20 38:9 41:22 49:17 50:2 61:3.5 68:16.16.71:8.72:14 49:15 52:15 60:2 49:15 52:15 60:2 61:14 62:14,20 69:3 75:1 76:6 77:7 79:18 80:5,12,17 91:3,4 92:16,17 93:24,25 97:23 98:4 103:9 76:5 77:4,5 95:11,14 reas 13:13 16:8 21:22 argue 4:13 argued 28:3 65:9 arguing 33:8 104:21 107:3 argument 26:8 43:7 44:16,22 90:9,15 background 53:6,8 backwards 80:2 arguments 1:17 2:7 51:16 84:12 had 8:24 9:4.6 23:23 33:8,10,11 46:3 66:22 90:24.25 arms 68:18 aside 45:22 83:12 asked 6:2,4 8:2,11 66:22 90:24,25 BAILIFF 44:11 98:13 balcony 60:8 ball 30:12 bank 9:12 sked 6:2,4 8:2,11 9:5 14:8 21:25 26:19 27:11,24 30:23 31:24 77:13,17 79:15 88:19 barbecue 20:16 76:16 76:20.22 89:10 90:11.12 97:9 76:20,22 barbecued 20:15 barbecues 67:23 barbecuing 21:2 93:18 bare 26:24 97:13 97:13 asking 38:13 101:1 aspirations 37:16 assess 35:13,14 39:4 assist 48:7 assists 100:13 barrier 82:19 BARTON 108:17,25 base 33:17 57:13 Associate's 34:14 35:8 assumes 56:25 hasehall 39:19 ssumption 57:1.4 based 45:23 24 57:12

ettributable 105:22

59-1 2 63-23 24 64-19 20 21 23 73-16 73:25 80:20,23 86:1 86:2 belong 60:4 benefit 55:24 best 63:3 84:17 85:14 85:24 107:13 hattar 45:14 beyond 13:4 33:25 82:14 big 25:22 47:3,6 97:17 97:20 bigger 33:4 biggest 57:1 bills 26:6 33:9 37:5 birthday 96:25 bit 17:14 28:10 48:25 bit 17:14 28:40 48:25 49:3 53:16 61:16 90:18 blame 18:9,11 22:10,16 72:6,7 BLECKE 2:3 101:25 BLECKE 2:3 101:25 blink 25:19 Blumberg 2:4 body 25:2,2 Boeing 39:13 Bologna 1:21 bombshell 12:13 20:21 bottom 60:12 bought 14:18 boy 30:25 hovfriend 40:1 boyfriend 40:1 boyfriends 97:3 break 18:20 42:20,21 44:20 106:8 breaking 66:11 Brian 41:4,20 bridging 55:8 bring 11:20 20:21 44:10 86:15,17 87:4 87:5.8.18.24 98:12 102:24 102:24 bringing 103:9 brings 59:6 broke 5:17 13:21 broken 15:8 17:15 23:17 64:3 66:13 brought 28:15 30:12 44:23 49:4 50:6,8 52:20 67:8 75:5 52:20 67:8 75:5 86:14,16,24,25 87:8 87:16,17 88:18,19,23 Broward 1:2,5,15,16 108:14 Beg 104:14 beginning 49:12 behalf 1:22,25 3:10,10 45:7 60:21 84:1 BS 57:19 buddles 21:7 building 53:2 72:23 buildings 72.23

burden 4:18 12:22 20:6 25:24 burned 39:13 siness 53:8 71:18 busy 73:14 buzz 52:5 hystander 84:13 C 1:7 2:3 108:12,12 calculations 56:19 57:7 57:9 California 27:13,19 28:1,1 call 52:22 106:12 called 23:11 73:10 called 23:11 73:10 74:18 78:5 81:3 85:2 calling 73:8 Candace 21:3 79:11 candidly 101:9 cap 34:23 cap 34:23 capacity 34:3 35:18 38:1 57:24 90:10,14 care 3:4 7:11,11,11 26:14,16 28:22 30:7 26:14,16 28:22 30:7 31:4 32:22 41:10,11 43:9 44:16 53:18 58:11,20 89:25 97:6 cared 22:8 careful 7:12 Carlton 1:24 Carbon 1:24 carpenter 53:6 case 1:6 4:11,16 6:13 8:8 11:22 12:17 17:2 17:13 18:12 19:20 22:10,24 23:3,9 24:4 24:16,17 25:7 26:14 27:9 28:7 33:13 34:7 34:8.10 37:19 39:12 39:12 41:24 42:4 45:11.23 47:1 50:18 50:20 52:11 56:2 50:3 65:4 78:4 79:13 59:3 65:4 78:4 79:13 84:10,16,21,23 85:7 86:17 87:4,6,7 88:10 89:1,2,3,4,6,11 90:2 91:14,24 92:3 97:22 107:5.11 cashed 9:11 rasual 82:7 casual 82:7 catastrophe 4:9 catastrophic 34:8 45:13 71:16 89:4 Cathery 5:13 causation 65:2 cause 65:3 caused 52:9 ement 72:22 entral 50:24 60:15

certain 24:24 107:2 ertainly 5:21 53:6,9 57:15 66:6 81:4,25 82:2 ertify 108:18 challenge 46:24 Chan 98:13 104:9,11 106:4 107:24 chance 29:3 30:8 change 14:23 27:1.2 29:2 32:2 41:13 29:2 32:2 41:13 changed 30:21 63:16 changing 57:7 Chan's 98:19 103:11 chapel 40:4 characterized 55:13 charge 44:22 chargeable 100:9,16 105:6 charged 60:21 CHARLES 1:15 chat 68:13,14 chatted 68:14 heck 56:8 hecks 9-9.11 cheering 32:13 20:14 25:13 29:9,15 38:23 40:10,11,23 41:8 69:15 72:19,21 73:10 82:15 children 11:11 21:6,15 21:19 23:1,6 46:4,9 58:20.21 65:6,7,14 58:20,21 65:6,7,1 67:22 68:6 69:13 71:5,21,23 77:19 79:1,6,10 81:21 82:18 93:19 child: 68:6 thoice 41:18 hose 35:11 chosen 97:11 Christopher 24:23 CIRCUIT 1:4,4 circumstance 64:7 circumstances 7:13 11:9 21:16 23:4 city 20:13 claim 51:12 claimed 79:1 claims 41:6 50:18 clarification 105:10 clarify 98:21 99:19 103:12 cleaned 71:9 cleaning 71:6 clear 13:3,4 23:3 43:22 79:9,11

clearly 14:17 49:16 54:9 98:19 100:22 client 47:12 58:6.13 64:25 83:17 64:25 83:17 clients 41:8 45:8 46:7 47:25 48:1 50:10 51:12 84:1 98:6 clips 38:8 clock 74:21 79:21 close 13:18,20 61:15 losing 1:17 2:7 26:8 42:22 43:7 44:16 42:22 43:7 44:16 51:16 53:1 84:12 slothes 79:9 sloud 33:5 sode 13:11,12 50:3,9 61:17,18 62:3 63:1 o/:12 codes 17:5 Cohen 27:12 31:19 55:6 67:12 55:6 Cohen's 55:5 collateral 43:18,21 collectively 101:11 college 34:20 35:1 97:2 collide 4:9 coma 55:14 me 8:23 15:4 27:18 ome 8:23 15:4 27:18 28:18.19 29:4 32:1 32:14,14 33:14,16 42:17 48:10 60:5 65:23 78:9 80:5 81:10 86:2 87:10 88:4,9,18 91:3,4,14 92:13 98:4 101:11 106:23 /0.23 ios 31∙74 30∙0 80∙0 omes 31:24 39:9 80:9 80:12 101:16 oming 21:7 74:3 75:17 80:10 86:14 93:24,25 ommand 32:6 commencing 1:16 comment 43:6 comments 47:10 67:14 101.3 erciat 39·12

mmon 15:6 16:5 common 15:6 16:8 21:22 55:1 57:5,16 84:25 commonly 71:14 communal 73:18 communicate 24:24 communicated 69:19 community 65:13,15 companionship 413 company 4:3 14:4 39:14 48:2 51:22 60:19,22 64:7,16 company's 71:17 omparative 23:11

conflicts 46:23 59:2 confuse 85:2,12 confusion 85:1 89:18 connected 63:11,20 92:9,12 100:16 101:18 102:14 105:21 omparatively 23:13 39:11 conscious 51: 39:11 ompare 23:10,14,24 39:22,23 92:13,13,17 92:18,20,22 93:2,3 93:15,15,18 94:2,3,7 onsciously 22:14 52:1 52.7 52:7 conservative 29:8,14 consider 27:16 55:3,25 97:23,24,25,25,25 consideration 60:16 consistent 75:11 77:20 94:8.11 omparison 40:23 46:19 94:8,9,12 ompassion 45:18 consistently 59:6 78:1 constant 58:19 61:1 compassion 45:18 compensate 25:8 51:2 compensatory 50:20 51:1 53:16 complained 66:10 68:4 complaining 66:11 68:19,19 stantiv 61:6 63:17 66:9 70:17 onsults 17:5 cont 2:2 contact 74:9 complaint 71:8 contained 104:23 105:19 omplaints 15:8 49:1 68-8 60-10 71-6 omplete 51:9 108:21 ompletely 51:25 55:17 82:19 contemplate 54:1 contemporaneous 44:0 continue 106:11,14,17 106:18 107:22,23 108:2 continued 10:18 s2:19 complex 11:7 14:18 19:22 20:18 21:17 22:3 23:2 65:21 66:18 71:1 81:21 continues 79:14 93:17 95:13 continuing 54:15 58:19 continuous 65:5 93:17 95:13 compliance 13:12 complications 27:6 comply 62:3 63:1 compromise 101:16 compromised 101:6 contracts 39:12 contradicted 90:2 controversial 30:2 conversation 19:17 69:24 70:1 82:7 ised 101:6 conceded 66:16 67:7 convictions 41:23 convincing 13:3,4 85:5 cooked 75:5,6 76:23 conceivable 31:10 oncers 10:19 53:24 67:25 101:4 67:25 101:4 concerned 10:24 concerning 15:8 51:13 concerns 71:5 conclusive 13:6 condition 5:24 7:1,18 13:17 14:19.25 15:9 16:15 18:7 23:18 27:1 31:1 38:6 47:7 49:41 54:17 55:14 cooking 20:10 76:25 77:1,5 cooks 77:3 cooks 77:3 cooperate 78:10 87:10 87:11 copies 16:9,12 corner 40:6 74:17 75:12 corners 74:15 49-10 54-17 55-14 49:10 54:17 55:14 57:23 58:8 60:23 61:19 63:3,23 64:11 64:14,22 65:12 66:22 70:24,25 71:1,25,25 72:10,11 85:10,18,19 85:20 92:19 96:1 CORPINI orporation 1:11 5:4 13:12,21 16:2 47:12 47:14,17 48:1 99:8 47:14,17 48:1 99:8 104:4 correct 6:25 33:17 100:19 101:20,21,24 corrected 6:8 7:18 onditions 58:16 ondoned 52:7 onduct 12:20 51:23 corroborate 70:1 onfident 18:3 23:24 24:2 41:25 Cortez 106:19,20 costs 16:11 28:8,8,9

onflict 76:10 88:21

PSOURE DEPOSITION SERVICES (954) 331-4400

ESQUIRE DEPOSITION SERVICES (954) 331-4400

83:10 ate 75:24 attempt 56:20 85:12 attempted 86:4 attempts 85:2 attention 3:12,16,17

6:1 24:15 45:6.8

attorney's 78:19

47-15 50-7 7 83-25

83-10

57:20 65:18 83:19 100:5 105:2,24

nasis 18:22 beautiful 40:11 95:25 befall 24:19 41:3

pelieve 46:22,25 47:1

direction 76:11 directly 24:9

disagree 53:17 107:9 107:10

discount 19:1,6 discuss 42:2 68:23

107:24

55:22 56:12 99:23 103:5 ounsel's 53:17 66:16

nuntry 15:13 16:20 17:6 24:8 28:12,19 48:10 County 1:2,5,15,16 108:14 couple 7:8 15:13 18:15 21:13 38:8 53:21

60:20 67:20 69:1 nurse 47:11 57:23 60:16 73:15 94:15

60:16 73:15 94:15 101:2 court 1:4,15 3:4,7 19:4 29:6,10,15 35:5 42:9 42:20 43:2,16,23 44:1,4,8,14,18 45:17 47:15,19 84:5 98:12 98:17 99:4.14.18.21 99:25 100:4.7.22.25 99:25 100:4,7,22,25 101:3,9,21,25 102:4 102:7,11,13,20,24 103:2,7,25 104:10,12 104:15,19 105:1,4,13 105:19 106:1,3,6,19

108:3,7,9 108:3,7,9 courthouse 1:16 3:14 courtroom 1:15 4:12 8:23 30:4,5 31:21 32:13,25 36:20 42:1 44:11 45:16 84:18 88:12 cover 56:14

106:22 107:18.20.25

Co-counsel 2:4 create 51:25 72:4 created 25:11 69:13 creates 71:16 creating 74:4 credence 31:11 32:19 32:23 credibility 33:3

crime 7:4 cross-examines 15:14 crucial 69:18.19 curative 44:5 cure 44:9 cured 43:14 current 56:23 cut 83:3

dad 9:10 14:7 40:13 damage 34:10 damages 12:21 13:2,7 16:6 18:1.25 24:10 24:17,19 25:7,9,9,25 26:3,5 28:7 35:12 37:9,13 50:20,20,21

50:23 51:1,2,5,18 53:17 57:22 87:21 89:11 92:2 98:24 99:1,6 100:2,8 102:6 102:15 17 103:19.22 104-2 24 105-5 19 104:2,24 105:5,19 danger 71:19 73:15 dangerous 5:24 6:25 16:14 70:25 72:2 dangers 68:20 72:20 dark 19:18

96:4 anymore 40:18 78:10 anyways 14:22 apartment 11:7 19:22 20:18 21:10,16 53:2

65:20 66:18 68:12

71:1 74:24 75:1.19

75:21 76:6,14 78:2 79:16 81:21

Dated 108:23 daughter 41:10,11 48:8 88:6 96:21 88:6 96:21 day 1:16 5:1,8 6:11 7:3 11:19 13:24 19:14 37:22 47:4,7 59:14 59:15 63:1,21 64:14 64:18 70:19,22,24 73:8 74:11 75:4 81:5 85:20.24 86:4.5 90:25 106:12 108:23

90:25 106:12 108:2 days 47:8 88:4 95:21 day-in-the-life 38:9 deal 30:15 dealing 16:12 29:15 deals 32:4 dealt 47:18 death 71:17 Debbie 87:8.12 Debra 11:20 12:6

77:20,21,21 December 66:24 decide 4:1 6:13 18:15 18:18 45:23 46:11 47:1,24 70:14 83:17 83:18 84:10 89:6,11 89:15 91:13 decided 6:16 15:4 deciding 7:7 84:23,23

87:7 **cision 22:14 33:17 46:24 63:24 65:1 84:3 98:3 106:16 deck 10:25 decrying 68:5 Defendant 1:12,25 17:1 nde nts 13:22 20:7

28:14 29:19 33:10 87:4 efendant's 12:20 defense 8:21 10:18 11:19 12:15 14:8,12 15:14 16:15 21:23 27:17 28:12 30:10 33:8 34:5.12 101:3 defenses 8:19 12:17 defense's 42:22 102:8 definition 11:13

legree 7:11 34:13,14 35:9 46:12 57:19,19 100:7 105:4 teletions 107:14 deliberate 3:25 97:23 deliberating 106:7 deliberation 7:15 106:11 108:2 delivered 75:8 demeanor 88:13 demonstration 94:13

94:18 denied 43:24,25 44:2 denied 43:24,25 44:2 deny 69:22 Department 49:20 depending 40:12 depends 56:15 deposition 11:3 68:11 77:11,18,23,25 79:22

81:15 Depot 10:2 deprived 44:8 described 61:12 63:8,9 desert 94:25 deserves 30:8 33:13 deserving 47:14 design 61:25 62:24 designed 62:22

desperate 8:20 lesperation 11:19 12:16,16 12:16,16 despite 18:5 30:18 destroyed 5:8 18:7 detail 29:13 details 81:6 etermination 50:17 56:10 58:24 62:8 determine 59:1,10 83:14 98:23 103:18

etermining 56:1 99:1 100:2 103:22 104:24 100:2 103:22 104: Deutsch 2:4 devastated 10:5 devastating 24:18 devastatingly 25:12 die 33:11,16 died 54:22 difference 25:22,22 33:22 34:13 57:9

107:24 discussed 67:25 disease 54:13 dispute 6:11 26:18 45:14 58:16 68:8 70:18 89:21,22 90:21 90:22,23,24 91:8,9 disputed 26:10 53:12 60:25 90:5.6.18 60:25 90:5,6,18 loctor 26:17 27:12,17 28:11 29:12 30:13,15 31:3,7,19,20,22 32:8 32:16 33:23 34:1 37:25 53:20 54:4,12 54:20 55:3,5,6 56:4,6 56:6,13,19 87:18,25 90:3,11,12,13,13 ocument 14:2,9 documented 8:18 74:19 documents 15:1 doing 14:12 53:8 79:1 79:12 dollar 57:8 dollars 27:11 35:10 38:25 39:9,15,15,16 39:17,20 90:1,5,17 90:18,21 99:10,11 104:7 loor 5:23 21:10,12 22:1,4 74:20 79:19 79:19 94:1 oorknob 73:12 doors 22:2 33:4 doubt 13:4 33:25 58:13 61:21 62:25 64:8 downstairs 20:10 75:6 94:21 96:8 dream 42:15,15,17 dreams 42:12 drink 79:17 driak 79:17 drown 9:17 11:11 68:7 drowned 85:22 93:5 drowning 11:1 82:13 drownings 82:14,15,18 duty 18:3 45:9 58:13 58:18,19 65:5 Dworkin 14:3 62:1 33:22 34:13 57:9 different 5:11 6:3 7:8 23:1 27:6 28:5 29:1 62:10 86:13 98:1 difficult 38:20 74:11 diapidated 71:10 dire 23:25 34:9 89:7 Dworkin 14:3 62:1 71:13 80:21 82:11 direct 88:20 Dworkin's 74:8

E E 108:12.12 earlier 77:25 80:5 85:6 93.6 early 33:11,16 96:9 earning 34:3 37:14 57:10,15 earshot 4:12 easily 4:14,14 easy 36:14 45:9 53:23 83:11 eat 21:8 conomic 26:5,17 28:7 102:6 eating 75:23 conomist 28:11,18 29:17,20 economists 28:13,14 effect 27:12

Page 3

effectively 15:7 effects 18:22 54:14.14 effort 107:13 either 31:6,9 42:1 51:24,25 52:7 65:21 element 26:3,16

embrace 26:1,2 emotion 45:22,22 emphasized 47:12,13 emphasized 47:12,13 employee 8:3 60:18 employees 8:2 engaged 52:8 enjoy 35:18 38:1 57:24 90:10,14 enlightening 30:20 enlisted 48:9

ensure 16:3 17:6 58:15 74:7 enter 100:5 105:2 entered 76:14 entering 44:11 99:5 100:7 104:1 105:4 entire 78:2 95:13

entirely 106:10 entitled 26:15,20 entity 72:8 entrust 84:2 entrust 84:2 equal 47:18 equals 47:19 especially 17:20 45:10 58:21 72:24 81:6 89:3

Esquire 1:20,21,23,24 2:3 essentials 26:24 established 16:7 25:10 estatilished 10.7 25.10 estate 48:11 event 72:3 77:3 78:25 events 51:14 81.4

extreme 45:18 eye 74:9 eyes 25:19 everybody 7:2 10:10 21:22 27:25 29:23 30:3,9,24 32:13 40: eye-to-eye 24:9 66:18 73:18,19 85:12 86:25 90:3 97:5 veryday 32:5 52:21 64:1 86:20 F 1:23 108:12 vict 15:15

F 1:23 108:12 faced 54:19 faceless 72:7 facility 72:21 facing 46:20 61:1 fact 15:15 29:14 30:6 30:16 47:11 50:10 59:22 64:8 76:16,19 vice 15:15 vidence 3:17 4:19 12:24 13:3,5,6,20 15:2 17:18 18:1,2,5 19:11,20,21 22:3,19 22:24 23:3,9 24:1 25:25 26:4.6.10 27:7 30:5 31:17 33:12.12 92:22 33-18 36:19 37:6 ctors 54:24 55:25 33:18 36:19 37:6 41:25 43:11 46:18,21 46:23,25 48:5 51:11 52:2,11 53:3,11 57:14 59:1,3,8 66:3 73:20 83:14,19 84:19 facts 45:23.24 51:13 59:11,21 82:13 83:14 83:15 fail 6:14 failing 58:6,11

failure 7:10 fair 88:10,10 89:1

fairly 62:19 falling 10:25 family 20:15 30:3 40:5 48:2 89:16

family-oriented 73:17 far 49:13

father 3:10 16:22,23,23 18:9 22:10,16

fault 15:24 18:24 86:20

99:9 104:5 favor 88:13 feel 35:3 45:17 83:2 97:13 107:25 feeling 81:22 fell 16:1

Page 14 95:20 86:4 92:20,21 93:14 95:20 86:4 92:20,21 93:14 95:20 86:4 92:20,21 93:14 95:20 86:4 92:20,21 93:14 95:20 86:4 92:20,21 93:14 95:20

Fields 1:24 fifteen 27:21 35:5 fight 42:6,6 figure 56:13 59:5 90:7

ast 70:21

99-9 104-5

他low 42:3 felt 97:11,16

fences 5:18 field 22:12

90:16 91:4

figures 53:25 89:22

90:20,20 91:9

85-5 91-14 17:20:22 91:23 97:25 evident 55:12 exact 24:11 26:11 29:21 31:1,1 exactly 4:10 62:15 92:12 106:1 examination 66:16 examined 62:5,6,6 examining 56:3 example 60:3 105:14 105:16

EXCERPT 1:14 exchanged 67:21 excused 108:1 exercise 65:8 exhibits 92:16 exist 72:20 existing 49:10 exit 69:4 ectancy 26:21 30:8

expectancy 26:21 30:8 31:5 32:20 33:20 34:17,18 53:24 54:2 54:4,17 55:6,23 56:1 56:9 88:7,8 97:4 expecting 65:14 expenses 26:13 27:9 37:9 51:4 expensive 28:2 experience 53:5.9 96:23,24 97:1

expert 71:14 80:21 82:12 expertise 55:11 explained 29:13 70:7 extent 99:4 101:10 103:25

extrapolate 82:14

GII 74:16 Gnal 15:23 finally 3-8 89-20 98-3 find 12:6,7 18:24 19:10 24:2 28:18 37:2 45:24 51:18,19,20 52:4 65:10 69:23 100:6.9 103:24 104:3 105:3.6.22

105:3,6,22 finding 64:15 fine 14:15 106:12 108:6 Finish 21:7 finished 84:7 finishes 77:5 Finkelberg 5:15 9:10 14:6,10 16:21 48:2,3 48:7 49:22.22 50:15 51:21 66:24 67:9

51:21 66:24 67:9 Finkelbergs 8:5,11 9:22 92:18 Finkelberg's 10:8 60:19 fired 52:19 Firestone 33:1 first 6:13,13,17 7:8 12:25 30:16 36:14 40:1.3 49:16 50:20

40:1,3 49:16 50:20 50:22 51:20 65:16 67:15 70:5 75:4 78:5 79:4 80:18 83:22 88:4 95:22 99:13 100:11 103:4 104:13 104:16 Firstly 104:21 fit 23:22 70:13 78:17

fit 23:22 70:13 78:17 79:25 80:1 81:9 fits 62:13 five 4:21 5:7 18:24,25 27:21 28:25 29:4 32:20 33:16 38:25 42:9 75:10,25 82:3,3 82:6 7 9 16:21 83:3 82:6,7,9,16,21 83:3 85:24 88:19,20 90:17 91:6 93:21 94:2,14 94:16 96:14

94:16 96:14 ftx 9:2,20 10:1 11:10 15:25 16:16,17 63:3 85:14,24 86:4,20 92:21 95:22 ftxed 6:8 7:22 8:6 9:13 9:14,23 10:20 11:5 16:24 48:15,16 63:7 63:10 64:2.3 85:13 85:13,15 93:1 53:13,13 93:1 fixing 6:21,22 64:21 66:8,12,13 70:20,21 71:9 95:21 flight 80:16

80:17 riends 16:11-22:7 35:24 40:5 68:9 74:3 93:19,22

front 40.16 68.12,21

25:9 27:13 40:22 70:8 86:10 94:11 108:13 functioning 62:2 further 100:13 105:10 fiver 92:24 msed 61:4 106:25 focused 61:4 folks 84:22 85:2,16 86:10,15 88:5 90:24 90:25 91:5 92:15 93:16 96:11 follow 16:18 18:3 22:23 24:13 future 3:21 4:1 26:13 27:9 33:24 34:3 37:8 37:13 40:15 43:18 19 84:24 89:16 90:17 game 18:11,14 games 21:20 gap 55:8 gate 4:17,25 5:8,15,20

consci 14:8,12 43:3

6:8.15 8:12.24 10:7

Page 4

24:13 followed 63:15 following 3:1 42:24 44:12 98:9,22 102:25 103:13,17 food 21:11 67:21 77:5 77:6 foot 22:4 forbid 93:5 forbid 93:5 foregoing 108:20 foregeson 98:16 forget 91:11,12,12 form 12:19 17:25 18:17 26:8,12 36:10,12 101:11 103:15 former 60:18 Fort 1:16 forth 51:4 69:3

50.2

6:8,15 8:12,24 10:7 14:15,18,24 15:8 16:10 17:16 19:13 24:5,8 35:21 47:7 48:18 49:1,18 50:8 50:11 59:13 60:14 61:7,7,13,14,20 62:13.14 63:22 65:12 65:24 66:22 67:5 65:24 66:22 67:5 68:1,3,20 69:4,5,8 70:17 71:2,16,25 72:7,11 73:4,9,11,12 73:13 80:4 82:20 85:9,9,18 86:22 92:19,21 93:14 95:19 forth 51:4 69:3 fortunate 84:11 Forty-two 90:5 found 5:8 49:18,19 gates 5:18 13:9,15 17:6 61:19 73:2 othering 46:17

50:2 bur 4:21 5:7 56:23 57:1 80:23 82:25 85:23 94:15 103:16 105:15,17,20 gathering 46:17 generally 61:25 gentleman 12:14 13:5 86:7 89:9 105:15,17,20 four-and-a-balf 3:21 4:7 18:10 42:14 Frank 5:3,14,22 6:5,20 8:3,11 9:2,6 10:8,16 13:23 15:15,23 16:20 19:16 21:18 48:24 51:20 52:24,24 53:1 53:5 60:17,18,25 61:11 63:24 64:15,19 65:5 68:4,7,19 69:12 69:20,20,22 70:3,7 86:7 89:9 gentlemen 3:20 4:18 5:9,18 6:1,15 7:7,24 8:19 9:3 10:2,14,23 11:12 12:19 14:13,16 16:5 17:12,24 18:8 16:5 17:12.24 18:8 18:16 19:7.21 21:5 21:14 22:5,15,18 23:8,22 24:5,16 25:1 25:16 26:1,11 27:5 27:10,20,24 28:6,23 29:19,22,25 31:10,13 31:23 32:17,24 33:2 33:7,15 34:6,19,24 70:19.20 71:7.20 85:13 13 13 86:3.5.6 07:17

35:7,13,16 36:13,18 36:25 37:14,18 38:5 38:11,17 39:6,10,24 40:15,21 41:2,22 42:13 45:2 51:10 57:3 79:25 80:20 83:1 84:20,24 89:14 91:13 92:17 frankly 59:6 69:17 81:2,15 Frank's 63:25 64:20 76:24 free 107:25 friend 73:8 80:9,12,14

getting 11:13 12:9 24:7 46:14.18 66:13 79:20 106:21.24 gift 40:9

97:9

77:3 78:25 79:3,14 81:12,12,20,24 83:5 idea 14:11 93:3 identified 79:4 gigantic 34:10 girl 3:22 4:8 9:16 15:25 16:12 17:22 32:14 ondness 87:6 7 89:13 happens 74:19 106:20 hard 86:18 89:12 harm 51:25 89:16 91:8 93:18 ores 4:4 mediately 29:7 hazard 10:22 71:21 94:5.19 96:20.22 36:8 38:3.19 42:5 98-24 99-3.4.8.10 75:24 45-12 19 88-5 93:5 greatest 40:9 Green 21:3 79:11 98:24 99:3,48,10 100:4,6,10,17 101:19 102:14,16 103:19,24 103:25 104:5,6 105:1 105:3,7,23 Hintons 5:23 9:6 46:3 67:22 68:1 71:3,24 72:2,24 hazards 68:6 69:13 head 33:5 headed 79:18 101:7 immense 41:16 03-11 95-7 25 immune 54:14 Greene 1:1,15 7:15.25 impasse 106:25 girl's 15:11 25:18 01.16 impasse 106:25 impeached 11:2 86:8 important 3:19 27:14 29:11 36:17 42:4,7,8 46:22,25 49:11 50:17 51:14 82:17 83:23 heading 21:12 health 17:5 49:20 greet 98:5 grill 75:6 77:7,8 Grisenu 5:3,14,22 6:20 8:4,11 9:6 10:16 13:23 14:1 19:16 35:13 give 29:20 31:11,14 55.25 32:23 38:11 39:2,2 55:25 bealthy 54:7 hear 31:18 40:4,11 49:11 52:25 70:5 78:16 85:11 heard 5:2,22 17:4 19:9 24:21 26:25 27:5,6 72:10 75:19 76:13 41:1.1 60:3 76:2 87:1 92:11 93:16 88:25 90:7 91:3 linton's 4:1 10:4 15:10 17:15 41:5 42:11 66:20 68:11 101:17 mportantly 3:11 10:4 23:16 26:23.24 37:24 given 30:6 31:15 43:6 21:21 51:21 60:17 52:22 53:25 gives 55:23 91:16 101:13 63:2 96:21 Griseaus 97:18 . vement 24:23 improvement 24:23 incensed 15:18 incident 5:1 6:7 7:20 9:18 11:4 69:15 78:8 98:25 103:20 Criseau's 10:5 24:21 26:25 27:5,6 29:6 30:5 37:22 47:10 48:6,25 49:6,8 50:3 53:3 54:20 60:5 60:24 63:12 67:22 68:7,7,8 69:14,20 70:6,22 71:13 72:19 73:20 75:16 78:5 79:7,12 81:19 84:19 84:19 12:73 39:6 Griseau's 10:8 gross 4:3 51:8,24 52:9 87:22 92:1,1 grown 40:19 growth_56:22,25 grudge 93:7 hired 31:21 33:1 52:13 glad 31:24 52:17.24 Gladys 5:11 6:18 20:4 go 3:25 4:21 10:2,17 history 49:12 64:17 hit 79:19 13:8 16:8 19:11.15 hite 62:20 include 28:5 21-8 25-20 26:4.7 hits 62:20 Hellywood 13:12 61:17 61:18 home 10:2 73:18 74:23 75:17 76:3 80:5 82:2 honest 30:14 21:8 25:20 26:4.7 27:4,20 29:7,24 36:10,11 38:10 40:23 41:15,16,22 56:24 73:10 76:15 80:13 82:2 84:9 85:7 93:20 97:23 100:13 included 26:17 27:3 guarantee 9:9 guardians 1:8 guardianship 29:7,15 included 26:17 27:3 71:9 includes 54:7,8 71:2 inconsistent 49:9 55:17 increase 27:20 incredible 3:16 4:13 guardianship 29:7,15 guess 30:16 84:17 88:19 96:7,9 100:11 85:1 91:22.23 92:6 97:24 97:24 hearing 84:19 heart 42:2 help 104:19 106:9 helped 106:3 helpful 53:7 onestly 39:21 101: or 19:2 31:12 43:5 38:23 guilty 51:23 God 34:1 93:5 goes 38:3,3 55:21 62:20 index 27:18 43-15 20 44-17 45-1 43:15,20 44:17 45:1 91:11,16 92:2 94:9 102:10,18,22 107:17 honorable 1:15 8:22 11:14 Honor's 88:24 89:15 index 27:18 indicated 69:1 indicating 68:17 75:20 indifference 4:5 51:9 indifference 52:1 individually 1:8 infection 54:14 infections 54:15 69:5 71:18 76:16 77:7,17 80:8,12 Haase 11:20 12:2.7 77:7,17 80:8,12 going 3:24 5:15 7:7,14 7:15 13:10 17:14,17 17:18 18:21 19:8,25 20:2 21:6 25:17 29:2 32:24 33:11,15 34:15 34:16 35:3 36:10 20:22,23 77:20,21,22 78:4 87:9,12 93:23 beros 15:12 besitate 40:15 hey 19:24 hide 35:24 hope 86:6.7 pefully 44:20 53:4 hide-and 20:12,14 21:21 95:12 hide-and-seck 35:23 72:25 94:23 inflate 56:20 influences 91:19 91:4 hoping 91:6 horrible 14:19 24:20 36:2 38:20 86:22 hospital 36:5 hospitalizations 27:7 hot 75:25 38-8 12 15 21 39-25 38:8,12,15,21 39:25 40:16,17,18,23 41:18 45:14,20 46:10 47:9 47:23,25 48:24 51:15 51:17,18 53:7,13 54:1,10 55:20 57:2 59:12,24,25 65:15 66:268:669:322 information 62:7 78:11 information 62:7 78:11 injured 25:12 54:9 injures 24:20 51:3 injury 24:25 31:1 41:2 45:13 52:9 71:17 inpurecent 4:8 38:23 inquire 99:23 inquire 99:23 inquire 102:1 inside 50:5 99-20 24 100-19 24 high 97:2 higher 13:2 56:22 Hillerio 20:4 73:7 101:2.8.20.23 103:6 107:16 108:5 107:16 108:5 Haggards 91:12 Haggard's 67:17 hallway 70:10 hampered 59:22 hand 23:15 51:5 hinge 61:12,13 62:12 62:16 hour 1:17 92:6 62:16 hinges 61:8 62:7 Hinton 1:7,7,8 3:10,11 3:12 6:3,4,10 11:25 12:1 16:10 18:19 hours 70:22 66:7 68:6 69:3,22 72:6,9 75:21 76:12 house 15:16 25:5 house 15:16 25:5 housekeeping 44:19 huge 3:23 97:8 hugging 96:17 human 4:5 24:19 41:3 51:9 52:1 humbly 7:9 39:22 40:25,25 41:24 77:9 11 78:12.14 insistent 20:24 77:9,11 78:12,14 88:6,7,25 96:11,24 97:1,22 99:18 100:13 101:5 104:21 105:17 105:20 106:25 107:1 handed 69:16 19:10 20:9,10,16 21:5 22:20 24:3 25:8 25:13,23 26:15 29:5 inspect 52:14 inspected 48:14 63:25 handle 53:10 inspect. 67:11 hands 3:22 handweit inspection 13:24 14:14 16:19 49:4,7,16,17 handwriting 98:19 happen 24:21 32:24 43:20 94:6 happened 4:10 7:23 11:18 31:6 36:3 47:4 52:18 59:15 69:18 30:7 31:2 32:21 33-25 34-22 35-21 Goldin 5:14 20:5 66:20 36:10 37:16 38:15 hundred 23:23 37:1 49:21 66:20 67:20 75:3,7,9 77:20,21,21,24 93:23 49:21 inspector 48:15,21 50:1 52:14 36:19 37:16 38:15 39:23 42:14 45:12 47:23 58:10 65:10,25 66:15 68:9,21 69:3 hundreds 25:10 62:10 hurt 33:8 10:11 Goldin's 73:25 74:24 75:18 76:10 good 3:7 44:20 45:2 47:21 48:12 68:9 inspectors 48:22 install 10:2 ushand 11:20 12:4 74:10.22 78:18 ne 61:5.12 instruct 5:5 7:25 8:6 appening 61 70:23 93:11 76:3.14.15.18.20

ESOLURE DEPOSITION SERVICES (954) 331-4400

nanager 5:3,22 52:18 52:18,19 60:19

manager's 18:7

nanaging 52:5 nanner 92:1

man's 31:11

March 108:23

Margaret 67:10 married 40:7 Marta 5:12 21:3 79:7 Martha 79:7

math 56:7,15,17 matter 10:14 64:17

nean 28:22 42:6 47:23

47:25 62:18 89:10 47:25 62:18 89:10 99:7 101:14 104:3 means 63:11 92:12 meat 21:6 77:6 79:17 mechanical 36:6 mechanism 62:23

mechanisms 62:11

43.0 51.4

medications 21 Members 84:5 memory 72:4 mental 35:17 estions 28:8

Merit 108:17

merits 43:23 47:2

methodology 56:20 Miami 39:19

Miami 39:19 Michael 1:21 2:9 3:6 19:5 35:6 41:11 42:10 43:17 86:8 98:15 107:16 108:5

Michelle 20:4 73:6 middle 35:8 62:14

nile 10:2 nillion 27:10 34:14

aillion 27:10 34:14 35:10 38:25 39:9,15 39:15,15,17,20 57:8 90:1,5,17,18,21 99:9 99:11 104:6,7

Milly 21:3 79:7 mind 59:7 67:12

minds 101:10

mindset 95:15

mindset 95:15 mine 89:14 minor 1:8 minute 6:11 38:5,34 39:6,7 40:24 94:2 102:13

minutes 20:1 21:13

74:16

32-22 33-9 37:5.9

nedical 26:6.13 27:1.9

mention 49:3 88:24,24 mentioned 78:6 94:18

82:5

72:10.11 86:22 language 63:8 latch 13:18 62:18,20 listed 30:10 45:21 47:16 51:15,17 instructed 31:12 43:21 108:5,8 72:10,11 86:22 knock 93:25 knocked 74:20 79:19 know 3:14 6:10,22 9:4 10:22 13:16 15:10 Judges 1:15 listen 23:5 41:10 68:10 73:20 84:12.13 83-13 udgment 57:21 58:1 65:8 99:5 100:5,7,18 73:20 84:12,13 listening 48:5 76:18 107:2 little 3:21 4:8 5:16 9:16 15:11,25 17:14,19,21 24:7,8 25:17 28:10 iction 19·12 55·21 94:10 100:12 ostructions 88:25 89:5 100:1 104:22 107:15 ostructs 45:25 83:16 101-17 104-1.8.9 latches 62:6.21 105-24 16:5 19:14 22:9 late 12:9 Lauderdale 1:16 law 5:18 10:3 13:21 14:22 16:17 18:2,21 -+e 58·77 23-19 24-13 26-23 judgments 58:2 JUDICIAL 1:4 jump 60:8 61:9 jumped 69:16 28:16:20:30:14:32:1 28:16,20 30:14 32:1 32:11 33:3 34:9,15 34:16,20,21,23,25 35:3 36:13,20 38:20 38:20 41:12 43:17 50:10 51:1 59:25 65:11 69:7 73:21,23 74:14 76:9 77:14,24 32-14 35-13 36-8 14:22 16:17 18:2,21 22:23,24 23:8 24:1 24:12,14 25:9 39:5 40:22 41:12 45:20,24 47:15,18 51:16 57:12 83:12,15 88:1 91:16 94:11 97:25 99:19 32:14 35:13 36:8 38:3,19 42:5 45:12 45:18 48:25 49:3 53:16 61:16 65:17 83:3 85:21 88:5,17 93:4,11 94:13,17 95:6,25 96:13 106:8 live 22:21 30:7 31:4 insurmountable 41:14 intended 51:6,6 intense 87:15 jumping 61:6 Juries 25:16 intentional 51:7.23 luror 8:10 104:9.11.14 64:10 64:10 interest 56:23 57:8 interesting 9:21 34:4 49:23 investigator 67:17 78:19 87:15 104-18 105-11 14 24 104:18 105:11,14,24 106:2,4,5,17,18,20 107:19,22,23,24 jurors 6:3 8:3,10 26:19 27:11,25 30:23 42:3 78:11.14 81:16 86:1 102:3 104:20 laws 15:3 24:8.10 78:11,14 81:16 86:1 86:21 88:16 97:1 98:2 100:15 105:8 knowing 93:22 knowledge 18:6 22:13 51:13 92:25 95:20 34:16 54:1.8.10 laws 15:3 24:8,10 lawyers 45:16 46:13 91:12 97:24 layer 83:23 lead 54:16 74:6 75-10 88-7 8 97-4 lived 5:23 19:22 65:21 investment 48:8.12 107:7 jury 1:17,17 2:14 3:2 68:2 living 54:22 69:2 located 78:4 long 34:17 37:23 49:9 54:10 76:9 80:22 81:1,17,24 82:8,10 involved 11:21 48:6 50-18 55-7 42:20.25 43:3.13 50:16 55:7 involvement 52:12 iota 51:11 leading 17:20 59:13 60:15,20 73:2 44:10.11.13.14.19.24 known 34:9 64:24 44:10,11,13,14,19,24 45:3,9 60:2 84:5 88:25 89:2,4,7 98:10 98:12 99:23 100:1,11 100:15 102:24 103:1 103:2,3,9 104:10 106:22 107:12 108:1 knows 10:10 28:1.2 knows 10:10 28:1,2 30:24 31:14 32:24 36:20 45:9 66:6 77:12 81:25 Kushoer 30:13,15 31: 31:7 32:8,16 33:23 34:1 37:25 53:20 54:12,20 87:18,25 Irabetta 5:12 leads 92:1 learned 15:12 irrelevance 15:3 issue 6:17 12:23 13:2 leave 10:7 19:18 65:13 82:21.22 83:3 82:21,22 83:3 longer 95:25 longest 54:21 Lonnie 1:7 3:10 6:3 11:25 18:18,24 19:9 19:10 20:8,10,16 21:2,5 22:20 23:12 leaves 65:2 left 10:13 31:25 33:5 42:15 64:24 88:12 94:17,20,22,23,24 15:6 18:14 20:6 22:18 23:10.13 25:7 25:25 26:20 21 30:1 ustice 38:12 42:16 20.23 20.20,21 30 30:2 2 46:5 6 6 10 47:19 83:16 30:2,2 46:5,6,6,10 47:24 50:24,24 53:23 55:11,19 58:3,8 issues 7:8 42:2 50:3 53:21 58:25 72:4 90:3.12.13 97:5 95:1.2.5 Kushner's 55:3 legal 47:20 101:1 let's 10:6,7,9,12,14 23:19 24:3 36:19 41:6,19,21 58:10 65:10,25 66:15 69:3 KAREN 108:17,25 keep 10:14 17:8 66:12 66:13 82:17 L 13-8 26:13 34:3 L 1:24 lack 55:18 ladies 3:20 4:17 5:9,18 6:1,15 7:6,23 8:18 9:2 10:1,13,23 11:12 60:14 72:17 74:10 80:12 98:12 102:24 105:13 108:9 evel 12:20 22:11 24:25 items 53:18 65:10,25 66:15 69:3 74:22 75:4 76:20,22 76:25 77:17 93:18 94:19 97:19 98:5 99:3,3,8 100:4,6,9,17 101:18 102:14 103:24,24 104:5 105:1 3 6 23 I.N.D.E.X 2-1 keeper 72:7 keeps 21:23 Kennedy 1: keeps 21:23 Kennedy 1:23 12:5 46:1 78:5,8 84:1,14 ~102:2,5,12,19,23 Kennedy's 12:11 kept 30:18 66:8,11,12 69:23 Lewis 60:7 73:9 80:3 liability 7:8 85:6 87:19 102:5 lanet 5:11 68:2 January 1:16 4:22 Jerry 14:2 12:14 19 13:5 14:13 14:16 16:5 17:12 24 14:16 16:5 17:12,24 18:8,15 19:6,20 21:5 21:13 22:5,15,17 23:7,21 24:5,15 25:1 25:15 26:1,10 27:5 27:10,19,23 28:6,23 29:19,21,25 31:10,13 31:23 32:17,23 33:2 liable 17:25 lie 58:4 105:1,3,6,23 jigsaw 59:7,23 89:18 look 8:24 10:21 20: lie 58:4 life 4:5 10:5 15:11,11 15:19 16:13 22:22 25:6,18 26:14,16,21 28:22 30:7 31:5 32:20 33:20 34:17,18 25:12 45:21,22 55:24 Bim 2:3 101:22 key 92:7 kids 10:24 19:23 20:11 20:17,18 24:7,9 59:25 66:3 94:24 Job 9:24 23:25 24:13 59:25 66:3 94:24 looked 6:19 7:3 32:12 52:12 71:10 74:21 77:15 79:20 88:14 97:15,18,18 looking 50:2 73:18 101:5 25.7 37.15 39.3 45.9 25:7 37:15 39:3 45:9 46:16 53:10 83:11 84:15 89:13,14 91:18 97:12,14,20 104:19 jobs 46:13 JOHN 1:23 31:20 61:6 62:15 67-24 68-15 22 74:1 31:23 32:17,23 33:2 33:7,14 34:5,19,24 35:7,12,16 36:13,18 36:24 37:14,18 38:4 38:11,17 39:6,10,24 40:15,21 41:2,22 42:13 45:2 51:10 57:3 79:24 80:19 67:24 68:13,22 74 75:17 76:7,15,21 77:4 79:15 kill 5:15 kind 57:25 63:19,20 35:14,19 38:1,6 39:4 39:7,8 40:24 41:14 42:12 51:9 52:1 ooks 70:14 53-18 24 54-2 4 17 53:18,24 54:2,4,17 55:6,23 56:1,9 57:24 88:2,7,8 89:25 90:11 90:14 94:5 96:2 97:4 LOPEZ 105:14.24 Joint 102:5 81:2 93:7 101:5 OPEZ 105:14,24 ord 31:14 84:22 oren 1:8 3:11 4:1 6:10 10:4 15:10,21 16:10 17:15 19:25 22:4 25:8,13,23 26:15 IR 1:7 kinds 54:21 57:3 79:24 80:19 dge 1:1 3:6 5:5 7:15 7:25 8:5 15:4 37:14 Kinko's 16:9 kissed 21:11 79:18 83:1 lifts 62:21 7:25 8:5 15:4 37:14 37:15 41:19,19 42:10 43:1,17 45:20 47:16 ambeben 74:25 75:7.9 knew 9:18 11:11.15.15 75:23 76:24 liked 20:16 ambcheps 77:3 anding 60:8 likelihood 54:13.13 29:5 30:7 31:1 32: 32:14,21 33:22,25 line 74:12 69:22 71:1,24,25 91:16 98:15 107:16

ESOUIRE DEPOSITION SERVICES (954) 331-4400

Page 7

	34:20,22 35:20,23
	37:15,15,23 38:15
	39:22,24 40:17 42:11
	42:14 45:12 54:1
	55:14 58:11,23 60:7
	73:3 77:11 80:17
	81:12,17,24 85:21
	89:16 91:8 94:5
	96:22 98:5,24 99:10
	100:18 101:17
	102:17 103:19 104:6
	Lorenzo 30:25 31:4
	33:19.22
	Loren's 18:25 24:25
	31:20 35:3 42:17
	54:17 57:23 64:12
	65:4 84:24
	Lorri 1:7 3:11 6:4 12:1
	41:5,6,21 65:25
	66:15 68:9,11 75:16
	76:3 81:20 96:20
	97:19 98:4
	losing 29:9
	loss 35:18 41:6 57:15
	90:10
	losses 51:3
	lost 35:15,15 36:3
	37:13,25 57:10,24
	90:14
16.75%	
	let 13:10 15:12 29:4
	39:10 47:10,23,25
	52:25 65:24 73:13
	lots 72:5
	love 40:3,13 41:7 46:4
	46:5
	Lower 33:9
	Lucy 31:19
	lunches 44:23
	lying 93:8
	M
	M 1:15
	machine 70:2
	mad 15:20
	Madison 65:22 73:23
	main 53:22
	maintain 6:15 58:7,14
i	58:14 60:22
	maintained 4:16 5:1
	maintenance 16:19
	39:14
	Major 98:20 103:11

104:14,18 105:11 106:2,5,17 107:19,22 taking 44:6 98:14

man 15:19 30:20 31:24

33:2,5,20 40:7 60:

101:25 male 33:21

88:3

egligence 4:4 5:9 7:0 7:10 8:8 9:3 10:15 12:23 19:11 20:8 23:5,11,22 36:19 35:5 37:22 38:2,4,10 38:13 42:9 75:25 79:17 80:24 82:6.8.9 87-16 21 25 83:3 82:16,21,25 83:5 84:8 93:21,21 94:14 94:16 misteading 43:10 misstating 19:3 miss-remember 81:5 37:3 47:24 51:8.24 52-9 64-6 16 25 65:3 65:10 87:22.23 91:5 65:10 87:22,23 91:5 92:1,9 93:2,3 99:2 100:4,9,16 101:18 102:14 103:23 105:1 remembering 105:6,22 negligent 7:18 16:6 18:19 19:12 23:13,14 72:5 nistake 34:8 mistrial 43 6.15 24-3 36-15 91-24.25 91:25 92:10,11 99:4 nom 40:12 100:6 103:25 105:3 legligently 4:3,16,25 58:11 mom 40:12 moment's 27:2 mommy 40:13 money 7:21 9:21 29:5,5 39:11 40:21 43:8 77:14,15 r 66:5,21 77:13 onth 9:16.17 15:11 neighborhood 11:9 neighbors 11:7 20:19 21:14 22:7 71:22 94:21 15:21 16:1 17:21 15:21 16:1 17:21 21:24 nonths 5:2 6:19 10:7 10:10 11:3 14:14 22:6 25:4 30:17,19 30:21 31:5,8 32:5 94:21 neither 80:13 Nettleton 1:24 2:10 19:2 43:1,5 44:15,17 45:1,3 82:24 83:1 35:16 36:8,9 38:22 39:2 60:20 64:8 69:1 93:5 95:22 84:15 86:1,13 87:9 87:20 89:20 90:6,19 93:5 95:22 morning 3:7 6:17 45:2 76:19 81:19 96:6,7,9 106:13 mortality 55:22 mother 96:14,17 motion 43:1,24 44:2 MOTIONS 1:17 move 43:5 77:17 94:14 101:4.22.24 94:14 101:4,22,24 102:10,18,21 107:17 108:8 neurologist 55:10 neurology 30:19 never 5:23 6:8,8,20 7:18,22,23 8:6,6 10:4 moving 27:12 multiple 70:19,23 16:13.17.21 21:25 22:8 23:6 34:1 35:3 40:1,1,4,7,11 45:14 nusic 40:5 62:5 5 6 63:13.19 62:5,5,6 63:13,19 67:25 68:8 69:20 76:25 79:14 86:21 88:1 92:23,24,24 93:1 94:5 95:9 96:20 96:22,24 97:1 раше 30:13 45:3 73:22 named 21:3 Nancy 5:13 20:5 66:20 66:20 67:7,20 73:25 74:24 75:3,7,9,16,18 76:10 77:20.21.21.24 new 3:15 natural 1:8 nature 72:2 news 79:20 sext-door 6 nature 72:2 necessary 44:3,8 need 19:24 23:21 43:5 56:2,9 57:5 58:25 next-door 00:3 nice 19:17 84:15 Nicholas 74:20 79:19 79:20 night 12:7,9 59:4 78:3 59:1.10 70:11 73:4 nine 14:14 22:4 96:9 78:22 85:7 93:9.10 93:12 96:4 97:6.8 105:20 noise 94:22 needed 48:16 50:5 52:15,21 78:16 noncompliant 50:9 omic 35:12 needs 28:9

ormal 30:7 31:5 54:2 55:6,23 59:23 65:13 97:4 Notary 108:18 note 3:15 37:10 98:18 103:4.10 103:4,10 inted:74:21 79:21 otes 67:13 98:14.16 103-3 108-21 ice 18:6 27:2 80:11 tices 80:17 totwithstanding 64:8 68:18 82:19 number 8:2 13:8 16:7 26:11 28:14 29:23 31:14 35:10 36:24 31:14 35:10 36:24 41:9,17 43:23,25 66:22 77:18 83:22 95:21 103:16,16 umbers 28:20 29:12 29:21 34:7 50:4 52:22 56:21 57:6.18 58:1 rous 63:12 93:4 ō oath 31:3 88:21 objected 44:1 objection 19:2 44:6,7 101:14,23,25 objectively 45:23 obvious 7:1 8:16 62:19 obviously 8:17 29:8 49:15 61:19 80:11,24 107:12 occasions 66:23,24 70:25 occur 82:15,18 occurred 21:12 58:5 64:14 72:3 75:22 81:4.9 necurring 17:8 75:13 occurs 20:13 officers 52:4 officials 48:22 oh 9:22 82:8 okay 41:20 42:20,21 43:2 44:14,25 84:6 98:12 99:23 102:24 103:2,3 104:12,23 105:13 106:3 107:18 108:9 1d 3:21 4:8 11:6 17:19 18:10 21:24 33:19 42:15 63:10 64:4 72:24 73:10 74:7 82:22 older 20:18 61:5 ouce 14.17 83.21

nes 105:16 ne-on-one 74:9 pen 10:7 21:24 22:1,4 61:8 62:16 63:14,17 64:22 65:24 68:3 70:24 71:15 73:11 opened 21:10 73:4 opening 4:2 12:6 19:6 24:17 25:15 46:1 78-3 78:3 opens 62:13 opinion 31:15 32:2 33:20 107:3 opinions 31:14 opportunities 93:10 opportunity 101:13 opposed 84:20 optimal 30:7 31:4 optimat 30:7 31:4 options 106:21 orally 92:24 order 3:15 8:13 51:17 58:24 103:4 Ordinance 13:13 original 57:9 other's 19:23 107:2 outset 8:20 utelda 6:20 22 11:23 11-23 25 12-1 2 20:20,25 21:1,4 42:24 43:3 73:2,13 78:7 83:9 91:19,19 98:10 overheard 69:25 Overruled 19:4 werwhenn wned 48:2 owned 48:2 owner 14:22 67:10 owners 16:20 ownership 14:24 oxygen 36:3 o'clock 1:17 75:14 98:11 106:8 108:2 padlock 16:9 padlocked 7:20 pads 3:15 37:10 page 2:7 100:1 103:17 104:23 paid 6:1 28:17.17 31:22 88:3.8 pain 35:17 37:19,20,23 pales 40:22 paralyzed 24:22

parent 23:20 58:10,19

65:5 parental 83:23 parents 1:8 8:24 41:15 46:3,9 73:23,24 88:6 photograph 95:19 photographs 85:17,18 physiatrist 55:7 90:24,25 98:24 physical 32:3 Picasso 39:17 103:20 parking 73:13 Parks 1:21 part 56:10 58:18 64:16 icked 80.7 sicked 89:7 sicture 4:6,7 17:13,13 23:15 30:24 35:20 59:12,15,18,24 60:4 66:2 70:13 71:12 65:10 89:12 95:10,22 95:24 95:24 participated 52:8 particular 72:21 100:12 parties 43:4 98:1 party 96:25 passage 98:21 103:12 passed 11:21 12:4 pictures 4:9 5:20 8:12 13:19 59:9,18 61:10 ce 60:12 72:15 74:17 75:12 74:17 75:12 sleced 59:5 sleces 59:8,8,19,20 60:1,4 66:2 70:12 78:17 79:25 assions 43:12 Pinero 5:11,12 12: nationt 54:22 15:10.17.18.23 21:2 15:10,17,18,23 21:2 60:5 68:2,25 69:15 69:25 70:7,9 93:7 Pineros 6:18 20:5 69:11,21 place 30:16 60:22 69:24 71:7 93:20 aul 1:24 5:13 45:3 71:7 paused 82:24 paying 3:17 pays 6:10 pediatric 55:7 pediatric 55:7 people 10:10 14:2,17 : 21:4 24:21,22 42:16 47:17 48:25 52:6,6 52:22 53:13 54:7,9,9 63:13 73:21,22 76:5 78:15,25 79:4,12 80:22 81:5,5 82:7 84:15 92:23 94:3,21 Plaintiffs 1:9,22 2:4 12:23 50:19 51:3 53:12 73:16 78:18 106-15 planner 28:22 plate 77:6 79:17 rcent 18:19 24.25 19:12 20:8 22:20 23:21 27:21,21,21 platform 80:7 23:21 27:21,21,21 *28:5,25 37:1 56:24 57:1 82:18 91:7 98:23 99:8,9 103:1 104:4,5 105:18 38:8 76:5 77:4 played 20:14 73:7 playing 20:11,18 22:6 22:12 35:23 68:15,1 103:19 percentage 18:20 91:5 91:6 100:8 105:5.17 72:25 77:4 95:12 96:17 105:21 90:17 playmates 96:25 plays 39:19 43:12 entages 18:18 ercenta 92:14 92:14 perfect 9:5 period 56:4 94:19 permanently 6:9 7:19 permitting 17:10 person 7:12 20:3 32:4 oleas 71:5 oleasant 54:18 leasant 54:18 lease 3:7 14:7 19:25 36:16 38:10 88:13 97:23 98:21 103:12 65:20 74:7 81:10 lumbing 9:24 67:3 86:12 Plus 22:0 nality 42:6 personalty 42:0 personally 51:23 personal 45:17 Peterson 30:25 3. 46:22 49:25 50:1 55:12 56:18 60:6 67:19 76:20 101:6,12 phone 12:10 19:24,25

Plaintiff's 53:25 71:14 78:18 lan 26:14,16 27:1,3,5 27:8,13,15 29:2 53:18,19 89:25 lev 18:11 20:11 21:19 21-19 20 21 22 30-12 103:1 7.19 point 35:14 43:6 46:21 103:9 nrisoner 25:1 probable 56%

pointed 48:11 54:5 points 4:21 55:13 pole 6:24 63:5 67:5.13 9:12.13.23.25 64.2 66.10 69. 59:17 61:1 63:9 64:9 64:12 65:24 66:6 67:3 74:4 101:7 police 7:4 85:17 pool 4:17.25 5:18 6:15 wed 4:17,25 5:18 6:15 9:17 10:25 13:13 14:15,15,18,24 15:8 16:4 17:11,23 19:13 24:5,8 35:22 36:1 37:21 38:18 48:18 49:17,24 50:2,4 60:7 60:9 61:3,4,9 65:12 65:16 67:5 68:1,3,3 88:13 21 60:5 71:8 procedures 16:18 nenceed 3.5 roceedings 1:14 3:1 42:24 44:12 98:9 102:25 108:20,22 rofessional 48:15,20 52:13 68:13,21 69:5 71:8 promoting 71:18 proof 4:18 8:18 12:22 72:17 74:5 80:7.14 80:18.22.24 81:1 13:1 20:6 25:24 95:14 pools 10:11,12 14:4,5,9 porkchop 75:5 portion 104:22 posed 6:14 13:1 20:6 25:24 property 62:2 property 46:8 48:7,11 48:14,15,20,21,23 49:7,13,16 50:13,16 52:13,13,17 53:15 position 61:22,23 102:8 ssible 71:12 58:16 61:2 63:25 66:25 81:17 83:7, ossibly 44:5 98:2 post 16:2 62:19,20 protect 58:22 65:6,7,8 post 16.2 62.19, power 25:14 powerful 25:17 rotection 83:23 protection 83:23 prove 4:19,23 proven 8:8 26:2 proves 14:16,19,23 public 71:18 108:18 pulled 60:7 61:13 practice 30:19 practiced 88:1 preceding 47:8 precipitated 104:12,13 prejudice 43:12 premises 58:7 preponderance 4:1 12:24 25:24 26:3 pulling 61:7 punish 51:6,7 mitive 12:20 13:2,7 16:6 17:25 50:21 31:17 prerogative 83:19 51-5 18 87:21 92:2 purchase 49:12 53:14 purchased 48:21 52:17 esence 3:2 42:25 43:3 44:13 98:10 push 73:12 put 3:20 13:11 16:8 resent 37:8.13 43:4 presented 4... 65:19 82:12 -Ny 1 20:8 21:10 22:20 23:15 26:12 41:17 05:19 62:12 presumably 14:15 79:6 presume 27:25 pretty 43:22 75:10 45:22 59:10 60:1 43:22 39:10 60:1 64:11 74:11,12,14 79:17 83:12 89:23 90:16,23 91:6 95:4 96:12 97:22 105:16 77:20 prevent 16:14 24:6 putting 59:17 66:1,2 revented 4:15 6:6 72:14 puzzle 59:7,8,19,20,23 66:2 70:12 72:15 previous 67:10 previous 67:10 pre-purchase 49:8 principal 56:16 principle 47:20 prior 14:22 69:2,15 66:2 70:12 72:15 74:11,14 75:12 78:17 79:25 87:1,2,2,3 89:18 95:17,17,18,18 95:23,24 96:4,5 P.A 1:21,24 p.m 47:5,5 59:16 75:10

ESOURE DEPOSITION SERVICES (954) 331-4400

ESOURF DEPOSITION SERVICES (954) 331-4400

robably 51.1 55:2

98:11 108:2

reach 98:4 100:21

100:11 104:21

ready 98:13 real 48:11 59:11 reality 52:6 54:19

73:22 really 31:7 32:9 50:23

86:1 101:16 106:24

reason 3:14 10:6 11:5 14:24 15:19 17:7,7 27:24 62:17 67:5

reasonable 7:10.11 13:4 23:20 33:25

61:21 69:18 82:4

73:22

end 7:16 55:20 68:10

76:19 77:10.22 89:24

53:19 57:4 58:8.15 74-7 83-9 asonably 7:12 58:15 60:22 65:1 60:22 65:11 reasons 18:15 32:19 rebut 28:20 recall 54:3 56:19 61:10 66:23 68:25 73:6 eceive 26:6 99:10 104.7 104:7 received 59:19 86:21 98:18 103:10 recess 42:23 108:4,9 rent 0-15 recipes 67:21 reckless 17:1 recklessly 4:3 recognize 71:20 72:1 103-10 recognized 55:15 recognizing 71:23 recollection 66:17 95:13 and 55-15 65-23 recommendation 39:1 recommended 38:24 reconvened 43:2 record 108:21 record 108:21 recoverable 102:15 recross 31:25 reduce 32:20 91:7,7 100:7 105:4 reduced 18:25 101:17 105:21 eduction 99:2.6 100:3 103:23 104:2,25 Reeve 24:23 referenced 55:22 referring 103:14 reflects 102:3 refrigerators 9:15 regard 46:9 49:19 57:21 66:4 72:20 74:5 85:6 89:25 103:23 104:2.25 94:14 94:14 regarding 25:23 regardiess 26:20 28:4 register 67:12 Registered 108:17 regular 88:7,8 Rehabilitation 55:9 RICE 106:18 107:23 Richard 5:12 Richard 5:12 right 9:12 15:24 17:20 19:16 34:21 36:11 39:18 49:23 53:4,17 68:2,12,15,16,21 69:4,5 70:8 72:14 73:13 75:10,19 77:12 related 69:9 Relax 103:5 relving 83:6 95:6.8 retying 83:5 95:6,8 remain 17:10 remember 4:22 8:15 10:17 11:22,24 12:2 12:5,8,22 13:23,25 14:6 15:22 20:25 rings 19:24 risk 29:9 54:23 71:16 71:23 risks 74:5 RMR 108:25 21:18 56:5,21 67:1,4 67:15,19 69:24 75:3

76:24 78:21.24 80:3

tragedy 4:9,14 22:16 25:21

81:6 82:11 86:6,7,11 88:13.13.16 89:6,8 road 39:18 roads 73:14 Rob 60:6 73:9 80:3,5 embered 67:2.2 robbed 40:9 42:11 remembered 67:2,2 remind 83:21 89:17,19 97:20 reminded 11:4 Renec 5:12 Renec's 71:8 Roberto 48:2 84:2 noll 32-8 rolling 32:6 Romina 48:2 84:2 88:17 room 3:25 7:15 41:23 renowned 28:11 44:24 60:2,10 61:9 70:8 106:15 repeated 4:4 repeatedly 68:5 rowdy 74:1 repeatedly 68:5 report 13:24 14:14 49:7,24 52:14 108:19 Reporter 108:17 rule 43:18 reports 49:4 requires 10:3 45:21 57:13 61:18 83:13 equiring 13:13 runs 11:6

97:13

residents 16:3 respiratory 32:3 respond 15:7 responded 67:14 responded 67:14 response 43:16 83:6 responsibility 3:23,24 46:7,7,8 50:12,16,25 58-4 4 60:21 72:18 83:18.20.24 97:8 50:16 58:14 71:5 esponsible 5:6 8:1 13:7 14:20,21 46:11 58:6,10 64:12 83:17 104:4,5 responsibly 17:9 rest 22:22 25:5,18 38:5 39:7 96:1 97:6 Restroom 42:21 result 98:25 103:20 result 98:25 103:20 return 81:2 returned 44:14 103:2 reward 33:9,10 Ricardo 11:25 15:10 15:17,18,23 21:2

rule 43:18 ruled 88:11 run 16:9,11 53:2 61:9 67:24 81:21 running 36:11 68:22 72:25 81:17 82:23 95:11 S 108:17,25 safe 17:6 58:8,15 60:23 95:15 safety 10:19,22 11:12 11:15.15 17:4 50:12 82:12 Sam 65:23 73:7 80:4 Sanchez 65:23 73:8 80:4 sat 96:13 save 98:2 saved 15:10,11,19 93:6 savior 52:20 saw 11:18 15:18 21:2 saw 11:18 15:18 21:2 30:24 57:6 60:6 63:3 63:13 64:3 68:3 69:3 75:4,20 76:5,11,25 77:1,11,13 saying 11:15 21:23 55:15 78:23 89:21 93:8 102:20 says 55: 13:9 16:21 20:24 55:23 66:4 69:16.20 74:20.24 75:9 76:18 77:12 78:20 79:16 103:7.12 78:20 79:16 103: scales 12:25 20:7 scene 7:5 school 16:10 75:17 96:24 97:2 score 35:2 screaming 21:12 creen 67:4 seat 103-5

Page 9 95:24 103:10 ecure 5:19 63:7 83:8,8 ecured 13:14 64:15,18 95:11,14,14 securely 5:19 53:4 74:24 80:6,25

security 83:6,7 see 23:4 24:23 34:1,22 53:4 74:24 80:6,25 99:22 100:12 seeing 66:22 75:16 seek 18:8,9 22:9,15 seeking 50:19 seen 4:20 13:19 24:21 32:6.7 34:7 38:7 61:11 88:1

61:11 88:1 seesaw 12:24 self-closing 13:14 61:18,20 62:4,11,25 self-latching 13:14 61:19,20 62:4,11,22 self-locking 13:9 send 107:3 sense 15:6 47:14 51:24 55:1 57:6,16 72:16 sent 92:24 sent 92:24 sequence 75:15 serious 18:14 71:16,21 71:23 89:3 served 78:13 set 62-13 set 02.13

settlement 99:11 104:8 seven 5:10 97:10 severely 31:119 54:16 sewage 15:16 shoes 17:15 short 32:18 83: shortened 54:16 shortly 12:3 39:18 shot 33:14 shot 33:14 shoved 61:14 show 14:13 17:14 26:9 59:21 67:16

shows 95:19 shrugged 14:10 shut 63:19 sbut 63:19 sty 42:5 105:13 sick 54:8 side 4:6 23:18 31:18 42:1 65:21,22 66:21 72:22 73:23,24 90:19 sides 74:15 84:13 sift 58:25 83:13

sight 82:16 sign 78:20

42:22 99:22 107:24

ve're 3:8 8:25 10:3 16:12 22:2 29:12

43:2 50:13 51:16

61:17 72:18 84:3

91:23

wholly 26:1,2 wide 63:17 68:3

95:17 101:5 102:10 103:7 104:16 106:20 We've 43:2 45:12

wife 21:11 70:2 79:18

wife 21:11 70:2 79:18 win 32:16,17 wish 25:20 witness 3:18 6:2,5,5 19:21 20:21 30:10,12 32:12 33:3 54:3 84:20 86:2,5,24 88:17 90:2 91:15

vitnesses 7:3 60:25

63-18 72-13 86:13.23

63:18 72:13 86:13,23 95:4 96:11 woman 40:19 wonderful 40:7 88:6 word 3:18 87:9,11,12 87:12,15 89:8 92:7,8 words 5:7,7 8:25 12:11 18:7 40:12 52:5 64:5

rk 12:11.12 20:22

74:8 92:8

soever 87:3 90:15

65:21 22 73:23 24

spite 9:6 poken 45:4 guare 81:3 se 1:1 10X:14

stairs 21:9 72:22 77:7 80·10 13 80:10,13 stairway 60:9 stand 3:18 5:4 19:9,22 22:21 29:20 47:17 49:6 50:15 67:8,16 78:6 84:20 88:14 91:15 95:4 108:3,9

standard 11-8 13-3 standard 11:8 13:3 21:15 23:7 57:25 standards 22:25 23:1 itanding 17:22 70:4,9 itands 40:6 stands 40:0 standstill 99:15,16 100:20 103:8 104:17 start 30:14 35:19 42:22

74-15 106:13 74:15 106:13 started 4:23 21:11 starting 14:21 63:18 starts 46:16 state 1;1 36:17 40:20 40:22 108:13 stated 53:22 73:17 statement 4:2 12:6 19:6 24:18 25:15

slipping 10:25 snatched 42:12 43-10-46-2-67-17 body 16:24 28:17 78:20,23 103:15 statements 78:4 States 20:13 39:8 72:6 omewhat 49:9 63:15 statistics 54:5 stay 42:2 61:8 62:16 104:18 n 48:9 63:10 64:4 staying 96:8 steel 22:4 85:6 88:15 89:22

signed 98:16,19 103:11 signs 55:16 simple 4:17 6:16 7:9 12:17 25:11

simply 3:20 25:19 57:19 67:13 79:9

91:25 singing 96:16 single 26:16 65:20 75:7 81:10 92:17 sir 35:6 99:24 103:6 sit 46:16 68:11 84:11

site 53:14 sitting 48:4 59:4 62:19 68:20 75:22 86:6

89:9 96:6,10 tuation 24:11 54:11

situation 24:11 34:1 situations 24:12 six 7:2 30:17,19,21 31:5,8 54:22 96:14 101:10 106:15,16

slide 17:10,15,17,18,20

23:17 35:24

-

91-25

site 53:14

90:16 97:2 98:7 son-in-law 48:8 Sorgente 48:3 sorry 8:25 32:7,9 42:21 sound 82:9,21 sounds 47:20 90-16 97-2 98-7 108:19 step 100:13 steps 16:14 58:7,15 73:14 76:8 80:15,16 ottpulated 28:23,24 Southern 28:1 so-called 48:1 stipulation 29:6 90:8 stood 47:22 span 94:2 eak 46:14 106:25 ston 17:7 93:10 94:4

pea. 107:1 106.12 stopped 95:9 storage 70:8 story 70:1 speaks 28:11 special 40:2 specialist 17:4 specialists 14:3 straight 62:20 specialty 55:7 straighten 6:24 63:4 Street 1:11 5:4 13:11 mecific 57:25 66:17 ecifically 63:6 16:2 17:9 23:2.16 101:13

65:21,22 73:23,24 91:24 92:10 99:8 104:4 strike 38:14 strong 41:23 42:1,7 struggle 36:7 38:23 41:15,16 speculation 57:12,20 spend 7:21 spending 45:5 spent 34:5 studying 35:1 stuff 63:20 85:23

takes 77:6,7 80:15 talk 9:1,2 11:9 13:22 26:13 28:10 29:25 ubmit 7:9 20:12 51:10 52:2.10 53:3 63:23 64:6.10 91:21 92:15 94-7 12 96:3 34:3 37:18 48:24 94:7,12 90:3 ubpoena 78:13 uccessful 6:25 uddenly 30:17 80:21 uffered 45:13 96:1 talked 13:10 25:15 suffering 35:17 37:19 37:20,23 41:13,13 nfficient 56:14 ufficient 56:14 uggest 22:19 40:25 46:3 55:1 57:18 59:9 60:5 62:8 66:1 70:13 70:16 71:2,4,13,21 71:24 72:5,9,10 74:6 74:16 79:24 81:14 66:17 69:10 70:7 83-77 80-8 83:22 89:8 alking 15:17 22:2 29:12 30:11,18 34 37:12 54:23 61:17 82:1.4 83:9 uggested 35:7 46:2 56:3.12 talks 86:13 tape 7:5 32:12 50:3,12 suggesting 50:14 suggestion 43:7 suggests 80:19 101:5 summer 10:7,9

supervise 58:12,20 65:6 supervised 24:9 74:9 supervision 16:19 upport 43:11 51:11 52:2 supports 18:1 30:6 43:20

supposed 12:13 89:1,2 stenographic 108:21 stenographically 108:19 supposedly 68:18 sure 8:9 12:8 16:15 45:17 70:6 84:14

96:4 surgery 28:9 sustained 98:25 103:20 sweet 4:8 38:23 42:14 swing 62:14 swinging 61:7 swore 31:7 sworn 11:2 18:1 30:21 31:3 78:20,23 86:9 88-21

sympathy 45:18 83:12 system 54:14 T 108:12,12 tables 39:8 54:5 55:22 tag 72:25 take 16:14-21:6-28:19

test 35:2 testified 7:2 9:22 11:1 22:21 31:3 49:21 63:6 64:2 66:7 9 21 60:25 71:7 74:23 35:22 36:1 38:18 40:14 41:10,11 49:15 58:7,14 69:24 73:11 85:16 92:16 taken 1:14 11:3 37:21 42:11,23 67:18 69:25 71:7 74:23 75:3,18 76:1 77:25 77:25 80:6 81:11 86:10 testify 50:3 54:20 60:6 67:16 78:9 85:3

40:2

tenant 15:7

66:10

errace 77:2

86:17,25 87:6 88:4,9 stimony 6:17 10:8,9 14:1,7 17:1,3 20:17 20:19 30:21 31:11 50:22 53:16 60:14 61:24,24 65:16 74:10 78:12,15 80:17 84:8 32-10 48-6 40-6 8 32:19 48:6 49:6,8 55:3,5 57:11 60:12 60:16 61:4 62:1 63:12,15,22,22,25 64:20,21 65:19 66:14 67:25 68:5,10,17,24 68:25 69:7,9,11 70:12 72:13 73:6,25 27:17 28:6,12 29:3 37:20 54:4.12 66:15 68:25 69:7,9,11
70:12 72:13 73:6,25
74:3 75:16 76:11,19
76:25 77:10,22 79:8
79:22 80:3,20,23
81:8,16,19 82:1 86:9
88:21 89:24 92:3,19
Texas 39:19
Texas 39:19
Texas 39:19
42:19 44:17 45:1,7
83:25 84:1,422 87:6
87:7 89:13 97:21,21
98:6 103:6 107:19
thanking 45:5
Thanke 98:7
therapeutic 28:8
therapist 32:3,4
therapy 55:8
Thibatt 5:13
thing 8:22,22 9:9 14:16 67:2,4 72:18 87:1 94:23 95:17 96:16 tape 7:5 32:12 tearing 74:2 tell 5:21 6:3,4,9 8:20 12:15 14:8 16:25 18:13,22 19:8,18 22:17 27:14,23 31:8 33:24 34:19 35:1 39:9 21 41:12 44:18 55-2 68-22 78-11 55:2 68:22 78:11 81:16 86:3 87:25 88:5 91:11 95:18 97:9 105:9 106:23 Thibalt 5:13 thing 8:22,22 9:9 14:16 14:17,23 19:8 22:17 29:18 31:16 33:24 34:21,25 36:2 37:24 49:19 53:5 55:2 56:18 75:15 86:21 107:7,20 telling 17:12 67:2 tells 16:21.21 17:16 89:19 91:14 100:11 40:2 temporarily 6:23 temporary 52:20 ten 21:24 22:6 27:21 32:21 33:16 56:4 57:8 86:8 91:7 105:15,17 107:12 107:12 things 4:24 22:18 24:24 27:3 28:6 29:1 31:6 27:3 28:6 29:1 31:6 48:16 50:6 51:19 52:15 54:16,23 69:14 92:6 107:2,8 think 8:15 9:5 18:20 19:3 27:11,20 28:24 29:23 30:3,9,23 34:4 tenants 5:11 9:4,6,11 35:19.20.25 36:2.5.7 term 11:19 terms 46:8 53:5,7,9 56:9 37:1 38:18,19,21 39:25 40:19 43:14,21 46:17,21 53:11 55:11 55:17 56:7 57:5,17 60:4,10,24 70:17 71:6 75:12 76:17 78:21 79:8 81:25 82:7,13,22 85:8,12 96:6,19 98:2 100:15 37:1 38:18.19.21 101:9.12 102:2 thinking 96:10

ESOURE DEPOSITION SERVICES (954) 331-4400

Page 11

66:14 78:15 housand 23:21 thousands 62:9,10 three 11:3 17:19 36:24 40:11 54:24 63:10 64:4 69:6 73:22 79:4 79-5 80-15 88-4 90:19.20 93:21 94:15 90:19,20 93:21 94:1: 103:16 105:24 three-and-a-half 11:6 throw 81:14

throwing 34:23 Thursday 1:16 96:7 tied 92:8 till 9:20 10:6,9 23:6 134:17 14 time 8:4 11:22,24 12:3 20:25 21:20 24:10 29:24 31:15,16 32:22 34:5,16 35:1,15

36:11 40:2,3,17 42:19 44:1.15.20 45:6 46:15 48:17 53-14 55-15 56-17 58:12 63:16 67:24 68:4 71:22 72:12 74:12,18,19,21 75:4 77:14 78:2,5,7 79:4 80:2,18 81:15,23 82:8 83:4,25 85:10

92:21 94:19 95:12.15 97:21,22 106:11 timely 44:1 times 5:7 10:18 32:7 48:23 67:21 69:4,6,6 70:19,23 77:18 81:6 85:24 86:8 93:4 95:3 timing 81:8 tip 12:25 20:7 today 3:24 16:10 25:4

toddler 17:10 told 4:2.23 6:20 11:21 old 4:2,23 6:20 11:21 12:5 15:20,21,23,25 16:24 17:21 19:23 21:17,18 23:24 24:17 46:1 47:22 48:16 63:2 69:21 76:13 92:24 92:24 top 14:3 59:24 105:16 total 90:20 98:23 100:2 103:18 104:24 totally 5:8 30:21 37:25 39:3 touching 56:16

touchy 30:3

track 82:17

53:22 97:17

tough 45:10,10 46:17

25:21 tragic 58:5 71:15 72:3 81:4 transcript 108:20 trapped 25:2 travesty 32:18 treacherous 72:24 treacherous 72:24 treat 33:24 treating 31:20,21 treats 31:19 54:21 tremendous 36:7 trial 1:17 47:11,13 52:25 55:13 61:11 63:18 79:3 81:11 tried 9:7 10:16 13:22 tried 9:7 10:16 13:22 16:16 51:25 74:12 78:8 85:13 86:20 88:15 107:11 Tropi-Sun 48:13 troubling 65:18 true 42:17 43:11 45:24 59:21 60:11,13 83:14 90:7,7 108:21 90:7,7 108:21 truly 30:20 truth 31:8 try 20:22,23 78:16 80:1 88:16 90:23 99:18 1 107:4 trying 9:2 12:10 15:5 23:12 59:4 69:23 85:24 91:2 102:7 Tuesday 4:22 78:3 96:6 96.7 90:7 turn 24:15 50:23 58:3 73:11 turned 21:5 turning 80:16 turns 40:6 80:13 TV 24:23 twelve 28:5 twice 31:15 wo 3:8.13 4:8.20 8:25 wo 3:8,13 4:8,20 8:25 14:2 20:1 21:23 22:5 22:18 23:14 26:25 31:6 32:19 33:4 34:21 35:11 40:16 41:5 43:25 47:3 48:4 50:19 51:19 55:13 59:9,17 67:18 69:6 72:22,24 73:10,22

74-7 78-25 80:15.15

74: 7 78:25 80:13,1 80:23 82:22 84:18 87:5 91:15,22 92:4 93:5 95:2 96:13 103:3,17 107:8

wo-and-a-half 54:2/

type 51:12 60:3 73:18 types 50:19

Tyke 17:19

11 unbelievable 3:12 unbelievably 85:5 uncomfortable 83-2 underscores 55:18 understand 33:7 92:5, 99:17,20 100:20 understandable 45:19 81:7 understood 71:14 undisputed 28:7,9 29:21 37:6 49:2 74:2 nfortunately 54:10.18 unfortunately 54:10,1 United 20:13 39:8 units 86:15 unknown 73:15 unqualified 88:11,12 unrebutted 26:15 unsafe 15:9 16:4 unsupervised 81:18.22

68:25 93:6

80:7 89:10 93:24.25

ESQUIRE DEPOSITION SERVICES (954) 331-4400

95-19 105-25

stairs 21:7 80:6 upstairs 21:7 80:0 81:13 93:21 94:20 use 5:6 7:10,12 10:11 10:11 57:5,16,20 58:1 82:6 84:24 uses 56:21,23

validity 57:11 86:19 value 37:8,13 vandalism 9:1 61:2 85:23 86:19 various 48:23 76:5 ventilator 36:6 veracity 70:11 verdict 12:19 17:25 18:17 25:23 26:7,12 18:17 25:23 26:7,12 36:10,12 57:13 98:4 99:16 100:5,17,21 101:6,8,9,11 103:15 105:2 107:5,7,8,10 verdict's 47:23 video 32:6 38:9 ideo 32:6 38:9 videotape 73:7 views 81:20 views 81:20 village 93:20 94:22 visiting 65:22,23 vocation 55:8 voir 23:24 34:9 89:7 97:9 voluntarily 78:9 vs 1:10

Wagner 67:10 wait 9:20,20 10:6,9,12 102:13

ESOURE DEPOSITION SERVICES (954) 331-4400

W 1:7

waiting 10:15 waived 44: walk 75:20 95:25 walked 21:9,9 33:4 72:12 76:6,8 wander 72:21 vant 3:9 7:21 13:21 18:11 12:22 19:1.6 24-15 29-19 25 37-18 45-4 7 40-3 50-23 45:4,7 49:3 50:23 56:8 61:23 65:16 73:2 83:2 92:5,6 106:10,12,14 107:23 anted 11:10 15:15 48:7 71:8 74:25 wants 55:4 100:15 vara 22:11.14 varmed 5:10,14,14,24 92:23 93:4 varning 16:8 varnings 4:4 16:3 18: 23:17 86:21 93:9,13 washing 70:2 79:9 wasn't 6:24 10:19 62:3 64:21 70:6.20 78:1 79:9 85:3,15 87:11 87-16 17

econd 36:23 50:21 61:24 72:18 80:16

87:16,17 watch 19:23,25 58:12 58:20 65:5,15 77:15 79:15 95:6 watches 20:3 watching 67:24 72:19 77:19 79:1,6,10 work 12:11,12 20:22 34:18 52:19 74:13 80:2 87:13,13 working 8:13 48:10 63:13 works 56:17 world 10:10 29:18 30:9 34:22 40:12 42:17 world 73:5 87:21 81:12 83:4 ster 17:20 35:25 36:4 vay 15:1 25:3,4 31:9 31:10 33:19 34:10 44:5,19 62:22 63:7,9 73:3 75:20 102:16 worst 41:2 wouldn't 9:23 61:14 106:8,9 Wednesday 96:7 week 38:2 69:6 79:3 weekend 78:19

78:12,15 write 104:16 writing 103:11 wrong 31:9 49:18 84:18 wrongdoing 51:7 wrote 8:15 87:9 weeks 3:8.13 4:20 26:25 47:8 48:4 54:22 59:13 67:18 84:19 91:15,22 92:4 year 3:21 4:7 11:6 17:19 18:10 21:23 38:4,5,13,14 42:14 56:4,8,14,22,24 63:10 64:4 72:24 95:2 went 9:10 14:18,24 17:23 19:16 35:21,24 36:3 74:23,24 75:1,6 76:4 6 78:19 79:15 73:10 74:7 82:22 ears 15:13 22:5 25:10 79:16:23:81:12:83:5 79:10,23 61:12 63: 85:21 96:8 weren't 79:1,2 we'll 7:21 11:9 29:23 25:18 29:4 30:18 32:21,21 33:16,17,19 33:21 39:8 54:2,24 56:16 57:3 88:1 94:11 96:15 year-and-a-half 12:3 velling 80:9 yesterday 11:18,19 12:14 30:12 33:6 g 30:25 58:21 65:7 oung 3, 72:20 zero 24:2

\$ 138:14,1439:6,6 \$13,000 32:1 \$28,000 28:17,19 31:7 32:1 88:3,8 \$3.6:11 \$50 9:23 10:3,5 \$50,000 33:1 \$717,000 26:7

\$8,000 9:24 01-012933-12 1:6 1

1.4 34:14

10,080 38:2 100 39:14 54:8 94:11 98:23 99:9 103:18 104:6 105:18 14 100:1 104:23 14 13:24 30:18 38:10 1440 37:22 15 25:3,20 47:4 58:5 74:10

15,000 88:3 16 33:19 17TH 1-4 2

20 25:4 32:5 36:8,9 38:22 39:1 56:22,24 20th 108:23 200 39-15 17 200 39:15,17 2001 25:3,20 47:5 58:6 2003 1:16 108:23 21st 4:22 2331 1:11 5:3 91:24 92:10 99:7 104:3 24 70:21 250 39:20 26 86:15

3 2:9

30 16:9 30th 1:16 35 39:9 88:1 4:30 47:5 59:16 4:45 74:23 75:14 42 27:10 90:1 45 2:10

5:00 75:14 5:04 103:7 5:15 12:9 5:20 76:2.2 82:3 5:25 98:11 5-28 98-18

5:30 76:4 82:4 5:35 76:4,9 5:35 76:4,9 5:40 106:7 108:1 50 99:8,9,10 104:4,5,7 105:18,18 50/50 105:16 500 39:15 524,000 38:4,13

6:05 77:12,15,16 81:15 6:10 47:5 59:16 74:17 74:18 79:21 81:3 62 33:21 65 33:17 700 000 34:14 71 39:8 54:2 57:2 737 39:13 840 96:9

850 1:15 911 74:18 81:3 97 2:14

ESQUIRE DEPOSITION SERVICES (954) 331-4400

80.82:18.90:20

Page 12

hied 72:23

thirty-five 90:17 thought 48:12 49:11