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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

PLAINTIFF ONE, PLAINTIFF TWO, )  
PLAINTIFF THREE, etc., et al., )  
Plaintiffs, )  
vs. )  
DEFENDANT ONE, DEFENDANT TWO )  
DEFENDANT THREE, etc., et al., )  
Defendants. )  
\_\_\_\_\_ )

Case No. CASE NUMBER HERE

DEPOSITION OF  
WITNESS'S NAME

JANUARY 3, 2005

10:00 A.M.

888 S. FIGUEROA STREET  
SUITE 840  
LOS ANGELES, CALIFORNIA 90017

1 Deposition of WITNESS'S NAME, called as a witness  
2 by the Plaintiffs, before JENNIFER A. HINES, Certified  
3 Shorthand Reporter Number 6029/RPR/CRR, for the State of  
4 California, with principal office in the County of Los  
5 Angeles, commencing at 10:00 a.m., January 3, 2005, at 888 S.  
6 Figueroa Street, Suite 840, Los Angeles, California.

7 \* \* \*

8  
9 APPEARANCES OF COUNSEL:

10 For the Plaintiffs PLAINTIFF ONE, PLAINTIFF TWO  
and PLAINTIFF THREE:

11 LAW OFFICES OF ATTORNEY NAME  
BY: ATTORNEY NAME, ESQ.  
12 111 N. Main Street  
Suite 100  
13 Los Angeles, California 90017  
(213) 999-6666

14  
15 For the Defendants DEFENDANT ONE, DEFENDANT TWO  
16 and DEFENDANT THREE:

17 LAW FIRM NAME HERE  
BY: ATTORNEY NAME, ESQ.  
18 111 N. South Street  
Suite 100  
19 Los Angeles, California 90017  
(213) 999-9999

20 (Telephonically Present)

21 For the Defendant DAVID SMITH:  
22 IN PROPRIA PERSONA

23 BY: DAVID SMITH, ESQ.  
23 100 N. East Street  
Suite 1500  
24 Los Angeles, California 90071  
25 (213) 687-9000

1 APPEARANCES OF COUNSEL:  
2 (CONTINUED)

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For the Defendant AMERICAN NATIONAL BANK:  
ROBINSON, WRIGHT & CARTER

BY: HENRY KANTER, ESQ.  
100 S. West Street  
29th Floor  
Los Angeles, California 90071  
(213) 287-9000

ALSO PRESENT:

ISIAH SANDOVAL,  
Spanish Interpreter

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I N D E X

Examination		Page
By Mr. Attorney		5

PLAINTIFFS' EXHIBITS

1	Notice of Deposition of John Smith, 6 pages	5
2	Handwritten Document Entitled "Notes of Accident," undated, 2 pages	6

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER

Page	Line
7	16

INFORMATION REQUESTED

Page	Line
8	4

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SAMANTHA GONZALEZ,

having been first duly sworn to translate English into Spanish in the following deposition:

WITNESS'S NAME HERE,

called as a witness by and on behalf of the Plaintiffs, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. ATTORNEY:

Q. Good afternoon, Doctor. My name is Royal Attorney, and I represent Metropolitan Life Insurance Company in a lawsuit between the plaintiffs and Mr. Arnold.

Could you please state and spell your full name for the record.

A. Nolan, N-O-L-A-N, Lustig, L-U-S-T-I-G.

Q. And do you have a middle initial?

A. No.

Q. Have you ever been known by any other names?

A. Not that I know of.

Q. What's your business address?

A. 18370 Burbank, Tarzana, California 91356.

Q. Have you ever given deposition testimony before?

A. Yes, sir.

Q. About how many times?

1           A.    About 20.

2           Q.    Let me dispense with the ground rules.    I'm sure  
3 you've heard them before.

4                    I will mark and attached as Exhibit 1 to your  
5 deposition the Notice of Deposition.

6                    (Plaintiffs' Exhibit 1 was marked  
7 for identification by the Court Reporter  
8 and a copy is attached hereto.)

9 BY MR. ATTORNEY:

10           Q.    Have you ever seen this document before?

11           A.    No

12                    MR. ATTORNEY:  Then I will mark and attached as  
13 Exhibit 2 the Statement of Assets.

14                    (Plaintiffs' Exhibit 2 was marked  
15 for identification by the Court Reporter  
16 and a copy is attached hereto.)

17 BY MR. ATTORNEY:

18           Q.    Have you ever seen this document before?

19           A.    Yes, I have

20                    MR. ATTORNEY:  Since we have been going so long, I  
21 would like to take the lunch recess at this time.

22                    Does anyone have any objections to that?  Hearing  
23 none, we will resume at 1:30 p.m.

24                    (Whereupon, the luncheon recess was taken  
25 at 12:45 p.m., and the proceedings resumed  
at the hour of 1:35 p.m.)

1

2 BY MR. ATTORNEY:

3 Q. Welcome back. You understand you are still under  
4 oath?

5 A. I do.

6 Q. Are you ready to proceed?

7 A. Yes.

8 MR. ATTORNEY: Ms. Reporter, would you please read  
9 back the last question and answer before we took the lunch  
10 recess.

11 (Whereupon, the record was read back  
12 by the Court Reporter as follows:

13 "Q Have you ever seen this document  
14 before?

15 "A Yes, I have.")

16 BY MR. ATTORNEY:

17 Q. Did you have this document in your personal  
18 possession, at your residence?

19 MR. KANTER: Objection. I instruct the witness not  
20 to answer.

21 BY MR. ATTORNEY:

22 Q. Do you feel okay to proceed with your deposition?

23 A. Yes.

24 Q. Could you provide me your driver's license number,  
25 please?

1 A. I dont' have it with me.

2 Q. Would you be willing to put it in the transcript  
3 when you receive your deposition?

4 A. If my attorney doesn't have any objection.

5 (INFORMATION REQUESTED: \_\_\_\_\_  
6 \_\_\_\_\_.)

7 BY MR. ATTORNEY:

8 Q. Okay. How long have you been working at Y-Not  
9 Burger?

10 A. About five years.

11 Q. When you started, did you fill out an application?

12 A. Yes.

13 Q. Who did you first interview with?

14 A. I don't remember.

15 Q. Did you go to some main location of Y-Not to do  
16 your interview?

17 A. Yes, I did.

18 Q. Do you remember where it was?

19 A. No.

20 MR. KANTER: Excuse me for interrupting. I need to  
21 take a break.

22 (Discussion held off the record.)

23 MR. KANTER: I need to stop the deposition at this  
24 point due to an emergency. We have all agreed that we will  
25 resume at 10:00 tomorrow morning. I apologize for the



1 inconvenience.

2 MR. ATTORNEY: Not a problem. We understand the  
3 situation. We will see you in the morning.

4 (Whereupon, the proceedings recessed  
5 at the hour of 1:55 p.m.)

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I certify or declare under declaration under  
penalty of perjury that the foregoing testimony is true and  
correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_,  
2004, at \_\_\_\_\_, California.

\_\_\_\_\_

**\*\*WITNESS NAME\*\***

1 STATE OF CALIFORNIA )

2 ) ss

3 COUNTY OF LOS ANGELES )

4 I, JENNIFER A. HINES, Certified Shorthand Reporter  
5 qualified in and for the State of California, do hereby  
6 certify:

7 That the foregoing transcript is a true and  
8 correct transcription of my original stenographic notes.

9 I further certify that I am neither attorney or  
10 counsel for, nor related to or employed by any of the parties  
11 to the action in which this proceeding was taken; and  
12 furthermore, that I am not a relative or employee of any  
13 attorney or counsel employed by the parties hereto or  
14 financially interested in the action.

15 IN WITNESS WHEREOF, I have hereunto set my hand  
16 this \_\_\_\_ day of January, 2005.

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JENNIFER A. HINES  
CSR No. 6029/RPR/CRR

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