
Metropolitan Court Reporting Service, Inc.

Certified Shorthand Reporters

P.O. Box 858

Maywood, New Jersey 07607

(201) 909-0666

1 A P P E A R A N C E S:

2

3

GRIECO, OATES & DE FILIPPO, LLC

BY: ANGEL DE FILIPPO, ESQ.

4

414 Eagle Rock Avenue

Suite 200

5

West Orange, New Jersey 07052

Attorney for the Plaintiff(s)

6

7

LEARY, BRIDE, TINKER & MORAN, P.C.

BY: JAMES T. GILL, ESQ.

8

7 Ridgedale Avenue

Cedar Knolls, New Jersey 07927

9

Attorney for the Defendants Victoria

Morgan-Alcala and Carlos Alcala

10

11

TERKOWITZ & HERMESMANN, ESQS.

BY: ALBERTINA M. AMENDOLA, ESQ.

12

400 Atrium Drive

Fifth Floor

13

Somerset, New Jersey 08873

Attorney for the Defendant Natalie Rawls

14

15

CALLAHAN & FUSCO, LLC

BY: CHRISTOPHER G. FUSCO, ESQ.

16

72 Eagle Rock Avenue

Suite 320

17

East Hanover, New Jersey 07936

Attorney for the Defendant Loman Auto Group

18

19

20

ALSO PRESENT:

21

MATTHEW STOCKWELL

ANTONIO IRIZARRY

22

JUSTIN BERARDO

23

24

25

1 No copy of this transcript may be considered
2 certified unless signed in ink by the Certified Court
3 Reporter licensed by the State of New Jersey who
4 recorded this matter. Any facsimile may have been
5 altered by means of electronic media.

6

7 ***Transcript prepared in accordance to Rule NJ

8 ADC 13:43-5.9***

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 I N D E X

2

3 WITNESS DIRECT CROSS REDIRECT RECROSS

4 JOHN LOMAN

5 BY MS. DE FILIPPO 8

6

7

8 DOCUMENT REQUESTS

9 PAGE/LINE DESCRIPTION

10 30/2 Records retention policy for the
11 Chrysler dealership from the years 2007
12 to 2009

13 30/16 Copy of written records retention policy
14 if one exists

15 44/21 Termination Letter from Chrysler to
16 Loman Auto Group

17 122/9 Loman Deal File if one exists

18 123/11 Data Exchange and Electronic Commerce
19 Agreement with Chrysler

20 124/8 Any Information in Loman's Files with
21 Respect to the Kline Vehicle

22 125/2 Information on Hard Drive of Computer

23 154/4 FARS and State Crash Data

24

25

1		OBJECTIONS
2	PAGE/LINE	QUESTION
3	75/13	"So then you would have to agree with me that there are times when the vehicle is defective even though you relied on the engineer to make it safe?"
4		
5	177/18	"But when we look at your answer and your answer indicates the defect in the product, any defect, was latent and not as ascertainable, did you provide any facts to say that the defect as alleged was latent and not ascertainable?"
6		
7		
8		
9	178/24	"Is it your allegation that the gas tank was protected by any structure of the Vehicle?"
10		
11	179/4	"Do you have any facts which support an allegation that the unprotected gas tank was not known to Loman?"
12		
13	179/14	"Do you have any facts to support your separate defenses?"

14
15

E X H I B I T S

16	NUMBER	DESCRIPTION	PAGE
17	Loman-1	Affidavit of Service	8
18	Loman-2	Complaint	8
19	Loman-3	Letter Dated 9-2-09, Attachments	8
20	Loman-4	Sinclair Memo, 1978	8
21	Loman-5	Supplemental Answers of Defendant Loman Auto Group to Form C4 Uniform Interrogatories	8
22			
23	Loman-6	Notice to Produce Documents	8
24	Loman-7	Letter Dated 9-5-91 to Dealers	8
25			

	E X H I B I T S (continued)			
	NUMBER	DESCRIPTION		PAGE
1				
2				
3	Loman-8	Safety Recall		8
4	Loman-9	Memo to Dealer Dated 4-29-97		8
5	Loman-10	Memo to Dealer Dated 2-25-00		8
6	Loman-11	Memo to Dealer Dated 5-03-01		8
7	Loman-12	Service Manual		99
8	Loman-13	Dealer Service Instructions		127
9	Loman-14	Chrysler Coupon to Customer		140
10	Loman-15	Document		189

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (Loman-1 through Loman-11, Various Documents,
2 marked for identification.)

3 J O H N L O M A N, residing at 14 Glenwood Drive,
4 Saddle River, New Jersey 07458, having been duly sworn
5 according to law, testifies as follows:

6 DIRECT EXAMINATION BY MS. DE FILIPPO:

7 Q. Mr. Loman, my name is Angel DeFilippo. I'm an
8 attorney. I represent the plaintiffs in an action that
9 has been brought against, well, Loman Auto Group as one
10 of the defendants in the case. We're here to take your
11 deposition.

12 Have you ever had your deposition taken before?

13 A. Once before.

14 Q. How long ago was that?

15 A. About two years ago.

16 Q. It's fairly recent, but I'm going to give you
17 some instructions anyway for purposes of this deposition
18 and just to refresh your recollection.

19 You know it's a question-and-answer forum where
20 I'm going to be asking you questions, and I ask that you
21 answer them to the best of your knowledge and ability
22 and memory, correct?

23 A. Yes.

24 Q. Other people may also ask you questions and the
25 same holds true for them.

1 I would ask that you keep your answers verbal.
2 You can't use gestures or sounds that are not actual
3 words, because the court reporter seated to my right and
4 you left is taking down everything that we say in this
5 room. And she is later going to have it typed up into a
6 booklet form which can be a reference book throughout
7 the pendency of the litigation and even use at the time
8 of trial.

9 You understand that, correct?

10 A. I do.

11 Q. Is there any question that is asked of you by
12 anyone that isn't clear or that you don't understand, I
13 would ask that you tell me or anyone who asked you the
14 question. Because if you answer the question, we'll
15 assume you understood it and it was clear.

16 A. I understand.

17 Q. Finally, there are times during a deposition when
18 you can anticipate what a question may be and I may
19 anticipate what your answer may be, and we might have a
20 tendency to speak before the other person has finished
21 either the question or the answer. I'm going to do my
22 best not to do that. And I would ask that you don't do
23 that also. Because the court reporter can't take down
24 two people talking at the same time.

25 Do you understand that?

1 A. I understand.

2 Q. Do you have any questions of me before we begin?

3 A. No.

4 Q. Okay. Now, you gave your name and address for
5 the record. Was that a home address that you gave?

6 A. Yes.

7 Q. Can you tell me your date of birth?

8 A. 12-8-60.

9 Q. How long have you lived at the address -- what
10 was the address you gave us again?

11 A. 14 Glenwood Drive, Saddle River, New Jersey.

12 Q. How long have you lived there?

13 A. Sixteen years.

14 Q. Who do you live there with?

15 A. My wife and my dog.

16 MR. FUSCO: It's important.

17 Q. Very important. Now, can you give me the benefit
18 of your educational background?

19 A. I have a Master's degree in Finance Business.

20 Q. Where was that from?

21 A. Fordham.

22 Q. Did you have any other formal education after
23 receiving your Master's?

24 A. No.

25 Q. When did you get your Master's?

1 A. 1985.

2 Q. Can you tell me -- give me an idea of your
3 background in terms of your job experience?

4 A. My job experience. I have been in the car
5 business for pretty much since I graduated from the
6 M.B.A. program.

*in
car
business*

7 How detailed do you want me to go?

8 Q. Well, let me just ask you a couple of quick
9 questions about things you did before that.

10 Prior to your M.B.A. in Finance at Fordham, did
11 you go right from college to that program?

12 A. Yes.

13 Q. Where did you go to college?

14 MR. FUSCO: Let her finish her question,
15 like she said.

16 A. I'm sorry. Fairleigh Dickinson.

17 Q. While you were in college -- how long was the
18 M.B.A. program?

19 A. It was a two-year program.

20 Q. While you were in college and in your M.B.A.
21 program, did you work any jobs?

22 A. Part-time selling cars.

23 Q. Where did you work?

24 A. Tarzy Buick.

25 Q. Where was that located?

1 A. East Brunswick, New Jersey.

2 Q. T-a-r-z-i?

3 A. Y.

4 Q. Y. What did you do for them?

5 A. Sold cars.

6 Q. You were a salesman?

7 A. Correct.

8 Q. Was that your title?

9 A. Yes.

10 Q. Did you do any kind of mechanical work?

11 A. No.

12 Q. Did you ever do any car mechanical work in your
13 whole life?

14 A. No.

15 Q. When did you stop working for Tarzy Buick in East
16 Brunswick?

17 A. When I started working at Loman Ford, Inc. in
18 Woodbridge.

19 Q. What year was that?

20 A. 1989.

21 Q. So what did you do between 1985 and 1989?

22 A. I was selling cars. And I was involved with
23 helping my father put together a Ford dealership in
24 Woodbridge with the building and the town approvals and
25 the real estate, you know, the zoning stuff we had to

1 through.

2 Q. Well, from 1985 to 1989 when you were selling
3 cars, who were you selling for?

4 A. Tarzy Buick.

5 Q. So then did you have a full-time job with Tarzy
6 after you graduated?

7 A. The project I was put on was my full-time job
8 after that.

9 MR. FUSCO: Let her ask the questions.

10 THE WITNESS: What was the question?

11 Q. Let me broaden it so that you can give me an idea
12 of what you were doing between 1985 and 1989. I know
13 you said you worked at Tarzy Buick.

14 Was it a full-time job for Tarzy?

15 A. It became a part-time job.

16 Q. I thought it started out as a part-time job while
17 you were in school?

18 A. It was.

19 Q. When did it become full-time?

20 A. It was full-time. I would say it was always
21 part-time, come to think of it. When I was going to
22 school and taking my classes it was part-time.

23 Q. Did Tarzy Buick only sell Buick cars?

24 A. Buicks and Pontiacs.

25 Q. Who was your boss at Tarzy Buick?

1 A. My uncle.

2 Q. What was his name?

3 A. Bob Tarzy.

4 Q. Did your dad have a dealership during the time
5 that you were working for Tarzy Buick?

6 A. He was a partner in that dealership.

7 Q. Was there any Loman dealership apart -- that had
8 been established while you were working at Tarzy?

9 A. No.

10 Q. When did Loman dealership come into existence?

11 A. 1989.

12 Q. That was in Woodbridge?

13 A. Correct.

14 Q. So then did you and your dad leave to work with
15 Loman Ford, Inc.?

16 A. Yes.

17 Q. What did Loman Ford, Inc. sell?

18 A. Fords.

19 Q. Who were the principals of Loman Ford, Inc.?

20 A. My father, my mother, and I had a minority
21 shareholder in it, position.

22 Q. Who was that?

23 A. That was me.

24 Q. Oh, okay.

25 A. Yes. And my sister.

1 Q. What is her name?

2 A. Helen.

3 Q. Was she also a minority shareholder?

4 A. Yes.

5 Q. Is her last name Loman?

6 A. Yes.

7 Q. Is your dad's name John also?

8 A. No. David.

9 Q. And your mom?

10 A. Carol.

11 Q. Now, you said you were doing a project during the
12 years of 1985 to 1989. What was that project?

13 A. It was the construction of the Ford building and
14 getting the approvals in Woodbridge.

15 Q. What street is that building on or was it on?

16 A. It's on Route 1.

17 Q. In Woodbridge?

18 A. Correct.

19 Q. Is it still in existence?

20 A. Yes.

21 Q. Is it still Loman Ford, Inc.?

22 A. Yes.

23 Q. Is it still a dealership that sells only Fords?

24 A. No. We sell Kias also.

25 Q. When did that begin the Kia sales?

1 A. 1997.

2 Q. Are there any other Loman Ford or Loman
3 dealership locations in the state of New Jersey?

4 A. Not right now, no.

5 Q. Were there any others?

6 A. Yes.

7 Q. Where were they?

8 A. In Parsippany.

9 Q. What was the name of the dealership there?

10 A. Loman Ford of Parsippany.

11 Q. What were the years that Loman Ford of Parsippany
12 was in existence?

13 A. 1991 to, I believe, 2009.

14 Q. At Loman Ford in Parsippany, what type of cars
15 were sold?

16 A. Fords.

17 Q. Was it always Fords?

18 A. Yes.

19 Q. Nothing else?

20 A. Nothing else.

21 Q. Were there any other dealerships other than Loman
22 Ford in Parsippany, Loman dealerships?

23 A. Then there was Loman Chrysler Jeep Subaru and
24 Pontiac.

25 Q. Where was that located?

1 A. Right next door to Loman Ford, 3469 Route 46.

2 Q. That's Parsippany?

3 A. Yes.

4 Q. So it was Loman Chrysler Jeep?

5 A. Subaru Pontiac.

6 Q. Was that the name of the dealership?

7 A. Do you mean the corporate name?

8 Q. Yeah.

9 A. Loman Auto Group.

10 Q. When did Loman Auto Group come into existence?

11 A. 1994.

12 Q. Was it Loman Auto Group, Inc.?

13 A. Yes.

14 Q. The principals of Loman Auto Group?

15 A. David, Carol, John and Helen.

16 Q. Were you equal?

17 A. No. My sister and I were minority shareholders.

18 I think we had 9 percent.

19 Q. Each?

20 A. Um-hm.

21 Q. Is it fair to say the rest was with David and
22 Carol?

23 A. Yes.

24 Q. Equally?

25 A. I'm not sure.

1 Q. So just so I have a clear understanding, there
2 was a Loman Ford of Parsippany that was separate from
3 the Loman Chrysler Jeep Subaru Pontiac dealership?

4 A. Yes.

5 Q. Were they both consumed by Loman Auto Group in
6 1994?

7 A. No.

8 Q. Okay. Can you explain to me the corporate
9 structure of the dealerships as they existed over the
10 years?

11 A. Well, Loman Auto Group was Chrysler Jeep Pontiac
12 and Subaru.

13 Q. Where was Loman Auto Group located?

14 A. 3469 Route 46 in Parsippany.

15 Q. So the Loman Chrysler Jeep Subaru Pontiac that
16 you talked about was actually Loman Auto Group?

17 A. Correct.

18 Q. Next door to that was Loman Ford of Parsippany?

19 A. Correct.

20 Q. That was a separate entity?

21 A. Correct.

22 Q. Loman Ford of Parsippany, Inc., is that what it
23 was called?

24 A. I believe so.

25 Q. It only sold Fords?

1 A. Correct.

2 Q. Were you involved in that dealership also?

3 A. I was minority.

4 Q. Same 9 percent?

5 A. I don't remember. It was approximately around
6 that area.

7 Q. So other than Loman Auto Group, Loman Ford of
8 Parsippany and Loman Ford, Inc. in Woodbridge, did I
9 miss any other dealerships that Loman had or that you
10 were part of?

11 A. We have a pre-owned lot in south Brunswick.

12 Q. What does that mean?

13 A. We sell used cars.

14 Q. What is that called?

15 A. Brunswick Motors.

16 Q. Inc.?

17 A. Yes.

18 Q. Who are the principals of that?

19 A. My sister and myself.

20 Q. 50/50?

21 A. Yes.

22 Q. Where is that located?

23 A. On Route 1 in South Brunswick. I'm just -- I
24 don't -- I think it's -- for some reason I'm drawing a
25 blank on the street address. Three...

1 MR. FUSCO: We can look it up.

2 MS. DE FILIPPO: I'm sorry. What happened?

3 MR. FUSCO: He can't remember the street
4 address.

5 Q. If you remember, you can just let me know. But
6 it's somewhere on Route 1 in South Brunswick?

7 A. Correct.

8 Q. It's still there?

9 A. Yes.

10 Q. Of all the dealerships that we have talked about
11 now we have them all?

12 A. No. When you say we have them all?

13 Q. In other words, have you told me about everything
14 that you are involved in?

15 A. Yes.

16 Q. Of all the dealerships that we talked about what
17 is currently in existence?

18 A. Loman Ford, Inc. in Woodbridge and Brunswick
19 Motors.

20 Q. Are you still a minority shareholder of Loman
21 Ford, Inc. in Woodbridge?

22 A. Yes.

23 Q. Loman Ford, Inc. in Woodbridge currently sells
24 Fords and Kias?

25 A. Yes.

1 Q. When did Loman Auto Group cease to exist?

2 MR. FUSCO: Object to the form. You can
3 answer.

4 A. It was sold May 12th, 2011.

5 Q. Who did you sell to?

6 A. Paul Miller.

7 Q. 3469 Route 46 in Parsippany, is that very close
8 to Paul Miller?

9 A. That is Paul Miller.

10 Q. That is where Paul Miller's address is now?

11 A. Yes.

12 Q. Where was Paul Miller before that, if you know?

13 MR. FUSCO: Before the May?

14 MS. DE FILIPPO: Before the sale, before May
15 12, 2011.

16 A. Oh, Paul Miller has several dealerships.

17 Q. But was there a Paul Miller on Route 46 before
18 that, before May of 2011?

19 MR. FUSCO: Let her get her whole question out.

20 A. Further east. There was a Paul Miller, a Range
21 Rover on Route 46 East.

22 Q. Is the location 3469 Route 46 Parsippany the
23 location of the Porsche dealer of Paul Miller?

24 A. No.

25 Q. Was that there prior to the sale in May of 2011?

1 A. I don't understand the question.

2 Q. Did Paul Miller have that Porsche dealer that
3 exists currently on Route 46 in Parsippany?

4 A. Yes.

5 Q. In relation to the dealership, the Porsche
6 dealership of Paul Miller, where is 3469 Route 46?

7 A. Three miles west.

8 Q. Now, when you say that Loman Auto Group, Inc. was
9 sold to Paul Miller, was the business sold or the land
10 or something else?

11 A. The business was sold. We sold the business to
12 Paul.

13 Q. Did you own the land?

14 A. No.

15 Q. Did he own the land?

16 A. No.

17 Q. Do you know who does?

18 A. Yes.

19 Q. Who is that?

20 A. Allen Scerbo. Allen Scerbo.

21 Q. S-h-e-r --

22 A. It's S-c-e-r-b-o.

23 Q. Is there an entity in existence that is known as
24 Loman Auto Group currently?

25 A. No.

1 Q. So that corporation is closed?

2 A. Correct.

3 Q. Does Tarzy Buick still exist?

4 A. No.

5 Q. Loman Ford, Inc., we already talked about, still
6 exists?

7 A. Correct.

8 Q. Am I missing any? Loman Ford of Parsippany, what
9 about that one?

10 A. That is closed.

11 Q. Was that an Inc. also?

12 A. Yes.

13 Q. That closed in 2009?

14 A. Approximately.

15 Q. Was that also sold?

16 A. Yes.

17 Q. Who was that sold to?

18 A. I'm sorry. We closed it. We just closed the
19 business.

20 MR. FUSCO: Just be specific about which
21 business you're talking about.

22 MS. DE FILIPPO: Loman Ford of Parsippany.

23 MR. FUSCO: He wasn't. Just be specific
24 about what you're talking about so the record is
25 clear.

1 Q. Does Loman currently have any Chrysler Jeep
2 Pontiac or Subaru dealerships?

3 A. No.

4 Q. What happened to the Chrysler Jeep Pontiac and
5 Subaru dealerships that Loman had?

6 A. Pontiac was eliminated via the GM bankruptcy.
7 Chrysler Jeep, we were terminated under the Chrysler
8 Jeep bankruptcy. And Subaru was sold to Paul Miller.

9 Q. Now, when the Chrysler Jeep dealership was
10 terminated under the bankruptcy, did Loman receive any
11 type of letter from Chrysler?

12 A. Yes.

13 Q. Do you have a copy of that letter in your files
14 someplace?

15 A. We do.

16 Q. Okay. Did you receive anything more than a
17 letter?

18 MR. FUSCO: Object to the form. You can
19 answer.

20 MS. DE FILIPPO: Notification-wise with
21 respect to the fact that you would no longer be a
22 Chrysler Jeep dealer.

23 A. That was it.

24 Q. One letter?

25 A. Correct.

1 Q. Do you remember the date of that letter?

2 A. I do not.

3 Q. Loman sold Chrysler cars from 1989 to 2010?

4 A. 1994 to two thousand -- it could have been nine
5 or ten, whatever the bankruptcy was. I think it was
6 nine.

7 Q. Nine. As part of your Chrysler Jeep dealership,
8 did you also service Chrysler vehicles including the
9 Jeeps?

10 A. Yes.

11 Q. Are there any Chrysler car models during the
12 years of 1994 to 2009 that you did not sell?

13 MR. FUSCO: Object to the form. You can
14 answer.

15 A. Dodges, the Dodge brand.

16 Q. Did not sell dodges?

17 A. Correct.

18 Q. Any Jeeps that you did not sell?

19 A. No.

20 Q. So you sold the full line of Chrysler Jeeps?

21 A. Yes.

22 Q. As part of your dealership did you also service
23 the Jeeps?

24 A. Yes.

25 Q. Now, how many employees did Loman have in the

1 Chrysler dealership?

2 MR. FUSCO: Is there a time frame you're
3 looking for?

4 MS. DE FILIPPO: During the 1994 to 2009
5 period.

6 MR. FUSCO: Object to the form. You can
7 answer.

8 A. Forty-five to 50.

9 Q. How many of those employees were service
10 employees; in other words, servicing the Jeeps and the
11 Chrysler vehicles?

12 MR. FUSCO: Object to the form. You can
13 answer.

14 A. Eight to ten.

15 Q. When you say eight to ten, do you mean at any
16 given time?

17 A. Correct.

18 Q. Am I clear now Loman only sold Jeeps at one
19 location and that was in Parsippany?

20 A. Yes.

21 Q. Did Loman in Parsippany, the Jeep dealership,
22 have a record or document retention policy?

23 MR. FUSCO: Object to the form. You can
24 answer. My objection is time frame. But you can
25 answer.

1 A. Yes.

2 Q. What was that policy?

3 A. I'm not sure how long the documents were kept. I
4 just know we kept a history on vehicles that were
5 serviced.

6 Q. You don't know how long you kept those records?

7 A. Correct.

8 Q. Who would know that?

9 A. Who would know? The service manager.

10 Q. Who would that be?

11 MR. FUSCO: Object to the form.

12 A. That would have -- we had several. Vinnie
13 Delcicco (phonetic), I believe his last name is.

14 Q. Anyone else?

15 A. No.

16 Q. Is Vinnie Delcicco still with Loman?

17 MR. FUSCO: Auto Group or?

18 MS. DE FILIPPO: In any capacity.

19 A. No.

20 Q. When did Vinnie leave?

21 A. He left at the closing of the dealership.

22 Q. Of the Chrysler dealership?

23 A. No. He stayed on and he worked at Subaru.

24 Q. So he left when Subaru was sold to Paul Miller?

25 A. Yes.

1 Q. That was in 2011?

2 A. That was May 2011.

3 Q. Well, who currently would know what the records
4 or document retention policy was at Loman back in the
5 years of, let's say, 2007 to 2011?

6 A. Vinnie.

7 Q. Who currently would know from Loman since he's
8 not there?

9 MR. FUSCO: Object to the form. Can you
10 answer that question?

11 A. My service manager. Well, I can't say for Loman
12 Auto Group other than Vinnie because...

13 MR. FUSCO: If that's your answer, that's
14 fine.

15 THE WITNESS: That's my answer.

16 Q. So are you saying that there's nobody that I
17 could ask or request that you ask to tell me what your
18 records retention policy was back in the years of two
19 thousand, let's say, seven to 2009?

20 MR. FUSCO: Object to the form. Asked and
21 answered. But you can answer it again.

22 A. Vinnie.

23 Q. You're misunderstanding my question. That's
24 maybe why your attorney is saying it's asked and
25 answered.

1 Are you telling me as you sit here today that
2 there is no one who is currently with you at Loman
3 dealership that could answer the question as to whether
4 or not there was and what the records retention policy
5 was from 2007 to 2009?

6 A. Other than Vinnie. In that location it was
7 Vinnie.

8 Q. That's not my question. I don't care about the
9 location. I'm asking you if any of the people that are
10 now with Loman could tell me or tell you and you could
11 then tell me what the record retention policy was for
12 Loman in the years 2007 to 2009?

13 MR. FUSCO: Object to the form. You can
14 answer.

15 A. My current service manager in Woodbridge.

16 Q. What is his name?

17 A. Marty Cloud.

18 Q. C-L?

19 A. Yes.

20 Q. Now, what is a service manager?

21 MR. FUSCO: In general?

22 MS. DE FILIPPO: Yeah. What is your
23 definition of a service manager?

24 A. He runs the service department, prepares payroll,
25 reviews productivity of the technicians, and is

1 responsible for service customer satisfaction.

2 MS. DE FILIPPO: I would just make a request of
3 you to advise your attorney so he can then advise me
4 what the records retention policy was for the Chrysler
5 dealership from the years 2007 to and before 2009 when
6 the dealership ended.

7 MR. FUSCO: I'll just put on the record that
8 -- and I'll say this to all Counsel -- any requests
9 should just be followed up in writing. We'll respond
10 to them accordingly. That would go for any request
11 made.

12 MS. DE FILIPPO: Can earmark the request.

13 Q. I know you said there was a records retention
14 policy. Was it in writing?

15 A. I don't know.

16 MS. DE FILIPPO: So my second request would be
17 that if it was in writing, that you provide a copy to
18 your attorney. I'll follow up everything as you
19 requested?

20 MR. FUSCO: Okay.

21 Q. Now, once Loman Ford was begun and you and your
22 dad left Tarzy Buick, can you give me an overview of
23 what jobs you have held from 1998 to the present time?

24 MR. FUSCO: Object to the form. You can
25 answer.

1 A. Managing Loman Ford, Inc. in Woodbridge.
2 Managing Loman Ford of Parsippany in Parsippany.
3 Managing Loman Auto Group in Parsippany.

4 Q. In your capacity as manager of all three entities
5 that you have just named, what were your job duties?

6 A. I was mostly involved in the sales end of the
7 business.

8 Q. Did you actually sell cars?

9 A. When I had the opportunity to I would, you bet.

10 Q. When you didn't have the opportunity what were
11 you doing?

12 A. I was managing the sales department.

13 Q. Did that include instruction to salespeople on
14 how to sell cars?

15 A. My sales managers were responsible for that
16 aspect of it. I would handle the advertising. I would
17 review the performance of our salespeople with the
18 management. And I did a lot of traveling between
19 locations.

20 Q. Did you interface directly with anyone from
21 Chrysler?

22 MR. FUSCO: Object to the form. You can
23 answer.

24 A. No.

25 Q. Did anyone from Chrysler come to your

1 dealerships, any of them, on a regular basis?

2 MR. FUSCO: Object to the form. You can
3 answer.

4 A. Occasionally they would come like they would to
5 any dealership to visit.

6 Q. So when you say "occasionally," how often?

7 A. I wasn't involved in the service department so I
8 don't know how often they came as a routine. But they
9 -- I don't know. The sales department, they would come
10 and talk to the sales manager. And I was not involved
11 with that scheduling either.

12 Q. Was there any type of information sharing that
13 Loman had with Chrysler at any time that Loman was a
14 Chrysler dealer?

15 MR. FUSCO: Object to the form. You can
16 answer.

17 A. We would report our sales monthly to them.

18 Q. Who would do that? Would that be you?

19 A. The sales manager.

20 Q. Not you?

21 A. No.

22 Q. So every month the sales manager would report the
23 number of sales or anything more detailed than that?

24 A. By vehicle type.

25 Q. How is that done? Is it a letter? Was it an

1 e-mail?

2 MR. FUSCO: Object to the form.

3 MS. DE FILIPPO: How was it communicated?

4 MR. FUSCO: Object to the form. You can
5 answer.

6 A. I'm not sure.

7 Q. So the sales manager reported to you; is that
8 fair to say?

9 A. I'm sorry.

10 Q. The sales manager?

11 A. Yes.

12 Q. And the sales manager would report the sales to
13 Chrysler?

14 A. Correct.

15 Q. But you don't know the vehicle that the sales
16 manager used to report to Chrysler?

17 A. I don't know the medium that they used. I don't
18 know how it was moved from sales manager to Chrysler. I
19 do not know that.

20 Q. So you can't say whether it went on a paper
21 letter or an e-mail or something else?

22 A. Correct.

23 Q. Who would know that?

24 A. Any sales manager in any Chrysler dealership.

25 Q. So is there anybody in your organization

1 currently who would know the answer to that question?

2 A. Not that I'm aware of.

3 Q. So your sales manager that you mentioned
4 currently -- my understanding is he's not a Chrysler
5 dealership sales manager, Marty Cloud -- he wouldn't
6 know how sales were reported to Chrysler?

7 A. He was a service manager.

8 Q. He was a Chrysler service manager?

9 A. No. He's a Ford service manager. He would not
10 know.

11 Q. He would not know?

12 A. No.

13 Q. So there's nobody who could answer that question
14 for me in your organization?

15 A. Not that I'm aware.

16 Q. Did you ever have any communication with
17 Chrysler?

18 A. I attended meetings with other Chrysler dealers
19 off premises occasionally.

20 Q. Did you have any communication with Chrysler, the
21 corporation Chrysler?

22 MR. FUSCO: Object to the form.

23 MS. DE FILIPPO: Old Car Co. if you will?

24 A. I'm sorry?

25 Q. Old Car Co., which is their term for the

1 pre-bankruptcy Chrysler.

2 A. Nothing more than I have told you already.

3 Q. Well, you told me about no communication you had
4 with Chrysler directly?

5 A. Correct.

6 Q. So you had none?

7 A. None.

8 Q. Who in your organization had communication other
9 than the sales manager with Chrysler?

10 MR. FUSCO: I just want the record to be
11 clear. I'm not objecting when you say "Chrysler" now
12 do you mean --

13 MS. DE FILIPPO: Old Car Co.

14 MR. FUSCO: Okay. Because there's now
15 Chrysler Chrysler.

16 MS. DE FILIPPO: Right. I'll call it Old and
17 New Car Co., because that's what they call
18 themselves.

19 Q. You understand that, right?

20 A. Sure.

21 Q. When I'm asking you about Chrysler, it's
22 obviously during the time period when you were a
23 Chrysler dealer.

24 A. The service manager, Vinnie Delcicco, would have
25 had communication with Chrysler, and the sales manager.

1 Q. Who was he?

2 A. We had a few. Dean Ciccarelli.

3 Q. Do you have any knowledge of where Vinnie is now?

4 A. Vinnie is working for Paul Miller.

5 Q. Which Paul Miller?

6 A. Subaru.

7 Q. Do you have an address for him, a home address?

8 A. I do not.

9 Q. Would you be able to get that?

10 A. I'm not privy to his records anymore. He doesn't
11 work for me.

12 Q. You don't have a file of his last known address
13 at your...

14 A. No.

15 MR. FUSCO: Make sure she gets her whole
16 question out.

17 Q. Dean Ciccarelli, where is he currently?

18 A. I have no idea.

19 Q. And you don't know a last known address for him?

20 A. No.

21 Q. So apart from your sales manager, Dean
22 Ciccarelli, an Vinnie Delcicco, the service manager,
23 there were no other people who had any direct
24 communication by any form, by any medium, other than
25 those two in Loman's organization?

1 MR. FUSCO: Object to the form. You can
2 answer.

3 A. Correct.

4 Q. Did Loman have a computer with which they did
5 communicate with Chrysler, to your knowledge?

6 MR. FUSCO: Object to the form. You can
7 answer.

8 A. I believe there was.

9 Q. Do you know whether or not you have any files for
10 cars that you sold, Chrysler vehicles and Jeeps that you
11 sold during the time period that you were a Chrysler
12 dealer?

13 A. I'm not sure.

14 Q. Why do you say that?

15 A. The moment they terminated us as a Chrysler
16 dealer their computer was shut off.

17 Q. Now, when you say the computer was shut off, do
18 you mean your ability to access Chrysler through your
19 computer was shut off?

20 A. Yes.

21 Q. Was that simultaneously with receiving the letter
22 from them?

23 A. Yes.

24 Q. You're saying Old Car Co. did that?

25 A. Yes.

1 Q. Now, what about your hard drive?

2 MR. FUSCO: Object to the form.

3 Q. Was there a still a hard drive in your computer?

4 A. We have a new computer company that replaced the
5 old computer company that we had.

6 Q. What happened to the hard drive for the
7 communications with Chrysler?

8 MR. FUSCO: Object to the form. You can
9 answer.

10 A. Regarding the Chrysler computer system?

11 Q. Right. That was in your computer.

12 MR. FUSCO: Object to the form.

13 A. I don't know. I don't know if Chrysler took the
14 computer back.

15 Q. Do you mean the hardware itself, the physical
16 computer Chrysler took back?

17 A. I'm not sure. I'm not sure if they maintained
18 the hard drive off premises and we just had a terminal
19 that linked to it.

20 Q. Who would know the answer to that?

21 A. Car co.

22 Q. Old Car Co. or New Car Co.?

23 A. I would say old -- I have no idea which one.

24 Q. Did you search or do any type of search in your
25 computer to determine whether or not there was any

1 information in your hard drive or anywhere that you
2 could get from your computer relative to Jeeps and
3 Chrysler?

4 MR. FUSCO: Object to the form. You can
5 answer.

6 A. I don't understand the question.

7 Q. Did you ever search your computer system to see
8 if you could get any information, for instance, about
9 the Susan Kline vehicle?

10 A. No.

11 Q. Did you search your computer to see if you can
12 get any information about Jeeps in general?

13 A. No.

14 Q. Now, you know that the complaint in this case was
15 filed in November 26 of 2008, correct?

16 MR. FUSCO: Objection. I don't think the
17 witness knows that.

18 A. I did not know that.

19 Q. Well, let me just -- do you know when you were
20 served with a copy of the complaint?

21 A. No.

22 Q. I'm going to show you what's been marked Loman-1.
23 That's an Affidavit of Service which indicates that you
24 were served on December 8th of 2008.

25 A. That's my birthday.

1 MR. FUSCO: Just to be clear, Loman-1 says a
2 person named Duane Childs was served, not Mr. Loman.

3 Q. Well, is Duane Childs someone you know?

4 A. Duane, yes.

5 Q. Who was Duane Childs?

6 A. He was either a salesperson or an assistant
7 manager at that point.

8 Q. Does that refresh your recollection as to the
9 time frame when Loman's knew that they were served with
10 a copy of a complaint in the Kline case?

11 A. No.

12 Q. Do you have any recollection of when you were
13 served with the complaint, meaning Loman, in the Kline
14 case?

15 A. No.

16 Q. Do you have any recollection of when you first
17 became aware that there was an action on behalf of Susan
18 Kline stemming from her death in a Jeep on Route 287?

19 A. No.

20 Q. So as you sit here today you can't remember when
21 you first learned about this case?

22 A. In conversation with my legal Counsel. I don't
23 remember the exact date.

24 Q. Well, you know that you were served with
25 interrogatories? They're written questions that your

1 asked to answer. You knew about that?

2 MR. FUSCO: Object to the form. You can
3 answer if you know.

4 A. I don't know.

5 Q. Okay. Did you ever see written questions that
6 were called interrogatories that were served upon
7 Loman's at any time?

8 MR. FUSCO: Object to the form. You can
9 answer.

10 A. No.

11 Q. Did you know a man named Phillip Kaeser?

12 A. Yes.

13 Q. Who is he?

14 A. Phil is my sales manager in Woodbridge.

15 Q. Did you authorize Phil Kaeser to sign
16 interrogatory questions and certify that they were true
17 answers in this Kline case?

18 MR. FUSCO: Object to the form.

19 A. No.

20 Q. Who would have done that?

21 A. I don't know.

22 Q. Are you saying that Phillip Kaeser was not
23 authorized to sign interrogatories in the Kline case?

24 MR. FUSCO: Object to the form. I mean,
25 this is ridiculous, but okay.

1 A. Yes, he was.

2 Q. He was authorized?

3 A. Yes.

4 Q. So did you know about him answering
5 interrogatories in the Kline case at some point in time?

6 A. I don't remember.

7 Q. So if I tell you that questions were served upon
8 Loman sometime in January of 2009, you have no reason to
9 dispute the date, correct?

10 MR. FUSCO: Object to the form.

11 A. Correct.

12 Q. Now, from the time when Loman was served, let's
13 say, in December of 2008 until the bankruptcy was
14 actually filed, which wasn't until April 30th of 2009,
15 are you aware of any discussions that you may have had
16 or anyone at Loman's regarding the Kline case?

17 MR. FUSCO: She does not mean with counsel,
18 but you can answer.

19 A. No.

20 Q. Right. I don't want you to tell me about
21 discussions that you had with your counsel. I just want
22 you to tell me if you had any discussions with any
23 attorneys, whether it be corporate counsel, insurance
24 counsel, any attorneys regarding the Kline case between
25 the time you were served in December 2008 until the

1 filing of the bankruptcy in April of 2009?

2 A. I don't remember.

3 Q. So you may have had some discussions?

4 MR. FUSCO: Object to the form. You can
5 answer.

6 A. I don't remember.

7 Q. Typically when a legal document comes into
8 Loman's or when it did back in 2008, was there a
9 procedure that Loman had for handling legal documents?

10 A. It would go to the appropriate manager.

11 Q. In this particular situation a complaint was
12 filed alleging a death in an automobile. Who would that
13 have gone to, what appropriate manager?

14 A. I can't tell you.

15 Q. Why is that?

16 A. Because I don't know.

17 Q. Well, what would be the appropriate manager that
18 would get a complaint such as this?

19 MR. FUSCO: Objection. Asked and answered.
20 He can answer it again.

21 A. I would say the sales manager.

22 Q. The sales manager of Loman Auto Group?

23 A. This was pre-bankruptcy?

24 Q. Yes.

25 A. Yes.

1 Q. So that would be Dean again?

2 A. I don't remember who that would be at that point
3 in time.

4 Q. Once Loman learned that there was a lawsuit
5 involving a death of an individual in a Jeep which Loman
6 had sold, was there anything done by Loman to preserve
7 documents relative to the Jeep?

8 MR. FUSCO: Object to the form. You can
9 answer.

10 A. Not that I'm aware of. I was not aware of the
11 suit at that time either.

12 Q. Did you learn that bankruptcy was filed on April
13 30th of 2009?

14 A. I don't remember the specific date. I just
15 remember approximately that time frame.

16 Q. So on April 30th, 2009 you were still a Chrysler
17 dealer, correct?

18 A. I'm not sure.

19 Q. Well, why aren't you sure?

20 A. I'm not sure when the termination letter came.

21 MS. DE FILIPPO: That's a letter that we also
22 requested that you provide.

23 Q. Prior to the termination letter or the filing of
24 the bankruptcy of Old Car Co., did you have any
25 knowledge that there was a problem with Old Car Co. that

1 might result in a bankruptcy filing?

2 MR. FUSCO: Object to the form. You can
3 answer if you know.

4 A. No.

5 Q. So you received no communication of any kind from
6 Chrysler or anyone affiliated with Chrysler about the
7 impending bankruptcy?

8 A. Correct.

9 Q. And did you hear on the news or in any media, in
10 newspapers or news programs, about the impending
11 bankruptcy of Chrysler?

12 A. I tried to avoid watching the news at that point.

13 Q. But did you know about at least that there were
14 some financial problems that Chrysler was going through?

15 A. Yes.

16 Q. So when you learned about the financial problems
17 that Chrysler was going through, you were still a
18 Chrysler dealer, correct, when you first learned?

19 A. Yes.

20 Q. At that point in time did you do anything to
21 preserve the documents which might be applicable to the
22 Susan Kline case which had already been served on you?

23 MR. FUSCO: Object to the form. You can
24 answer.

25 A. Not to any -- I don't remember.

1 Q. Did you direct anyone within your organization
2 about preserving documents which would be applicable to
3 the Susan Kline case?

4 MR. FUSCO: Object to the form. You can
5 answer.

6 A. I don't believe I was aware of that requirement
7 to do that.

8 Q. Did you discuss preserving information which
9 would allow you to answer interrogatories and respond to
10 requests in the Susan Kline case with anyone within your
11 organization?

12 MR. FUSCO: She doesn't mean lawyers. You
13 can answer the question.

14 A. I wasn't sure. I don't remember.

15 Q. Did you have a corporate counsel at the time in
16 2009, let's say?

17 A. Yes.

18 Q. Who was that?

19 A. For general issues?

20 Q. Yes.

21 A. Mark Ciarocca.

22 Q. Where is Mark?

23 A. Mark is currently a judge now.

24 Q. What was the firm?

25 A. Ciarocca & Ciarocca.

1 Q. How long had they been your corporate counsel?

2 A. Several years.

3 Q. Was it since the time the dealership was
4 organized in '94?

5 A. I'm not sure.

6 Q. Did you use any other corporate counsel in the
7 years 2000 to 2009?

8 A. Mark handled --

9 MR. FUSCO: She's asking if you used anybody
10 else.

11 THE WITNESS: Other attorneys?

12 Q. Other attorneys.

13 A. Yes.

14 Q. Who were they?

15 A. Joseph O'Boylan.

16 Q. Where is he located?

17 A. He is in Fairfield.

18 Q. Do you know the firm name?

19 A. I do not.

20 MR. GILL: What is that last name.

21 THE WITNESS: O'Boylan. It's a tough spell.

22 MR. GILL: Thank you.

23 THE WITNESS: But Mark was the person that
24 we used for any insurance issue. Joe was not
25 involved with that.

1 Q. Can you tell me who purged your computers or
2 closed your computer to information from Old Car Co.?

3 MR. FUSCO: Object to the form. I'm going
4 to let him answer this question. I really shouldn't.
5 But I object to the word "purge." I object to the
6 word "close." I don't even know which computer we're
7 talking about. But you can answer if you can.

8 A. I don't know. It just went off.

9 Q. When you say it went off, what do you mean?

10 A. The sales manager or service manager could not
11 use it. There was no linkage to Chrysler anymore. They
12 shut us off.

13 Q. Did he bring that to your attention?

14 A. I don't remember.

15 Q. How did you learn about it?

16 A. It just came up. The moment the termination
17 letter came everything just stopped.

18 Q. Yeah. But how did you learn that the computer
19 linkage just went off, as you described?

20 A. I believe maybe in a meeting.

21 Q. An internal Loman meeting?

22 A. Or in conversation with the manager. They
23 mentioned to me the computer no longer works.

24 Q. Now, you had said a few moments ago that you had
25 meetings with other Chrysler dealers?

1 A. Yes.

2 Q. And what were the purpose of those meetings?

3 A. They were regional meetings that Chrysler held to
4 tell us how good Chrysler was doing.

5 Q. Now, are you saying Old Car Co. held them?

6 A. Chrysler Corporation. At that point I don't
7 think they were called Old Car Co.

8 Q. We're just referring to Old Car Co. in this
9 deposition, meaning Chrysler Corporation prior to the
10 bankruptcy.

11 A. Yes. I understand that, yes.

12 Q. Just so there's no confusion.

13 A. Old Car Co.

14 Q. So there would be regional meetings. Where would
15 they generally be held?

16 A. In Rockland County at a hotel that had a
17 conference center.

18 Q. Would they be over more than a day's time?

19 A. They would last like a few hours.

20 Q. Were you required to go to these meetings by Old
21 Car Co.?

22 A. They would not be happy if you didn't show up.

23 Q. Other than telling the dealers how great Chrysler
24 was doing, did you discuss anything else at these
25 meetings?

1 A. They were always talking to us. We were just in
2 the audience listening.

3 Q. About how many dealers would be invited to these
4 meetings?

5 A. Everyone.

6 Q. So in your region about how many were there?

7 A. 150.

8 Q. There was no dialogue, question-and-answer
9 period, or anything like that from the dealers to
10 Chrysler?

11 A. There would be at the end. But not many people
12 asked questions. Very rare.

13 Q. Okay. I think my question -- I'm not sure if you
14 answered it. But I think I asked you what types of
15 things would be discussed.

16 Other than how great Chrysler was doing, what
17 other things did they tell you?

18 A. It was all about how great Chrysler was doing.

19 Q. Did they discuss with you any specifics about
20 their vehicles?

21 A. Nothing other than we could expect this product
22 in the near future. And they would drive it on the
23 stage and show it to us then tell us how great it would
24 do.

25 Q. Do you recall any specific questions that any of

1 the dealers might have asked in any of the meetings you
2 attended?

3 A. When we could expect the new product.

4 Q. Were any problems or issues discussed about the
5 Chrysler products themselves?

6 MR. FUSCO: Object to the form.

7 A. No.

8 Q. Was media coverage of Chrysler products discussed
9 during those meetings?

10 A. No. Not to my recollection.

11 Q. Did you or anyone within your organization
12 request of Chrysler at any time that they give you
13 access to information so that you could respond to
14 questions in the Kline case?

15 MR. FUSCO: Object to the form.

16 A. No.

17 Q. I'm talking about old or new Chrysler?

18 MR. FUSCO: Object to the form. You can

19 answer.

20 A. No.

21 Q. Is there any particular reason why you didn't or
22 have you personally or you didn't have someone contact
23 old Chrysler or new Chrysler regarding information which
24 you did not -- no longer had regarding the Susan Kline
25 Jeep?

1 MR. FUSCO: Object to the form. Do you
2 understand that?

3 A. Could you just rephrase that?

4 Q. Is there any particular reason why you didn't
5 contact old Chrysler or anyone at new Chrysler to
6 discuss the information which you no longer had relative
7 to its application in the Susan Kline case?

8 MR. FUSCO: Object to the form. You can
9 answer if you can.

10 A. I wasn't aware that that was a requirement or
11 necessary to do that.

12 Q. Did you know of such a thing called a Hold Order?

13 MR. FUSCO: Object to the form.

14 A. No.

15 Q. Did you know or did anyone advise you that
16 whenever there is a lawsuit pending that records must be
17 held?

18 MR. FUSCO: Object to the form. I don't
19 believe that's correct. But you can answer if you
20 know.

21 A. No.

22 Q. As a seller or retailer where a manufacturer is
23 bankrupt, what is your understanding of your
24 responsibility relative to recordkeeping?

25 MR. FUSCO: Object to the form. You can

1 answer if you know.

2 A. I don't know.

3 Q. What is your understanding as a seller or
4 retailer of automobiles where the manufacturer is
5 bankrupt as to your responsibility legally vis-a-vis a
6 defect in that automobile?

7 MR. FUSCO: Object to the form. Don't
8 answer that question.

9 Q. Did you ever discuss preserving information with
10 respect to the Jeeps, and in particular the Susan Kline
11 Jeep, with your lawyers? Don't tell me what you
12 discussed. I just want to know if you ever discussed
13 it.

14 MR. FUSCO: Object to the form. Don't
15 answer that question.

16 Q. Did you ever discuss preserving information
17 regarding the Jeeps or the Susan Kline Jeep with your
18 insurance company?

19 MR. FUSCO: Object to the form. You can
20 answer.

21 A. No. Not that I'm aware.

22 Q. Was New Car Co., to your knowledge, involved in
23 the decision to cut off information in your system?

24 MR. FUSCO: Do you mean new Chrysler as it
25 exists today?

1 MS. DE FILIPPO: New Car Co.

2 MR. FUSCO: You can answer.

3 A. Just rephrase that.

4 Q. Was New Car Co., to your knowledge, involved in
5 the decision to cut off the computer and your access to
6 information in your system?

7 A. Yes.

8 Q. Who at New Car Co. was involved in that decision?

9 A. I don't know.

10 Q. Why do you know that it was New Car Co.?

11 A. Nobody else could shut it off besides them.

12 Q. How do you know that?

13 A. Because there's no other party besides them that
14 could do that.

15 Q. It's fair to say, though, that you knew that any
16 documents would become evidence in a design defect case,
17 correct?

18 MR. FUSCO: Object to the form. Don't
19 answer that question.

20 Q. Did you object or tell anyone that objected to
21 New Car Co. taking or shutting off your information?

22 A. Could you rephrase that?

23 Q. Did you object to anyone at New Car Co. about
24 them shutting off your information?

25 A. No.

1 Q. Why not?

2 A. It was pointless.

3 Q. Well, how did you know that?

4 A. It was pointless because nobody even returned my
5 phone call from New Car Co.

6 Q. You have tried to call them?

7 A. My manager tried to call. And their numbers were
8 unaccessible to the terminated dealers. It's like we
9 didn't exist anymore.

10 Q. What happened to the cars that you had on your
11 lot that were not sold that were Jeeps?

12 A. We tried to sell them to other dealers that they
13 approved.

14 Q. Were you successful?

15 A. We were successful. And there was a few left
16 that New Car Co. bought back.

17 Q. How long did it take before you had no product
18 from Chrysler?

19 A. Approximately four to six weeks.

20 Q. How did you come to reach an agreement with
21 Chrysler to buy back the vehicles?

22 A. They would send us the instructions.

23 Q. Was that in the mail?

24 A. It was in the mail, I believe. I'm not sure.

25 Q. Well, was it via computer?

1 A. I'm not sure. I'm not sure.

2 Q. Who would know that?

3 A. New Car Co.

4 Q. Who at your organization would know?

5 A. I'm pretty sure everything was done via the mail.

6 MR. FUSCO: Don't guess. She doesn't want
7 you to guess.

8 Q. Who did you send information to to advise them as
9 to what product was still on your lot?

10 A. There was correspondence between Chrysler and the
11 sales manager as far as that.

12 Q. Well, now is this the sales manager Dean, again,
13 Ciccarella?

14 A. No. It would be -- it could have been Duane, I
15 believe Duane Childs.

16 Q. Where is Duane Childs?

17 A. I don't know.

18 Q. So Duane Childs was able to reach someone at
19 Chrysler, he had some number that worked?

20 A. Very rarely.

21 MR. FUSCO: Listen to her question.

22 Q. Well, I'm trying to get an idea of what you
23 experienced when you say that your computer was turned
24 off. And I think, and correct me if I'm wrong, that you
25 testified to the fact that it was turned off around the

1 same time that you received a letter that you were
2 terminated as a dealer, correct?

3 A. Correct.

4 Q. Then you also said that you couldn't -- it was
5 like you weren't there anymore, you couldn't talk to
6 them, correct?

7 A. Correct, yes.

8 Q. And now you're saying that at least someone from
9 your organization, Duane Childs, had some communication
10 with New Car Co.?

11 A. During that time.

12 Q. Let me just get the record so it's clear. So is
13 that not accurate?

14 A. That's correct. That is accurate.

15 Q. Now, can you explain what was going on during
16 that time?

17 A. The government was getting feedback from the
18 terminated dealers about sending the inventory back.
19 And we were getting -- as the government made decisions,
20 to my recollection, Chrysler would respond.

21 And originally I don't believe Chrysler wanted to
22 take back any vehicles from the terminated dealers. But
23 the government made them come to an agreement. And as
24 we got information, we acted upon it over that time
25 period.

1 Q. So what I really want to focus on is the
2 information you got. Did it come from the government or
3 did it come from some other place?

4 A. New Car Co.

5 Q. Did it come by mail from New Car Co.?

6 A. Yes.

7 Q. Then you said your service manager had
8 communication back to Chrysler about the cars that were
9 left, correct?

10 A. It would be the sales manager, correct.

11 Q. Because he probably had to tell them the VIN
12 numbers and what vehicles and how many, correct?

13 A. Correct.

14 Q. Okay. So did he write to Chrysler, did he call,
15 did he do it by computer or some other means?

16 A. I believe a person from New Car Co. came out and
17 did the final inspection of the vehicles that we were
18 not able to retail -- not retail -- wholesale to other
19 surviving Chrysler Jeep dealers.

20 Q. Did new Chrysler instruct you to sell as many of
21 the vehicles that you had to the other dealers that were
22 still Chrysler dealers and not terminated?

23 A. Yes.

24 Q. Is there any particular reason why you couldn't
25 sell them all?

1 A. We wanted to sell them all, but the other dealers
2 didn't want to take them.

3 Q. There was no, to your knowledge, instruction from
4 New Car Co. that they had to take them?

5 A. Correct.

6 Q. Did any of the decisions regarding taking the
7 vehicles revolve around financial issues with those
8 vehicles?

9 MR. FUSCO: Object to the form. You can
10 answer.

11 A. No.

12 Q. Did you have a floor plan with Chrysler?

13 A. No.

14 Q. Did Chrysler provide any type of financing or
15 money to the dealership to hold their vehicles until
16 sale?

17 A. No.

18 Q. Did you buy outright Chrysler vehicles when you
19 were selling Chrysler vehicles?

20 A. No.

21 Q. How is that deal between you and Chrysler?

22 MR. FUSCO: Object to the form. Do you
23 understand what she's asking?

24 THE WITNESS: No.

25 Q. I'll ask it again. I'll ask it a different way.

1 How did you obtain Chrysler vehicles from
2 Chrysler Old Car Co.?

3 A. They would send them to us, and our bank would
4 pay for them.

5 Q. So you had a floor plan with the bank?

6 A. Yes.

7 Q. But how did you determine how many vehicles? Did
8 you determine it or did Chrysler determine how many you
9 were to sell?

10 A. That's a good question. We wanted to sell as
11 many as possible. Are you talking about the leftover
12 vehicles we had?

13 Q. No. I'm talking about while you were a Chrysler
14 dealer, while you were selling. In any given year how
15 did you determine how many vehicles, would it be
16 something Chrysler would tell you you had to sell or
17 would you tell Chrysler?

18 A. It would be based upon what they allocated us.

19 Q. In any given year when you didn't sell your --
20 was there a given year when you didn't sell your
21 allocation?

22 A. It happens all the time.

23 Q. What happens when that occurs, when you don't
24 sell your allocation that Chrysler gave you?

25 A. We don't take extra product. We start to back

1 off of the product and sell what we have.

2 Q. You mean you sell your old stuff?

3 A. Correct.

4 Q. So a new model year you wouldn't take on until
5 you sold your old stuff?

6 A. We would --

7 Q. Take less?

8 MR. FUSCO: Let him answer.

9 Q. Okay. I'm sorry. I just want -- you're correct.
10 I'm sorry. I did the wrong thing. So let me go back.

11 In a year when you didn't sell the vehicles you
12 were allocated by Chrysler, is it fair to say that the
13 following year you might take less product until you
14 moved the old product?

15 A. Correct.

16 Q. So now at the time of the bankruptcy when you had
17 these vehicles that you could not sell to non-terminated
18 Chrysler dealers, you communicated with Chrysler how
19 many and VIN numbers, what they were, correct?

20 A. Yes.

21 Q. Okay. And you believe that communication was
22 through the mail?

23 A. Yes.

24 Q. Do you know who you communicated with at New Car
25 Co.?

1 A. I don't remember.

2 Q. And at some point you believe that it was the
3 government that forced Chrysler to buy them back?

4 MR. FUSCO: Object to the form.

5 A. Yes, I do.

6 Q. Was there ever any issue regarding the number,
7 the price, or the cost of buying them back that you had
8 with New Car Co.?

9 A. They gave us about \$2,500 less than we owned the
10 vehicle for.

11 Q. So are you saying you lost money on the vehicles?

12 A. Correct.

13 Q. How many were there that you lost money on?

14 A. Fifty, approximately.

15 Q. How many do you think you sold to other dealers?

16 A. About the same number.

17 Q. Did you recognize a loss in selling those
18 vehicles to the other dealers?

19 A. Yes.

20 Q. How much per vehicle a loss did you recognize?

21 A. \$2,000 per vehicle.

22 Q. Were you ever made whole?

23 A. No.

24 MR. FUSCO: I just want to put on that we've
25 been going for over an hour now.

1 Do you need a break?

2 (Brief recess was taken.)

3 Q. Is it fair to say that within a month or two
4 after the bankruptcy you didn't have any more Chrysler
5 cars?

6 A. Yes.

7 Q. With respect to the cars, the Chrysler vehicles,
8 that you had already sold, you don't service them?

9 A. No.

10 Q. So did you have separate service people for
11 Chrysler vehicles when you were a Chrysler dealer?

12 A. Yes.

13 Q. What happened to those individuals?

14 A. They were cross trained on the Subaru line. And
15 some of them left us also.

16 Q. So some stayed with you?

17 A. Yes.

18 Q. Are any with you now?

19 A. No.

20 Q. Can you tell me what, if any, involvement you had
21 with the service end of your business?

22 A. I would review customer satisfaction with them.

23 Q. With the service people, is that who you mean by
24 "them"?

25 A. With the service manager.

1 Q. With the service manager, okay.

2 A. Yes. And I would make sure we -- I would review
3 that we were getting paid on the work that we performed.

4 Q. Are you talking about on warranty issues?

5 A. Yes.

6 Q. Anything else?

7 A. No.

8 Q. Now, being certain that you were being paid on
9 the work performed, did you interface with Chrysler?

10 A. No.

11 Q. Who did?

12 A. The service manager.

13 Q. Again, that would be?

14 A. Vinnie Delcicco.

15 Q. Oh, Vinnie Delcicco.

16 Did Vinnie ever have any problems with Chrysler
17 and the warranty payments that caused you to get
18 involved?

19 A. No.

20 Q. So during the 1994 to 2009 period you didn't have
21 any payment issues with Chrysler regarding the
22 warranties --

23 MR. FUSCO: Let her get her whole question
24 out.

25 Q. -- regarding the warranty work that you did?

- 1 A. No.
- 2 Q. Now, can you tell me who Anthony Colacchia is?
- 3 A. Can you say that one more time?
- 4 Q. Anthony, C-o-l-a-c-c-h-i-a?
- 5 A. I don't know.
- 6 Q. Do you know Nestor Mancina, M-a-n-c-i-a?
- 7 A. Was he a technician?
- 8 MR. FUSCO: She's asking if you know.
- 9 Q. I'm asking if you know.
- 10 A. I think Nestor was a technician. I'm not sure.
- 11 Q. When you say "technician," is that the same as a
12 mechanic?
- 13 A. Yes.
- 14 Q. Do you know where he is now?
- 15 A. No.
- 16 Q. How about Salvador Mancina?
- 17 A. No.
- 18 Q. Clifford Robertson?
- 19 A. No.
- 20 Q. I'm going to run through some names. You tell me
21 in you know any of them currently?
- 22 A. Yes.
- 23 Q. James Madelinis?
- 24 A. No.
- 25 Q. Paul Schmidt?

- 1 A. No.
- 2 Q. William Bourne?
- 3 A. No.
- 4 Q. John Church?
- 5 A. No.
- 6 Q. Steve Landsbury?
- 7 A. No.
- 8 Q. Anthony Pugliese?
- 9 A. No.
- 10 Q. Thomas Forza?
- 11 A. No.
- 12 Q. Kenneth Maloof?
- 13 A. No.
- 14 Q. Richard Buono?
- 15 A. No.
- 16 Q. Allen Anderson?
- 17 A. No.
- 18 Q. Michael Callini (phonetic)?
- 19 A. No.
- 20 Q. And Tommy Herber?
- 21 A. No.
- 22 Q. So you don't recognize any of those names?
- 23 A. I don't know where they are now.
- 24 Q. You have no idea where they are, but you do know
- 25 the names?

1 A. I recognize -- did you want me to acknowledge if
2 I recognized them or not?

3 MR. FUSCO: Let her ask the questions.

4 Q. Yeah. I wanted to know if you knew any of those
5 individuals. I'll re-ask you again.

6 Tommy Herber?

7 A. No.

8 Q. Michael Callini?

9 A. No.

10 Q. Allen Anderson?

11 A. Yes.

12 Q. Who was Allen Anderson?

13 A. Service manager.

14 Q. Of?

15 A. He was the service manager before Vinnie.

16 Q. You have no idea where he is?

17 A. No.

18 Q. What was the reason why he left, to your
19 knowledge, if you know?

20 A. I don't remember.

21 Q. Richard Buono?

22 A. No.

23 Q. Kenneth Maloof?

24 A. No.

25 Q. Thomas Forza?

- 1 A. No.
- 2 Q. Clifford Robertson?
- 3 A. No.
- 4 Q. Anthony Pugliese?
- 5 A. No.
- 6 Q. Steve Landsbury?
- 7 A. No.
- 8 Q. John Church?
- 9 A. John Church was a technician.
- 10 Q. Did he work on Jeeps?
- 11 A. I'm not sure.
- 12 Q. Why do you know him?
- 13 A. I just remember the name.
- 14 Q. William Bourn?
- 15 A. No.
- 16 Q. Paul Schmidt?
- 17 A. Technician.
- 18 Q. You don't know where he is?
- 19 A. No.
- 20 Q. James Madelinis?
- 21 A. No.
- 22 Q. Did Paul Schmidt work on Jeeps?
- 23 A. I'm not sure.
- 24 Q. Salvador and Nestor Mancina, I think you said they
- 25 were technicians?

1 A. Yes.

2 Q. But you don't know where they are?

3 A. Now.

4 Q. Do you know in they worked on Jeeps?

5 A. I don't know.

6 Q. Anthony Colacchia, you don't know him?

7 A. No.

8 Q. Now, did you believe that Phillip Kaeser was an
9 individual within your organization with the most
10 knowledge regarding the Jeep Cherokee?

11 MR. FUSCO: Object to the form. You can
12 answer.

13 A. No.

14 Q. You did not?

15 A. No.

16 Q. Who within your organization is the most
17 knowledgeable regarding the Jeep Cherokee?

18 MR. FUSCO: Object to the form. You can
19 answer.

20 A. Vinnie Delcicco.

21 Q. Your current organization. He's not with you
22 anymore, right?

23 A. There is nobody.

24 Q. Nobody? Not even you?

25 A. Not even me.

1 Q. Did you have any personal knowledge about
2 servicing Jeep vehicles?

3 A. No.

4 Q. Do you have any personal car knowledge in terms
5 of repairs or maintenance or anything of that nature?

6 A. No.

7 Q. You never worked on your own car?

8 A. I can't even change a spark plug. People laugh,
9 but I can't.

10 MR. FUSCO: I don't even know where they
11 are.

12 THE WITNESS: I don't either.

13 Q. I'm going to show you a document which is marked
14 Loman-5.

15 Is that your signature?

16 A. Yes.

17 Q. You can look at the document. It's three pages.

18 MR. FUSCO: At some point you premarked
19 documents?

20 MS. DE FILIPPO: That's fine. The court
21 reporter has a list.

22 Q. Have you ever seen this document before?

23 A. I don't remember it.

24 Q. It's entitled "Supplemental Answers of Defendant
25 Loman Auto Group to Form C4 Uniform Interrogatories."

1 And there are three of the interrogatories that were
2 previously served in the full set that were culled for
3 answering in this particular document which we have
4 marked Loman-5, which you indicated that you certified;
5 is that fair to say?

6 MR. FUSCO: Object to the form. He
7 indicated he recognized the signature.

8 A. I recognize the signature.

9 Q. Well, is your signature a certification of these
10 answers since it's under the certification on that page?

11 A. That's my signature.

12 Q. Well, when you signed on this document, did you
13 certify as it's indicated on that document?

14 A. Let's see. Correct, that is my signature.

15 Q. And your signature was certifying that the
16 answers in these Interrogatories 8, 9 and 12 are
17 accurate, correct?

18 A. Yes.

19 Q. Now, if you look at Number 8 which says "Identify
20 all correspondence between Plaintiff and Defendant or
21 its representatives, and attach copies," you said "None
22 were located, Loman reserves its right to amend this
23 answer as litigation proceeds."

24 That's a fair reading of that, right?

25 MR. FUSCO: Look at it.

1 MS. DE FILIPPO: You can look at it. The
2 first question and answer.

3 A. Correct.

4 Q. Did you locate, since answering that
5 interrogatory, any documents between Loman and the
6 plaintiff?

7 MR. FUSCO: Loman and the Kline family?

8 MS. DE FILIPPO: Yes. That's what it says,
9 correct.

10 MR. FUSCO: I don't know if he knows. But
11 go ahead.

12 A. I personally didn't, no.

13 Q. Well, the question and the certification says
14 that it may not be you personally, but you definitely
15 would have gotten information and provided it from other
16 sources in answer to the question, correct?

17 MR. FUSCO: Object to the form. You can
18 answer.

19 A. I didn't identify or personally get any
20 information on the Kline case.

21 Q. Did you ask anyone within your organization to
22 help you answer Question Number 8?

23 A. Question Number 8? I don't remember.

24 Q. Well, what would you need to refresh your
25 recollection as to whether you looked for correspondence

1 between Loman and the plaintiff?

2 A. I don't think there is anything that would help
3 me remember.

4 Q. Okay. So are you indicating today that there is
5 no correspondence between the plaintiff and Loman or its
6 representatives?

7 MR. FUSCO: Object to the form. You can
8 answer.

9 A. I'm not aware of any.

10 Q. In the answer to Question Number 9 you indicate
11 in your Answer A which calls for defense's, you say "The
12 design of the 1996 Jeep Grand Cherokee was not
13 defective."

14 I'm reading your answer, correct?

15 A. Correct.

16 Q. What facts do you base that answer on?

17 A. Well, we rely upon the engineers at Chrysler to
18 design them that way.

19 Q. You rely on the engineers at Chrysler to design
20 -- I'm sorry -- what?

21 A. The vehicles.

22 Q. The vehicles?

23 A. Safely.

24 Q. Okay. But you wrote "The design of the 1996 Jeep
25 Grand Cherokee was not defective."

1 MR. FUSCO: Object to the form.

2 Q. My question to you is what facts do you base that
3 statement on?

4 MR. FUSCO: Object to the form. Asked and
5 answered.

6 MS. DE FILIPPO: No, it wasn't.

7 Q. My question are the facts upon which you base the
8 conclusion where you indicate that the 1996 Jeep Grand
9 Cherokee was not defective?

10 MR. FUSCO: Same objection. You can answer.

11 A. I rely upon, as does every dealer, relies upon
12 the engineers that Chrysler employs with engineering
13 backgrounds, technical expertise, to design the vehicles
14 safely before they arrive to us.

15 Q. Is there any particular engineer that you relied
16 on to determine that the Jeep was not defective?

17 A. The same engineers I would rely upon that would
18 determine every other vehicle was not defective. I rely
19 upon Chrysler's engineers and expertise to make the
20 vehicle safely.

21 Q. So are you saying that every car -- there is no
22 defect in any car as far as you're concerned?

23 MR. FUSCO: Object to the form. You can
24 answer.

25 A. I assume that the engineers that designed the

1 cars are qualified engineers, that bring them through
2 the production process to our dealership safely,
3 absolutely.

4 Q. So are you also indicating that in all of the
5 years that you have been involved with dealerships and
6 cars, that there have never been any defects in any
7 vehicles that you have become aware of at any time in
8 your life?

9 MR. FUSCO: Object to the form. You can
10 answer.

11 A. We have been notified after a recall, for
12 example, has occurred.

13 Q. So then you would have to agree with me that
14 there are times when the vehicle is defective even
15 though you relied on the engineer to make it safe?

16 MR. FUSCO: Object to the form. Don't
17 answer that question.

18 MS. DE FILIPPO: Make an earmark on that
19 also.

20 Q. Have you ever had a vehicle recall of a Chrysler
21 product?

22 A. I couldn't tell you specifically if we did what
23 it would be. I was not involved in the service
24 department.

25 Q. Other than your blanket statement that you rely

1 on manufacturers to make safe vehicles, do you have any
2 specific knowledge regarding the 1996 Susan Kline Jeep
3 as to whether there was a defect?

4 MR. FUSCO: Object to the form. You can
5 answer.

6 A. I had no idea there was a problem with that
7 vehicle. Absolutely not.

8 Q. Prior to February of 2007 had you ever heard of
9 any Jeep vehicles which were involved in post-collision
10 fuel fed fires ever?

11 A. No.

12 Q. Did you ever learn of any Jeep vehicles involved
13 in post-collision fuel fed fires after February of 2007?

14 A. No.

15 Q. Did you do any investigation into whether or not
16 there were other Jeep vehicles involved in
17 post-collision fuel fed fires other than the Kline
18 vehicle?

19 A. No.

20 Q. Did you direct anyone within Loman to do any
21 investigation regarding that?

22 A. No.

23 Q. Now, in 12 you indicated that you're a member of
24 a trade organization New Jersey Car, correct?

25 A. Correct.

1 MR. FUSCO: Do you need to see it?

2 Q. Are you a member of NADA also?

3 MR. FUSCO: A member of -- I'm sorry, I
4 didn't hear.

5 MS. DE FILIPPO: NADA.

6 A. I'm not sure.

7 Q. Do you know if you were a member back in 2007 or
8 2009, or any time prior to 2009?

9 A. I don't remember.

10 Q. What would you need to know if you were a member,
11 what would indicate or what would you be able to look to
12 to determine that, if anything?

13 A. I can't think of anything.

14 Q. I'm going to show you what was marked Loman-6,
15 which is a Notice to Produce Documents.

16 Did you ever see that notice before?

17 MR. FUSCO: Let him take a chance to look at
18 it. Take a chance to review it. Take an
19 opportunity, not a chance.

20 A. I don't remember seeing this.

21 Q. With respect to the Notice to Produce which
22 you're looking at -- and I'll give it to you so you can
23 look at it, I have a copy -- do you have any documents
24 from your computer files or wherever stored which
25 pertain to the Jeep Grand Cherokee?

1 MR. FUSCO: Currently?

2 MS. DEFILIPPO: Yeah.

3 MR. FUSCO: Object to the form. You can
4 answer.

5 A. I'm not aware of any.

6 Q. Is there a place where you can look to determine
7 if you have any hard files, paper files, regarding the
8 Jeep Grand Cherokee ZJ, WJ or WK?

9 A. I would not be aware of where to look. I don't
10 believe we have any.

11 Q. Do you have any documents regarding skid plates
12 for the Jeep Grand Cherokee ZJ, WJ or WK?

13 A. No.

14 Q. Do you have your sales records for the Jeep Grand
15 Cherokees that were sold by you?

16 A. I don't believe so, no.

17 Q. You have no hard documents, you know, files that
18 you kept of sales records?

19 A. I don't think so. I think -- I don't believe so,
20 no.

21 Q. Did you keep any copies of technical service
22 bulletins or recall notices relating to the Jeep Grand
23 Cherokee ZJ, WJ or WK?

24 MR. FUSCO: Chris object to the form. You can
25 answer.

1 A. No, not that I'm aware of.

2 Q. Do you have any hard documents related to Jeep
3 Grand Cherokees from 1994 to 2009?

4 A. Not that I'm aware of.

5 Q. Do you keep a file for customer complaints over
6 the years?

7 A. I'm not aware of any.

8 Q. You're not aware of any complaints or you're not
9 aware of any files?

10 A. I'm not aware of any files. We address
11 complaints, but I'm not aware of where they would be
12 filed away.

13 Q. Is it possible that there could be a file on
14 customer complaints that you're not aware of?

15 A. No.

16 Q. Do you advertise or did you advertise directly to
17 the public regarding Jeeps?

18 MR. FUSCO: Time frame.

19 MS. DE FILIPPO: During the time when you
20 sold them.

21 A. Like in the newspaper ads?

22 Q. Anything. Any advertisements.

23 A. Yes.

24 Q. So now tell me what those advertisements were?

25 MR. FUSCO: Again, when you were selling

1 Jeeps.

2 A. Newspaper, newspaper advertising. Some cable TV.
3 And the Chrysler mailers that Chrysler had.

4 Q. In those Chrysler mailers did you send them to
5 people who had been your customer?

6 A. Yes.

7 Q. Did you keep copies of those mailers?

8 A. They came -- they were initiated from Chrysler,
9 so we didn't have the -- we don't have access to that
10 data.

11 Q. What did you do, provide the data to Chrysler
12 about your customers?

13 A. They had that. We would just pay them to do it.

14 Q. When they do that, would they have your name on
15 the flier, your dealership name on the Chrysler flier?

16 A. Yes.

17 Q. So it could be like an oil change flier or some
18 promotional thing, but it would come directly from
19 Chrysler to your customers?

20 A. Normally it was a sales sign item.

21 Q. Did you keep copies, hard copies, of
22 correspondence going to Chrysler of any nature?

23 A. No.

24 Q. So you have nothing today?

25 A. No.

1 Q. Why not?

2 MR. FUSCO: Object to the form. You can
3 answer.

4 A. Chrysler had it all.

5 Q. I understand that. But are you saying that in
6 all the years that you were a Chrysler dealer you never
7 kept hard copy of any correspondence to Chrysler?

8 MR. FUSCO: Object to the form. You can
9 answer again.

10 A. Not that I'm aware of.

11 Q. Maybe I didn't phrase the question right.

12 Did you ever have hard copies at any time of
13 correspondence to Chrysler?

14 MR. FUSCO: Of any correspondence?

15 MS. DE FILIPPO: Any correspondence.

16 MR. FUSCO: I think we're confused on what
17 you're asking.

18 Q. Did you ever write a letter to Chrysler of any
19 nature at any time?

20 A. No.

21 Q. So all communication from 1994 to 2009 was
22 electronic?

23 MR. FUSCO: Object to the form.

24 A. Yes, it was. Or the Chrysler service rep would
25 come into the service department and talk to the service

1 manager, or the Chrysler sales rep would come in and
2 talk to the sales manager.

3 Q. Let me just ask it the opposite way now.

4 Was there ever any hard letter copy of anything
5 that was not electronic from Chrysler to you from 1994
6 to 2009?

7 A. Other than service bulletins or brochures on new
8 cars, nothing really that I'm aware of.

9 Q. Those service bulletins and brochures on new
10 cars, do you have them in your company right now?

11 A. For Chrysler?

12 Q. Yes.

13 A. No.

14 Q. What happened to them?

15 A. I threw them out.

16 Q. Why did you do that?

17 A. They were worthless.

18 Q. Okay. When did you throw them out?

19 A. Oh, boy. A while ago. I don't remember exactly
20 when, but not long after we were terminated.

21 Q. Did you keep hard copies, service records, for
22 the service you did on Jeep vehicles?

23 A. Not that I'm aware of.

24 Q. When your customer has work done, for instance,
25 an oil change, back when you were a Jeep dealer, or

1 comes in for whatever, a scheduled service or a
2 maintenance service, did you give your customer a hard
3 copy of anything?

4 A. When we were a Chrysler dealer?

5 Q. Yes.

6 A. Yes.

7 Q. Did that hard copy enumerate the things you did
8 and the cost for each, then a labor charge?

9 A. Yes.

10 Q. And it had a date on it and the mileage of the
11 car, et cetera, correct?

12 A. Yes.

13 Q. Did you keep a copy for yourself?

14 A. We kept a copy. But those copies are gone.

15 Q. What do you mean they're gone?

16 A. When we were terminated as a Chrysler dealer, my
17 understanding is that Chrysler has a copy of everything
18 and they took our files and gave them to other dealers
19 of customers and the repair work that they had.

20 Q. They took your hard copy files?

21 A. They took whatever they had on their end.

22 Q. Okay. But I'm talking about yours now, I'm
23 talking about Loman's copies of service records.

24 A. I don't know where they are. And I believe we
25 got rid of all of them. We were no longer a Chrysler

1 dealer.

2 Q. When did you get rid of them?

3 A. Probably three months after we were terminated.

4 Q. Did you shred them?

5 A. Yes.

6 Q. Who determined that you would shred these
7 documents?

8 A. I don't know.

9 Q. Were you involved in that decision?

10 A. No.

11 Q. Well, who would have been, either by title or by
12 name?

13 A. I can't answer that. I don't know.

14 Q. Did you ever speak to a man named Robert Banta?

15 A. Not to my recollection.

16 Q. Do you know who he is?

17 A. No.

18 Q. Did you ever speak to a man named Durisek?

19 A. Not to my recollection.

20 Q. Nicholas Durisek?

21 A. No, not to my recollection.

22 Q. Do you know who he is?

23 A. No.

24 Q. I'm going to show you a document which previously
25 was marked in another deposition on November 15th of

1 2010. I would like you to look at it.

2 Did you ever see that document before?

3 A. No.

4 Q. Do you recognize this document as like other
5 documents you may have seen before?

6 A. No.

7 Q. Did you take a minute and look at the document to
8 indicate whether or not any of the information on the
9 document is something you may have seen before?

10 MR. FUSCO: Are you asking him to do so?

11 MS. DEFILIPPO: Yes.

12 MR. FUSCO: Okay, go ahead.

13 A. No.

14 Q. Now, when you do warranty work or when you did
15 warranty work for Chrysler, that was with a contract
16 with Chrysler or under your contract with Chrysler?

17 A. Correct.

18 Q. Isn't it true that a principal of Loman's had to
19 sign off on that work rather than the service manager?

20 A. Not to my knowledge.

21 Q. So you're saying that a service manager could
22 sign off on warranty work with Chrysler?

23 A. Yes.

24 Q. That would have been your service manager?

25 MR. FUSCO: Object to the form. You can

1 answer.

2 Q. That you have indicated?

3 A. Yes.

4 Q. How about with respect to recalls, when work is
5 done by -- was done by your dealership on recall items,
6 did a principal have to sign off?

7 MR. FUSCO: Object to the form.

8 A. No.

9 Q. A service manager could sign off with Chrysler on
10 recalls.

11 MR. FUSCO: Object to the form. You can
12 answer.

13 A. A service manager, yes.

14 Q. So are you saying that Chrysler didn't require a
15 principal to sign that recalls were appropriately
16 performed?

17 MR. FUSCO: Object to the form. You can
18 answer.

19 A. Correct.

20 Q. Is it true that Chrysler was always sending
21 information to the dealerships regarding skid plates?

22 MR. FUSCO: Object to the form. You can
23 answer.

24 A. I'm not aware of any.

25 Q. Do you know what a skid plate is?

1 A. No.

2 Q. So as you sit here today you have no idea what
3 that term means?

4 A. No, I do not.

5 Q. You have never seen one?

6 A. I couldn't tell you anything about it.

7 Q. Getting back to P-3 which was marked on November
8 15th of 2010, it's entitled "VIP Summary Report."

9 Do you know what a VIP Summary Report is?

10 A. No.

11 Q. There is a statement that says "Strictly
12 Confidential. This information is provided to dealer in
13 accordance with Section 4 of the Dealer Software License
14 Data Exchange and Electronic Commerce Agreement with
15 Chrysler Motors, LLC. All information provided is based
16 on entries provided by Dealer."

17 So my question to you is are you aware of
18 confidential information that you provided or that was
19 provided to you as a dealer in accordance with Section 4
20 of the Dealer Software License?

21 MR. FUSCO: Object to the form. If you can
22 answer that.

23 A. No.

24 Q. Are you saying there is no confidential
25 information between you and Chrysler?