

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

3 A. I'm saying I'm not aware of any of it.

4 Q. You're not aware of any of it, of anything  
5 confidential between Loman and Chrysler at the time you  
6 were a Chrysler dealer?

7 MR. FUSCO: Object to the form. Again, if  
8 you understand the question you can answer.

9 A. If I understand -- why don't you reiterate the  
10 question to me.

11 Q. Are you aware of any information between Loman  
12 and Chrysler at the time you were a Chrysler dealer that  
13 was confidential?

14 A. No.

15 Q. Who would be aware of it?

16 A. Nobody that I'm aware of.

17 Q. This document also indicates that the information  
18 -- "All information provided was based on entries  
19 provided by the dealer." And it references a 1996 Jeep  
20 Grand Cherokee Sport Utility 4D which is owned by Thomas  
21 Kline. And under sale information indicates that the  
22 selling dealer was Loman Chrysler Jeep.

23 Do you have any reason to dispute any of the  
24 information that's on this document?

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

1 answer. I object. The witness has testified he  
2 doesn't recognize the document. But with that being  
3 said...

4 MS DE FILIPPO: I'm asking about information  
5 on the document.

6 MR. FUSCO: But you're reading from a  
7 document he says he doesn't recognize. So my  
8 objection is that. You can answer.

9 A. I know the customer bought the vehicle from us.

10 Q. How do you know that?

11 A. That's why I'm here.

12 Q. Well, what information did you look to to verify  
13 that?

14 A. None.

15 Q. Well, then how do you know that this customer  
16 bought the car from you?

17 A. Because if they didn't buy it from me, then the  
18 person they bought it from would be here.

19 Q. So are you telling me that when you received  
20 information regarding this lawsuit you didn't check to  
21 see that you were the correct dealer that sold the  
22 vehicle?

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

25 A. I did not.

1 Q. So you have no document or no file and no place  
2 in your organization where you could have verified  
3 whether or not you were the selling dealer of the Kline  
4 vehicle?

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

7 A. Correct.

8 Q. So you took it on faith that you were properly  
9 served?

10 MR. FUSCO: Object to the form. That  
11 assumes all sorts of evidence that is not in the  
12 record. But you can answer.

13 A. I have confidence that if I was not the selling  
14 dealer I would not be here.

15 Q. Well, who do you have confidence in?

16 A. If I was not the selling dealer, the selling  
17 dealer would be here.

18 Q. How do you know that?

19 A. Because I believe you would make sure you would  
20 be talking to the right person.

21 Q. So you would rely on me?

22 A. Or anybody else around this table.

23 Q. Okay. The number 68549, does that have any  
24 relevance to you?

25 A. No.

1 Q. The number 9733351313, does that have any  
2 relevance to you?

3 A. No.

4 Q. I know you said you never saw this document  
5 before, but were you aware of whether or not you, Loman  
6 Auto, serviced the Kline vehicle at any time after its  
7 purchase in 1999?

8 A. I am not aware.

9 Q. Did you check to see if you ever serviced the  
10 vehicle?

11 A. No.

12 Q. Why not?

13 A. I just didn't.

14 Q. Did you check to see whether or not anyone  
15 serviced the vehicle other than you?

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

18 Q. Any dealer?

19 A. No.

20 Q. Did you check to see whether or not anyone  
21 altered the vehicle in any way with after-market parts  
22 or any other thing that might have contributed to the  
23 lawsuit?

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

1           A. We would never do anything like that unless the  
2 customer specifically ordered after-market parts to be  
3 installed in the vehicle.

4           Q. In this particular case when you knew you were  
5 sued and you knew you sold the vehicle, did you check  
6 the records regarding this vehicle that you had  
7 available to you prior to the bankruptcy to see if any  
8 other dealer or any other place may have altered the  
9 vehicle?

10           MR. FUSCO: Object.

11           A. No.

12           Q. Why didn't you check for that?

13           MR. FUSCO: Object to the form.

14           A. I just didn't.

15           Q. Did you check to see if this vehicle was the  
16 subject of any recalls?

17           A. No.

18           Q. Why not?

19           A. I just didn't.

20           Q. Did you check anything about this vehicle prior  
21 to the bankruptcy?

22           A. No.

23           Q. Did you make any inquiries at all about the facts  
24 surrounding the death of Susan Kline?

25           A. No.

1 Q. Did you know the mileage of the vehicle at the  
2 time that it was involved in the collision?

3 A. No.

4 Q. Do you today?

5 A. No.

6 Q. Were you aware of a vehicle called Dealer Connect  
7 with Chrysler?

8 MR. FUSCO: You don't mean a car, right?

9 MS. DE FILIPPO: A communication vehicle. Not a  
10 car.

11 A. A communication vehicle?

12 MR. FUSCO: She doesn't mean a car.

13 Q. A vehicle modem called the Dealer Connect?

14 A. I have very limited knowledge on it.

15 Q. Okay, let me go back. You are aware of something  
16 called Dealer Connect?

17 A. I've heard it.

18 Q. What was your knowledge of Dealer Connect, or  
19 what is your knowledge at the present time?

20 A. It's a computer interface with Chrysler.

21 Q. Is it a part of the computer interface that we  
22 talked about up to now?

23 A. I don't know.

24 Q. Is it a separate program with Chrysler?

25 A. I don't know.

1 Q. Have you ever used Dealer Connect?

2 A. No.

3 Q. Who would be responsible for using Dealer Connect  
4 at your organization at the time that you were a  
5 Chrysler dealer?

6 A. I'm not sure.

7 Q. Did you ever receive any documents from Chrysler  
8 over the years that you were a dealer about safety?

9 MR. FUSCO: In general?

10 MS. DEFILIPPO: Yeah, in general.

11 A. Can you repeat the question?

12 Q. Did you ever receive documents from Chrysler  
13 while you were a dealer about safety?

14 A. About safety?

15 MR. FUSCO: I object to the form. Can you  
16 answer that?

17 THE WITNESS: I don't understand. Do you  
18 mean about safety of a vehicle?

19 MS. DE FILIPPO: Yeah.

20 THE WITNESS: Not that I'm aware.

21 Q. Did you ever receive any documents about the  
22 importance to Chrysler about how safety sells?

23 MR. FUSCO: Object to the form. That  
24 assumes evidence not in the record. But you can  
25 answer.

1 A. I'm not aware of any.

2 Q. Were you ever told in any of your meetings with  
3 Chrysler verbally or in any other method of  
4 communication that you should sell vehicles based on  
5 Chrysler's good safety record?

6 MR. FUSCO: Object to the form.

7 A. I'm not aware of anything like that.

8 Q. Nobody from Chrysler ever came to you and said  
9 safety sells our vehicles and we need to promote the  
10 safety aspects of vehicles such as air bags, et cetera?

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

13 A. Not that I'm aware of.

14 Q. Did you sell minivans also?

15 A. Yes.

16 Q. What were they Town & Country?

17 A. Yes.

18 Q. Anything else?

19 A. No.

20 Q. You didn't sell the Dodge minivan?

21 A. No.

22 Q. When you got a recall notice, who did you get it  
23 from?

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



1           A. The recall notice was the service manager's  
2           responsibility.

3           Q. But where did it come from?

4           A. Chrysler.

5           Q. Did it come in hard copy?

6           A. I'm not sure.

7           Q. The service manager would know?

8           A. Yes.

9           Q. I'm going to show you what's been marked Loman-8.  
10          Did you ever see that document?

11          A. No.

12          Q. Did Chrysler ever tell you that your vehicles  
13          should or that you should offer to your customers that  
14          their vehicles have an optional skid plate for safety?

15          A. No.

16          Q. When Chrysler shared information with you, was it  
17          typically also shared with the customer?

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

20          A. I'm not sure.

21          Q. When a recall notice was forwarded to Chrysler,  
22          was there also a letter that went to the customer from  
23          Chrysler directly?

24                 MR. FUSCO: Object to the form.

25          A. I think so.

1 Q. Now, I showed you a document marked Loman-8.  
2 It's Safety Recall Number A10 Fuel Tank Blocker Bracket.

3 You indicated you have never seen this document  
4 before, correct?

5 A. Correct.

6 Q. Were you ever aware of the Safety Recall A10  
7 involving the fuel tank?

8 A. No.

9 Q. You never became aware of it at any time that  
10 there was an issue involving a potential fire with the  
11 fuel tanks of the Jeep Grand Cherokees?

12 MR. FUSCO: Object to the form.

13 A. No.

14 MR. FUSCO: I don't think that's correct.

15 But go ahead, the document speaks for itself.

16 Q. It says "Fuel leakage in the presence of an  
17 ignition source can result in fire." And the document  
18 is speaking to fuel tank defamation and damage.

19 MR. FUSCO: That's also a 2002 document  
20 referring to a different model than the ZJ, which has  
21 already been the subject of a decision from the judge  
22 in this case.

23 MS. DE FILIPPO: No, it hasn't. It was only  
24 the subject of the service.

25 MR. FUSCO: I'm not going to argue about it.

1 I think there'S a Lopez hearing on this.

2 MS. DEFILIPPO: No, there is no Lopez  
3 hearing on this.

4 MR. FUSCO: Well, I have a transcript that  
5 says there is, but we don't need to argue it.

6 MS. DEFILIPPO: There is a Lopez hearing as  
7 to another dealer, but there is not a Lopez hearing  
8 as to the document. The document is what it is.

9 MR. FUSCO: I'm not going to argue.

10 MS. DE FILIPPO: The law of the case says to  
11 the dealer that's not in the case.

12 MR. FUSCO: I don't believe that's accurate.  
13 There is no need to waste Mr. Loman's time.

14 MS. DE FILIPPO: Well, you're not directing  
15 him not to answer?

16 MR. FUSCO: No.

17 Q. So regardless of what vehicle it is, whether it's  
18 a WJ or a ZJ or a WK, you're telling me you didn't know  
19 anything about the protection of the tank in case of  
20 fire with a skid plate?

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

23 A. Correct.

24 Q. And you're not aware of this recall in any way at  
25 all?

1 A. Correct.

2 Q. Okay. Have you ever heard the terms "safety" and  
3 "skid plate" mentioned in any document together?

4 A. No.

5 Q. So it would be unusual if in fact those terms  
6 were mentioned?

7 MR. FUSCO: Object to the form.

8 Q. Together in a document correct?

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

11 A. I've never seen a document like that.

12 Q. Now, have you ever seen a book such as this, a  
13 service manual.

14 A. No.

15 MS. DE FILIPPO: We can mark this book.

16 MR. FUSCO: You're going to mark the entire book?

17 MS. DE FILIPPO: I'm just marking the cover.

18 MR. FUSCO: Okay. Has that book been  
19 produced in discovery?

20 MS. DEFILIPPO: No. Why would I produce a  
21 book that you have?

22 (Loman-12, Service Manual, marked for  
23 identification.)

24 MS. DE FILIPPO: Let me show you this  
25 document which has now been marked Loman-12.

1 MR. FUSCO: Let's put on the record that  
2 you're now using again evidence that was not produced  
3 in discovery. This is Loman-12.

4 MS. DE FILIPPO: Twelve.

5 MR. FUSCO: Well, you're using an exhibit  
6 that was not produced in discovery. It will be the  
7 subject of yet another motion.

8 Q. This is a service manual, correct?

9 A. It is. It says "Service Manual" on it.

10 Q. Have you ever seen a service manual any year that  
11 you were a Jeep dealer?

12 A. No.

13 Q. You never saw a book called a service manual?

14 A. No.

15 Q. Were you aware that there were such things as  
16 service manuals which your dealership received from  
17 Jeep?

18 A. Yes.

19 Q. And what led you to be aware of the fact that  
20 there were such things as service manuals?

21 A. They would bill us for them.

22 Q. Okay. Did they come in a big box marked "Mopar"?

23 A. I don't know.

24 Q. Do you know what Mopar is?

25 A. I don't know what it stands for, no.

1 Q. Do you know what it is?

2 A. Parts.

3 Q. Well, is it a division of Chrysler?

4 A. I'm not sure.

5 Q. Okay. Do you send to your customers fliers  
6 marked "Mopar" on them?

7 MR. FUSCO: Does he?

8 Q. Did your dealership?

9 A. Not that I'm aware of.

10 Q. I'm going to show you a document which we marked  
11 Loman-7.

12 MR. FUSCO: Are you using this right now?

13 MS. DE FILIPPO: Yeah, I am using it.

14 By the way, for the record, this was also a  
15 part of the discovery that has been supplied to you.

16 MR. FUSCO: By who?

17 MS. DE FILIPPO: By Mr. Sheridan for one and  
18 probably many others.

19 MR. FUSCO: Mr. Sheridan is supplying  
20 discovery?

21 MS. DE FILIPPO: He supplied documents in  
22 with his discovery that we sent to you via disc.

23 MR. FUSCO: Then you would be able to  
24 identify to me when and where that was provided.

25 MS. DE FILIPPO: This was at the last

1 deposition in Detroit, which you didn't want to look  
2 at. This is what you were so upset which is what in  
3 the box. This is what I certified to the court was  
4 in the box, service manuals.

5 MR. FUSCO: It's a pretty big box.

6 MS. DE FILIPPO: Yeah. You said it was a  
7 pretty box. But this is what was in it, a couple of  
8 these, service manuals. So now, you know, I  
9 specifically told you about it. And Mr. Sheridan  
10 specifically told you about it. And certainly we're  
11 not going to quibble about service manuals not being  
12 provided. But if you want to, fine.

13 MR. FUSCO: I do. Go ahead.

14 MS. DE FILIPPO: Okay, good. So you saw  
15 this, right. Fine. Hang on to it because I have a  
16 copy.

17 MR. FUSCO: Are we going to a different  
18 exhibit now?

19 MS. DE FILIPPO: Yes.

20 Q. With respect to Loman --

21 MS. DE FILIPPO: What is the exhibit there?

22 MR. FUSCO: I've got seven.

23 Q. -- 7, have you ever seen that document before?

24 A. No.

25 Q. Okay. So are you indicating that that is a

1 document, although it says there From Chrysler to All of  
2 Chrysler Corporation Employees and Dealers, that you  
3 never received that document from Chrysler?

4 A. I haven't seen it.

5 Q. Okay. Did you ever receive any documents like  
6 that from Chrysler?

7 A. Signed by Lee Iacocca?

8 Q. Or anyone.

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

11 A. Few and far between.

12 Q. Okay. Did you ever become aware of an issue back  
13 in the '90s of brake shift interlock with Chrysler?

14 A. No.

15 Q. So are you indicating that you never knew about  
16 unintended acceleration claims that were made about  
17 Chrysler cars?

18 A. No.

19 Q. Were you a Jeep Eagle dealer back in 1997?

20 A. Yes.

21 Q. So I'm going to show you what's been marked  
22 Loman-9. And this document indicates it went to All  
23 Jeep Eagle Dealers.

24 Have you ever seen that document?

25 A. No.



1 Q. That document indicates that Chrysler is advising  
2 all Jeep Eagle dealers of the unintended acceleration  
3 issue which relates to the brake shift interlock,  
4 correct?

5 MR. FUSCO: Object to the form.

6 A. I didn't read the document.

7 MR. FUSCO: Whoa. We're going to give you a  
8 chance to read the document.

9 Have you produced this document in discovery?

10 MS. DE FILIPPO: I think this was part of  
11 the expert's documents. We are still in discovery, I  
12 might remind you.

13 MR. FUSCO: Okay. We're going to be in it  
14 for a long time.

15 Why don't you take a moment and look through  
16 this document.

17 THE WITNESS: I have not seen this document.

18 Q. Never saw it?

19 A. Never.

20 Q. Would somebody at your organization be  
21 responsible to read this document?

22 A. If it was given to the person, yes.

23 Q. Well, it said it went here to all Jeep Eagle  
24 dealers. And you said you were a Jeep Eagle dealer,  
25 correct, in 1997?

1 A. Correct.

2 Q. So assuming it came into your dealership as it  
3 indicates, who would be the appropriate person who would  
4 be responsible to read this document?

5 A. The sales manager and the service manager.

6 Q. And they would not bring this to your attention?

7 MR. FUSCO: Object to the form.

8 A. They did not bring that document to my attention.

9 Q. In your sales of Chrysler vehicles, in particular  
10 the Jeep Grand Cherokee, did you ever discuss with your  
11 customers brake shift interlock and the advantages of  
12 brake shift interlock?

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

15 A. Not that I'm aware of, I didn't.

16 Q. Did you ever become aware of the fact that  
17 Chrysler vehicles were becoming equipped with brake  
18 shift interlock right around 1996?

19 A. No.

20 Q. So you didn't know when you were selling the  
21 vehicle whether it had brake shift interlock or not?

22 MR. FUSCO: Object to the form. You've  
23 answered, but go ahead.

24 A. Correct.

25 Q. Did you think it was important to your customers

1 to know whether the vehicle came with brake shift  
2 interlock as a standard safety feature?

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

5 A. I don't know what brake shift interlock is.

6 Q. Okay. So if your customer came in and asked you  
7 about it, what would you do, not knowing what it is?

8 MR. FUSCO: Object to the form.

9 Q. What would be your procedure?

10 MR. FUSCO: Object to the form. There's no  
11 evidence of this in the record. But okay, answer.

12 A. I would bring the customer to the sales manager.

13 Q. The sales manager would know about brake shift  
14 interlock?

15 A. I can't say he would or he wouldn't.

16 Q. What did you do to educate your sales manager or  
17 yourself about the aspects of a vehicle in order to sell  
18 it to your customers?

19 A. I did not take any courses. Chrysler had courses  
20 and training for sales managers and salespeople. They  
21 set up the curriculum.

22 Q. When were these courses held?

23 A. They would be sporadically whenever Chrysler  
24 wanted to have them.

25 Q. How far apart would they be held?

1 A. There was no systematic -- you never knew.

2 Q. You never attended one?

3 A. I never did.

4 Q. But you sold the product?

5 A. My sales manager was responsible for selling the  
6 product. He took the courses. And they were directed  
7 for the sales managers to take the course.

8 Q. Who at Chrysler held these courses?

9 A. The regional people that worked for Chrysler.

10 Q. Where would they generally be held?

11 A. At their regional office or whatever other  
12 facility that Chrysler designated.

13 Q. I know you already testified that you don't know  
14 what a skid plate is, but I don't know if I asked you  
15 this.

16 Did you ever hear the term "skid plate"?

17 A. No.

18 Q. So you don't know if you stocked a skid plate?

19 A. Correct.

20 Q. Who knew that, the service manager?

21 A. The service manager would know that.

22 Q. Did you know that the fuel tank in the 1996 Jeep  
23 Grand Cherokee was plastic?

24 A. No.

25 Q. Did you know where the fuel tank was located in

1 the 1996 Jeep Grand Cherokee?

2 A. No.

3 Q. Did you ever have any discussions with any  
4 potential customers or people who became your customer  
5 regarding the composition or the location of the fuel  
6 tanks in the Jeeps in 1996?

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

9 A. Not that I'm aware.

10 Q. How about at any time before 1994 and 2004?

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

13 A. I'm not aware of any.

14 Q. Did you drive a Jeep?

15 A. I drove a Jeep for about a week.

16 Q. What Jeep did you drive?

17 A. It was a Grand Cherokee.

18 Q. When was that?

19 A. It was a long time ago.

20 Q. Was it prior to 2005?

21 A. Yes.

22 Q. Did you know where your tank was located?

23 MR. FUSCO: Gas tank?

24 MS. DE FILIPPO: Yes.

25 A. No.

1 Q. Your fuel tank, did you know if it was located  
2 behind the axle?

3 A. No.

4 Q. Did you ever have occasion to view your Jeep that  
5 you drove or any Jeep that you sold from the rear?

6 MR. FUSCO: Object to the form.

7 A. Can you say that one more time?

8 Q. Did you ever look at the Jeeps that you sold or  
9 that you drove by coming from the rear and looking at  
10 it?

11 MR. FUSCO: Object to the form.

12 A. No.

13 Q. Did you keep a file of the names and addresses of  
14 the people who bought cars from you?

15 A. Chrysler Jeep customers?

16 Q. Anybody. Any cars that you sold. Did you keep a  
17 file on those people?

18 A. We would have sales records on them and whatever  
19 service records we had.

20 Q. So you didn't destroy or shred the sales records  
21 on your prior customers, did you?

22 MR. FUSCO: Object to the form.

23 A. We don't have any records on our prior Chrysler  
24 Jeep customers.

25 Q. What happened to those records?

1           A. Chrysler gave those records to the surviving  
2           dealers.

3           Q. But these are your customers, correct? They were  
4           Loman customer that came into the Loman's, correct?

5           A. That's not the way Chrysler looked at it.

6           Q. All right. I understand that. But did you look  
7           at it as if they were your customers?

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

10          A. Once the bankruptcy was complete we had no reason  
11          to.

12          Q. I'm talking about you as a dealer. Is it fair to  
13          say that -- let me ask you this.

14                 It's fair to say that a lot or a large number of  
15          your customers came from areas not far from your  
16          dealership, correct?

17          MR. FUSCO: Object to the form. Why is it  
18          fair to say that?

19          MS. DE FILIPPO: Are you going to direct him  
20          not to answer?

21          MR. FUSCO: No. The record is what it is.  
22          You can answer it.

23          A. That's fair.

24          Q. So your dealership basically still exists in  
25          Woodbridge and in...

1 A. South Brunswick.

2 Q. South Brunswick, correct?

3 A. Yes.

4 Q. And wouldn't you want to know and don't you want  
5 to know people that were customers of yours regardless  
6 of what they bought?

7 A. The Chrysler bankruptcy hit us so hard, and  
8 Chrysler was so aggressive at moving what they consider  
9 their customers away from the terminated dealers, it was  
10 time for us to move on also.

11 Q. Right. But can you answer my question?

12 MR. FUSCO: I think he just did.

13 MS. DE FILIPPO: No, he didn't.

14 Q. My question was wasn't it important to you to  
15 know who your customers were who bought cars from YOU  
16 regardless of whether they were Jeep customers?

17 MR. FUSCO: Asked and answered. You can  
18 answer it again.

19 A. Okay. When Chrysler terminated some dealers,  
20 they went with a vengeance to the customers that were  
21 driving Chrysler Jeep vehicles and said this dealer is  
22 no longer your dealer, you go to this dealer.

23 Q. All right. I understand what Chrysler did. From  
24 your point of view, did you have an interest in knowing  
25 who you sold cars to regardless of what the car was?



1 A. Not in the case with Chrysler Jeep, no.

2 Q. So if a prior Chrysler Jeep customer who you sold  
3 a car to came to your dealership and didn't want to buy  
4 a Jeep, you would send them to the other Jeep  
5 dealership?

6 MR. FUSCO: Object to the form. That  
7 mischaracterizes the witness's testimony.

8 MS. DE FILIPPO: Fine.

9 MR. FUSCO: No. It's not fine to  
10 mischaracterize the witness's testimony.

11 MS. DE FILIPPO: I asked him a new question.

12 MR. FUSCO: You asked him a question that  
13 mischaracterizes his testimony.

14 MS. DE FILIPPO: You put your objection on  
15 the record. That's fine. I didn't --

16 Q. I said if a customer who you had sold a car to  
17 came into your dealership to buy another car that was  
18 not a Jeep, you would send them to a Jeep dealer?

19 A. No.

20 Q. So is it fair to say that you had an interest in  
21 the people that lived or worked around your dealerships  
22 who were potential customers for you in the future even  
23 after the bankruptcy?

24 A. Chrysler Jeep terminated us with such velocity  
25 and took our customers away from us and planted them in

1 other dealerships, it was a waste of time and effort to  
2 go after those customers. They wanted to see the  
3 terminated dealers destroyed.

4 Q. Regardless of whether you went after the  
5 customers, did you feel it was important to at least  
6 know who your prior customers were?

7 A. Regarding Chrysler Jeep customers?

8 Q. Any customers.

9 A. Any customers, yes. Chrysler Jeep customers, no.

10 Q. That is the reason why you didn't keep any  
11 records on prior customers because of Chrysler's  
12 vengeance?

13 MR. FUSCO: Object to the form.

14 A. It would cost money to store those files in  
15 areas, and we didn't want to spend the money. We were  
16 terminated and Chrysler did their best to exterminate  
17 us.

18 Q. So you never sent any prior Jeep Chrysler  
19 customers any sales or marketing or advertising  
20 information about any of the other vehicles which you  
21 continued to sell?

22 A. Correct. Not to my knowledge.

23 (Lunch recess was taken.)

24 Q. Mr. Loman, I know that I had asked you previously  
25 about whether you thought Phillip Kaeser was the person

1 with the most knowledge about the Grand Cherokee. I  
2 know you said no.

3 A. Correct.

4 Q. I'm just going to read to you from something.  
5 You had a prior lawyer from the firm of Bonner Kiernan,  
6 in particular Mindy Jayne.

7 Do you recall that?

8 A. I remember Mindy, yes.

9 Q. In response to my request for the person with the  
10 most knowledge she wrote "While Mr. Phillip Kaeser is  
11 being produced on November 15, 2010 in response to your  
12 notice for someone with the most knowledge regarding the  
13 Jeep Cherokee, upon information and belief the named  
14 former employees may also possess relevant knowledge."

15 Did you ever have any discussions with Mr. Kaeser  
16 about whether or not he was the person with the most  
17 knowledge about the Jeep Grand Cherokee?

18 A. No.

19 Q. Did you know that he was being produced by your  
20 attorney as the person with the most knowledge about the  
21 Jeep Grand Cherokee?

22 MR. FUSCO: Object to the form.

23 A. No.

24 Q. Can you tell me who is the person within your  
25 organization who should be deposed as the person with

1 the most knowledge about the Jeep Grand Cherokee?

2 MR. FUSCO: Object to the form. I probably  
3 should direct him not to answer on that question.

4 But you can answer.

5 A. In my firm now?

6 Q. Yes.

7 A. There is nobody that has knowledge. We don't  
8 sell Jeep Grand Cherokees. We don't service them.

9 Q. I understand you don't sell them and service them  
10 now. I'm asking you about the person with the most  
11 knowledge about the Jeep Grand Cherokee that you did  
12 sell?

13 A. There's nobody in my firm that I could recommend  
14 that would have any kind of knowledge about the Jeep  
15 Grand Cherokee.

16 Q. So is it your belief that the only one who can  
17 answer questions about what your business did relative  
18 to the Jeep Grand Cherokee would be someone who is no  
19 longer employed by you?

20 A. Correct.

21 Q. Would that be Mr. Delcicco or Mr. Ciccarelli?

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

24 A. I would say Vinnie Delcicco.

25 Q. Were you aware of the fact that when you were

1 served with interrogatory questions that Mr. Kaeser was  
2 the one who certified the Answers to Interrogatories?

3 A. No.

4 Q. If I show them to you now would you recognize his  
5 signature?

6 MR. FUSCO: Are you asking him if he  
7 recognizes his signature? Let him see it first.

8 MS. DE FILIPPO: Yeah, I'm going to show him  
9 now.

10 Q. Do you recognize the signature on that document?

11 A. I'm not sure what Phil's signature looks like.

12 Q. So you don't recognize it?

13 A. I don't know what his signature looks like, so I  
14 would be unable to recognize it.

15 Q. Okay. I'm going to give you the entire Answers  
16 to Interrogatories. I want you to look through them and  
17 indicate to me whether or not you believe any of the  
18 information that was provided with these answers under  
19 the signature of Phillip Kaeser is inaccurate?

20 MR. FUSCO: What do you want him to do,  
21 Angel?

22 MS. DE FILIPPO: I want him to look through  
23 and tell me if Kaeser was accurate in his answer.

24 A. I have to believe it's Phil who signed this. I  
25 just don't know.

1 Q. Look through the answers and tell me if you  
2 believe the answers are accurate.

3 MR. FUSCO: That's the question in front of  
4 you.

5 A. I don't recognize it.

6 MR. FUSCO: We have done that. Now she's  
7 asking you...

8 THE WITNESS: Got ya. I believe those are  
9 accurate.

10 Q. Now, Mr. Kaeser was deposed, and I'm just going  
11 to read to you a very short portion of his testimony on  
12 page 23.

13 MR. FUSCO: Are you going to give him page  
14 23?

15 MS. DE FILIPPO: No. I'm going to read it.  
16 Then you can read it.

17 A. You can read it. That's fine.

18 MR. FUSCO: I decide that. But go ahead.

19 Q. "QUESTION: Now, in signing the certification you  
20 understand that you signed and certified to the truth of  
21 the Answers to Interrogatories that were answered with  
22 the certification, correct?

23 "ANSWER: Yes.

24 "QUESTION: And you indicated in the  
25 certification that you certified these answers, but that

1           they were prepared from the information and materials  
2           made available from numerous sources within and without  
3           the said corporation, correct? I believe that's what it  
4           says.

5                     "ANSWER: If that's what it says, then that's  
6           correct.

7                     "QUESTION: So with respect to the sources that  
8           were within the corporation, can you tell me what  
9           sources you used to answer the interrogatories from  
10          within?

11                    "ANSWER: Counsel.

12                    "QUESTION: So the source of the information of  
13          the interrogatory answers was your attorney?

14                    "ANSWER: Yes.

15                    "QUESTION: Did you supply any information or did  
16          you go to any specific place within the company to  
17          supply any of the information in the Answers to  
18          Interrogatories?

19                    "ANSWER: No."

20                    My question to you, Mr. Loman, is did he ever  
21          consult with you with respect to answering the  
22          interrogatories, Mr. Kaeser?

23                    A. No.

24                    Q. Do you know if he consulted with anyone else  
25          within the corporation with respect to answering

1 interrogatories?

2 A. No.

3 Q. The next question is "With respect to the answers  
4 that were based on that remain available from sources  
5 without the corporation, what were those sources?"

6 "ANSWER: I'm not clear what you're saying.

7 "QUESTION: Well, I'm going to read to you just  
8 so that you have a sense of what I'm asking. 'I hereby  
9 certify that I have read the foregoing Answers to  
10 Interrogatories which were prepared from information and  
11 materials made available from numerous sources within  
12 and without said corporation.' So with respect to the  
13 answers that came from materials and sources without the  
14 corporation, what are those sources?"

15 "ANSWER: I have no idea, to be honest with you."

16 My question to you, Mr. Loman, is do you have any  
17 idea where he got the information that he used to answer  
18 interrogatories if it was from a source not within your  
19 corporation?

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

21 A. No.

22 Q. The next question was "Okay. Did you speak to  
23 anyone from Chrysler, either New Car Co. or Old Car Co.,  
24 in answering these interrogatories?" And the answer was  
25 "No."



1           Do you know if anyone other than Mr. Kaeser spoke  
2           to anyone at either Old Car Co. or New Car Co. Before  
3           answering the interrogatories?

4           A. No.

5           Q. On page 27 -- I'm sorry -- page 28, the question  
6           was to Mr. Kaeser:

7           "QUESTION: Basically you were presented with the  
8           document and you signed it on 8-12 of '09, and that  
9           document is the interrogatory certification?"

10          And his answer was "As I recall, yes."

11          And then on page 29:

12          "QUESTION: So did you have any involvement  
13          whatsoever in providing any of the answers to the  
14          supplemental questions marked P-2?"

15          And his answer was "I don't recall."

16          Do you recall whether or not you were involved in  
17          answering or providing facts with which to answer these  
18          interrogatories which were certified by Mr. Kaeser?

19          A. No.

20          Q. Now, Mr. Kaeser indicated on page 49 that Loman's  
21          kept a deal file in which there would be in there the  
22          sale to the Klines of their Jeep. If you look at page  
23          49:

24          "QUESTION: Are there any corporate records which  
25          you could look to to make sure that the vehicle in

1 question was purchased by Kline in Parsippany at Loman's  
2 and manufactured by Chrysler?

3 "ANSWER: I would think so.

4 "QUESTION: What would those documents?

5 "ANSWER: There should be a deal file.

6 "QUESTION: Is that kept at Loman's in  
7 Parsippany?

8 "ANSWER: Should be, yes."

9 "QUESTION: What else is in the deal file?

10 "ANSWER: Customers' information, financial  
11 information, credit information, deals stipulations,  
12 delivery receipts."

13 And I requested a copy of that file. Does that  
14 file exist?

15 A. I don't know.

16 Q. Did anyone ask you to get that file?

17 A. No.

18 Q. Would you provide me with a copy of that file if  
19 it exists?

20 MR. FUSCO: Don't answer that question.

21 MS. DE FILIPPO: Why are you directing him  
22 not to answer that question?

23 MR. FUSCO: Because I've already told you  
24 that all requests are to be made in writing. That's  
25 an improper question to ask the witness. That's a

1 question to ask me.

2 MS. DE FILIPPO: I'll rephrase the question.

3 Q. Would you look in your records and determine  
4 whether that file exists and advise your attorney of  
5 same?

6 MR. FUSCO: That's a proper question for  
7 you.

8 A. Yes.

9 MS. DE FILIPPO: Then I'll make a request again  
10 for that deal file, which I already requested, and I  
11 believe also followed up with a letter, and never got.

12 MR. FUSCO: Join the club.

13 MS. DE FILIPPO: Well, I don't like that  
14 club.

15 MR. FUSCO: Neither do I.

16 Q. Also on page 59 of the Kaeser deposition --

17 MR. FUSCO: 50 or 59?

18 MS. DE FILIPPO: 58 and 59.

19 MR. FUSCO: One second.

20 Q. "QUESTION: If you wanted to find information  
21 that existed when you were a Chrysler dealer, do you  
22 have access to that information?

23 "ANSWER: Not through Chrysler.

24 "QUESTION: Well, what about on your hard drive?

25 "ANSWER: Are you talking about for sales

1 information or for service information?

2 "QUESTION: Either.

3 "ANSWER: On our hard drive I wouldn't have  
4 access to it.

5 "QUESTION: Who would?

6 "ANSWER: I don't know. That I don't know. I  
7 don't know.

8 "QUESTION: Would John or David have access to  
9 it?

10 "ANSWER: They may."

11 And then I made a request at that time for the  
12 Data Exchange and Electronic Commerce Agreement with  
13 Chrysler. And I sent a letter to that effect. My  
14 request at this time is for the same thing, for you to  
15 review your records and if you have it, provide it to  
16 your attorney so that he can advise me whether or not  
17 you have it or provide me with a copy.

18 Would you do that search, please?

19 A. Yes.

20 Q. I believe in answer to interrogatory -- again, on  
21 page 59 and 60 of his deposition -- Mr. Kaeser indicated  
22 that, quote, "This Defendant cannot locate any writing  
23 provided with the subject vehicle."

24 And my question was "Does Loman have any writings  
25 whatsoever with respect to the Jeep Grand Cherokee, any

1           writings at all?"

2                   MR. FUSCO: Are you asking him that question  
3           now?

4                   Q. And the answer that finally was given by  
5           Mr. Kaeser on page 60 was "I wouldn't know. To be  
6           honest with you, I'm not up here anymore. I really  
7           don't know what they have."

8                   And my question to you is would you check your  
9           files to determine whether you have any information and  
10          provide that information to your attorney with respect  
11          to the Kline vehicle?

12                   A. Yes.

13                   Q. On page 72 of this deposition Mr. Kaeser  
14          indicates that:

15                   "QUESTION: But they didn't supply with you the  
16          actual hard computer itself, the instrument itself,  
17          correct?

18                   "ANSWER: Correct.

19                   "QUESTION: So whatever is in the hard drive is  
20          still there, correct?

21                   "ANSWER: Hard drive?

22                   "QUESTION: Of your computer.

23                   "ANSWER: Should be.

24                   "QUESTION: Did they purge the information from  
25          your computer in some way?

1 "ANSWER: Not that I'm aware of."

2 So my question to you is to determine whether you  
3 have information on your hard drive and advise your  
4 attorney so he can advise me.

5 A. Yes.

6 Q. Would you agree with Mr. Kaeser on page 88 in  
7 which he indicates that -- of his deposition -- in which  
8 he indicates that Chrysler came to your dealership  
9 weekly, a Chrysler representative?

10 A. I can't say that they do or they didn't. I  
11 didn't know what Chrysler's schedule was.

12 Q. Do you have any reason to disbelieve the  
13 testimony of Mr. Kaeser?

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

15 A. No, I wouldn't.

16 MR. FUSCO: Are you done with this?

17 MS. DE FILIPPO: Yes.

18 Q. Now, Mr. Loman, I'm going to show you again  
19 Loman-8, which is that document with the recall. And  
20 I'm going to read a portion of it. It says:

21 "Dealer Notification and Vehicle List. All  
22 dealers will receive a copy of this Dealer Recall  
23 Notification by letter by first class mail. Two  
24 additional copies will be sent to the DCMMS, and the  
25 MDS2 will be updated to include this recall in the near

1 future."

2 Now, I'd like to just ask you whether or not that  
3 refreshes your recollection as to whether you received  
4 hard copies of recall notices such as this A10 notice  
5 which we have marked Loman-8?

6 MR. FUSCO: Do you want to see it?

7 MS. DE FILIPPO: Do you want to read it?

8 A. I never saw this before.

9 Q. I understand you said you never saw it. I read  
10 you a portion of it indicating that Chrysler says they  
11 sent to their dealers these notifications by first class  
12 mail.

13 Does it refresh your recollection that you got  
14 actual hard document, paper documents, regarding recalls  
15 such as A10 which we have marked Loman-8?

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

18 A. They may have directed it to the service manager  
19 directly.

20 Q. Well, do you know whether they did or not?

21 A. No. I'm not sure.

22 Q. What is the DCMMS?

23 A. I have no idea.

24 Q. What is the MDS2?

25 A. I don't know.

1 Q. Do you know what Dial System is?

2 A. I have heard the term before.

3 Q. What does it mean?

4 A. I think it's another interface with Chrysler.

5 Q. Is it a computer interface?

6 A. I believe, yes.

7 Q. So do you need a password to use the Dial System?

8 A. You need a password for everything.

9 Q. Do you need a password for the Dealer Connect?

10 A. I believe so.

11 Q. Do you remember what your password was?

12 A. I never had one.

13 Q. Well, did Loman's have one?

14 MR. FUSCO: Do you mean the...

15 MS. DE FILIPPO: The dealership.

16 A. The appropriate manager would be given the  
17 password and set up with Chrysler directly.

18 (Loman-13, Dealer Service Instructions, marked  
19 for identification.)

20 Q. I'm going to show you a document which was marked  
21 as Loman-13.

22 Have you ever seen that document or any document  
23 like that?

24 MR. FUSCO: Can you tell me if this document  
25 was produced in discovery?



1 MS. DE FILIPPO: I can't tell you offhand  
2 right now. I assume it was. I assume it was.

3 MR. FUSCO: Without waiving any of my rights  
4 I'll let him review it.

5 A. I have never seen this document before.

6 Q. Have you ever seen any documents like this called  
7 Dealer Service Instructions or Customer Satisfaction  
8 Notifications?

9 A. No.

10 Q. So you never received at any time that you were a  
11 dealer from 1994 to 2009 -- in particular this one is  
12 dated 1997 -- anything that said on it "Customer  
13 Satisfaction Notification Number"?

14 A. No.

15 Q. But you indicated that customer satisfaction was  
16 one of your duties as manager, correct?

17 A. Yes.

18 Q. Did you interface in any way or have any dialogue  
19 with the manufacturer about customer satisfaction?

20 A. No.

21 Q. And you were never contacted by anyone within  
22 Loman's or within Chrysler to discuss customer  
23 satisfaction relative to any item or aspect of the  
24 vehicles you sold for Chrysler?

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

1 answer.

2 A. Can you restate that question?

3 (Previous question read.)

4 A. Every once in a while a customer would complain.

5 Q. Would they complain directly to Loman or to  
6 Chrysler?

7 A. Chrysler sent out a survey to people regarding  
8 their sales experience, and we would get a copy of any  
9 problems. And I would work off what Chrysler would send  
10 back to me.

11 Q. In doing that did you have any discussions with  
12 anyone at Chrysler?

13 A. No.

14 Q. What would you do to work off of that?

15 A. I would review each complaint with the manager  
16 and the manager would deal with it directly.

17 Q. When you say "deal with it directly," do you mean  
18 deal with Chrysler directly or deal with the customer  
19 directly or both?

20 A. Both if need be.

21 Q. Then did they report back to you?

22 A. No.

23 Q. Did you do any follow-up?

24 A. No. It was the manager's responsibility. They  
25 were very few and far between also.

1 Q. I'm going to show you a document which has been  
2 marked Loman-10 and ask you if you recall seeing that  
3 document?

4 MR. FUSCO: This is not from this  
5 litigation. What do you want him to know?

6 MS. DE FILIPPO: I asked him did you ever  
7 recall seeing that document?

8 MR. FUSCO: Subject to my rights, I will let  
9 him see if he's ever seen this document before. I'm  
10 not even agreeing it's a document.

11 A. No, I haven't.

12 Q. Do you ever recall seeing documents from Chrysler  
13 that began with "Dear Daimler Chrysler Motors  
14 Corporation Dealers" and indicated "To all dealers"?

15 A. I don't remember.

16 Q. You don't remember if you ever saw a document  
17 from anyone such as John McDonald, Senior Vice President  
18 of Sales and Service of Chrysler, or anyone in that  
19 capacity to dealers?

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

22 A. I don't remember that specific name. But  
23 occasionally they would send out something regarding a  
24 new product coming in. That, I do remember seeing.

25 Q. Did you ever receive any information from

1 Chrysler directly telling you about problems that were  
2 being voiced about their vehicles and how to deal with  
3 customer issues involving their vehicles?

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

6 A. No.

7 Q. I'm going to show you what's been marked  
8 Loman-11. Can you look at that document.

9 MR. FUSCO: Subject to my rights, I'll let him  
10 see if he can identify this document. I'm not conceding  
11 that it is a whole document.

12 A. I have never seen that.

13 Q. Have you ever been presented with any document  
14 from Chrysler to all dealers, and in particular to all  
15 dealer principals, regarding Chrysler's continuing  
16 effort to provide the dealers with breaking news?

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

19 A. Not specifically with that.

20 Q. What do you mean "not specifically"? Did  
21 Chrysler ever send you a document indicating they have a  
22 continuing effort to provide their dealers with breaking  
23 news?

24 MR. FUSCO: Let the record reflect you were  
25 reading off a document that I don't believe has been

1 produced, and asking the witness to comment on it, I  
2 think, it's improper. I will let him do so the best  
3 he can.

4 A. No.

5 Q. Without reading off the document, did Chrysler  
6 ever tell you that they were making continuing efforts  
7 with all of their dealers to alert you to any kind of  
8 breaking news that was going on?

9 A. No.

10 Q. With respect to their products.

11 And did Chrysler ever advise you as to anything  
12 regarding the media and the media's handling of issues  
13 such as break shift interlock, or air bags, or child  
14 safety seats, or anything like that?

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

17 A. Not to my recollection.

18 Q. Did you know anything about Chrysler's handling  
19 of the strength of their seat backs?

20 MR. FUSCO: Object to the form.

21 A. No.

22 Q. You never heard anything from Chrysler about  
23 that?

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

1 A. No.

2 Q. If a mailing came in that was noted to be from  
3 Chrysler to all dealer principals, who would they be  
4 referring to in terms of "dealer principals"?

5 MR. FUSCO: Object to the form. You can  
6 answer if you know.

7 A. It would be disseminated to the appropriate  
8 manager.

9 Q. Well, who would that be?

10 A. It depends upon what came in.

11 Q. Now, when you say it would be disseminated, who  
12 would it be disseminated to?

13 A. The office. A lot of times it was directed  
14 towards the manager for Chrysler.

15 Q. But if it was directed directly toward a dealer  
16 principal who would that be?

17 A. It would depend upon what information. If it was  
18 sales related, it would go to the sales manager.  
19 Service related, it would go to the service manager.

20 Q. Would it ever be you?

21 A. No.

22 Q. Would you be the one disseminating it?

23 A. No.

24 Q. Who would?

25 A. I don't know. I don't recollect.

1 Q. Would it be a secretary?

2 MR. FUSCO: Object to the form.

3 A. I don't know. I didn't open the mail.

4 Q. Is your father still a part of your company,  
5 Loman?

6 A. In a very nonactive way.

7 Q. Is he a person with knowledge about the sale and  
8 service of the Jeeps when you were a Jeep dealer?

9 A. No.

10 Q. How about your mother or your sister?

11 A. Definitely not.

12 Q. In the chain in the hierarchy of command of  
13 Loman's after your dad and your mom and your sister, who  
14 is it that -- who comes next?

15 A. There is nobody. Well, it would be our  
16 department managers.

17 Q. Such as your service manager or your sales  
18 manager?

19 A. Correct.

20 Q. Where does Mr. Kaeser come in?

21 A. He was a temporary sales manager in Parsippany.

22 Q. Is he still with you?

23 A. Yes, he is.

24 Q. What is he now?

25 A. Sales manager.

1 Q. Is he permanent?

2 A. Yes.

3 Q. Did you ever read a report by Carl Nash?

4 A. No.

5 Q. Did you ever read any reports of any experts in  
6 this case?

7 A. No.

8 Q. I'm going to show you a packet that was marked  
9 PT-3 on July 21st of 2011. Just look at these  
10 photographs.

11 Have you ever seen those photographs before?

12 A. No.

13 Q. Can you identify anything about those  
14 photographs?

15 A. No.

16 Q. Can you indicate if that depicts anything in any  
17 of the photographs?

18 A. No.

19 Q. Do you know what the Chrysler Engineering Book of  
20 Knowledge is?

21 A. No.

22 Q. I'm going to read from a document that's been  
23 previously marked as PT-1 on 7-21-11. It's a Product  
24 Information Book.

25 It says "The 1991 Dodge Product Information Book



1 has been extensively redesigned to make it easier than  
2 ever for you to help new car prospects select the  
3 vehicle they want, equipped the way they want it. Its  
4 pages are a guide that will help them personalize a car  
5 to suit their budget as well as their needs."

6 I understand that you have never been provided  
7 with a copy of the document which I marked as PT-1 at a  
8 prior deposition. But did you have any other literature  
9 like this when you were selling Jeeps or Chrysler  
10 vehicles?

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

13 A. Not to my knowledge.

14 Q. Did you have any pamphlets or brochures that  
15 Chrysler provided for your use in making it easier to  
16 help new car prospects to select the vehicle they want,  
17 equipped the way they wanted?

18 A. Just a brochure, to my knowledge, a standard  
19 brochure.

20 Q. Can you describe what you mean by "a standard  
21 brochure"?

22 A. Your typical brochure that you walk into any car  
23 dealership that you receive at the front counter.

24 Q. Well, can you describe it by a thickness or  
25 content or something else?

1           A. It was just pictures and colors of the vehicle,  
2           and sometimes a list of equipment.

3           Q. Would it also have marketing information?

4           A. I don't know.

5           Q. Would it point out the best features of the  
6           vehicle that you were selling?

7           A. I don't know.

8           Q. Do you recall when you were selling these cars  
9           what types of literature you used to sell these cars  
10          with the customers?

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

13          A. Basic brochures that the manufacturer sends us  
14          that we pay for.

15          Q. So when you were selling Jeeps, for instance, to  
16          your customers, can you describe what you mean by a  
17          basic brochures, what did they consist of?

18          MR. FUSCO: Objection. Asked and answered.  
19          But you can answer again.

20          A. They're the brochures that all dealers charge  
21          that give basic color information on the vehicle so the  
22          customer can take it when they leave if they don't buy a  
23          car.

24          Q. Do they talk -- do those brochures also have a  
25          section that talks about the safety features of the

1 vehicles you're selling?

2 A. I don't know.

3 Q. Well, other than the colors and the model, what  
4 other information is provided to the customer by way of  
5 brochure or pamphlet?

6 A. Nice pictures of the vehicle.

7 Q. All right. I'm going to show you a document  
8 which was previously marked on 6-15-11 as Exhibit 6.  
9 Would you look at this document.

10 Have you ever seen a document like that?

11 A. Not that -- no.

12 Q. Have you ever seen a document like this?

13 A. Not like that one, no.

14 Q. When you say not like this one, what about this  
15 document makes you know you never have seen any document  
16 like this one that is indicated as the "New Jeep Grand  
17 Cherokee Mopar Accessories"?

18 A. Because the brochures that I'm used to seeing or  
19 I remember don't have accessories in them.

20 Q. So are you saying you never saw a document like  
21 this with "Mopar Accessories" on the bottom?

22 A. Correct.

23 Q. Is this a similar size of the brochures that you  
24 used in selling the Jeep Grand Cherokee?

25 A. Yes.

1 Q. Did you ever sell Jeep accessories?

2 A. Not really.

3 Q. What does that mean?

4 A. We never got involved with that.

5 Q. Did you ever have any discussions with anyone  
6 within your company or with anyone at Chrysler regarding  
7 Chrysler's investigations of fuel tank relocations?

8 MR. FUSCO: Object to the form.

9 A. No.

10 Q. Did you ever have any discussions within your  
11 company or within Chrysler about vertical height  
12 differences that create a mismatch with passenger car  
13 bumpers and Jeep bumpers?

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

16 A. No, never.

17 Q. Were you aware of mismatched height differences  
18 between passenger car bumpers and Jeep bumpers?

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

21 A. No, never.

22 Q. Did you ever see a document such as what has been  
23 previously marked as Exhibit 4 on 6-15-11?

24 A. No.

25 Q. Are you familiar with the Daimler Chrysler

1 Corporation's trade magazine for after-market  
2 professionals called Expressions?

3 A. No.

4 Q. So in the 15 years that you were selling Chrysler  
5 vehicles and Jeeps, you did not ever deal with Mopar  
6 parts?

7 A. Not to my knowledge.

8 Q. Are you familiar with the Chrysler Bill of  
9 Rights, the right to a safe car, that was announced to  
10 all Chrysler motor dealers?

11 MR. FUSCO: Object to the form.

12 A. No.

13 (Loman-14, Chrysler Coupon to Customer, marked  
14 for identification.)

15 Q. Can you can take a look at Loman-14 and tell me  
16 if you have ever seen this document that looks like  
17 that?

18 MR. FUSCO: Before you answer that, do you  
19 know if this document has ever been produced in this  
20 discovery?

21 MS. DE FILIPPO: I can tell you it has not.

22 MR. FUSCO: I can tell you he's not  
23 answering any questions about it.

24 MS. DE FILIPPO: Are you directing him not to  
25 answer?

1 MR. FUSCO: You have an obligation to --

2 MS. DE FILIPPO: I don't have any obligation  
3 for any document that I'm asking questions on.

4 MR. FUSCO: You and I are not on the same  
5 page, because I think you really do have to produce  
6 the documents that you intend to ask questions on.  
7 This is not gotcha. This is not surprise. This is  
8 not a deposition by ambush.

9 MS. DE FILIPPO: He either knows the document  
10 or he doesn't. There is no ambush in the document.

11 MR. FUSCO: Well, do you want to ask him if  
12 he knows the document?

13 Q. Have you ever seen a document like this before?

14 A. No.

15 Q. Have you ever seen a document where the dealer  
16 sends or the dealer's name is on the document which  
17 comes from Chrysler and goes to a customer?

18 A. No.

19 Q. So that never happened when you were a dealer of  
20 Chrysler products?

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

23 A. Not that I'm aware of.

24 Q. Did your dealership -- was your dealership ever  
25 presented with coupons which entitled a customer to have

1 maintenance work done on your vehicles at a reduced  
2 price?

3 MR. FUSCO: By who?

4 MS. DE FILIPPO: By anyone.

5 A. By anyone. I'm not sure. Probably.

6 Q. Were any of the coupons ever directly from  
7 Chrysler?

8 A. I don't know.

9 Q. Did you provide coupons to any of your customers  
10 to have work done at reduced rates?

11 A. An occasional oil change.

12 Q. When you did that how did you provide those  
13 coupons to the customers?

14 A. Well, tell them when they were at the dealership  
15 we would give them the pricing of the oil change.

16 Q. Oh, you didn't send out coupons to your customers  
17 by mail?

18 A. Not that I'm aware of.

19 Q. Who would know that if you did?

20 A. Vinnie.

21 Q. Vinnie would be the one to send out the coupons?

22 A. I'm not sure.

23 Q. Who would make a decision that there should be  
24 coupons for reduced rates on service items?

25 A. If it was free, Chrysler would do it.

1 Q. Then Loman would get reimbursed through Chrysler,  
2 correct?

3 A. If they were to do it, they wouldn't charge us.  
4 So if something like that happened, they would say it's  
5 free, do you want to do it. And Vinnie would make that  
6 decision if it was to be done that way.

7 Q. Okay, I didn't understand.

8 MR. FUSCO: I didn't understand that either.

9 A. Okay. Chrysler -- I'm not aware if Vinnie was  
10 the person responsible for that. And Chrysler could  
11 have sent out coupons on their own behalf for reduced  
12 oil changes and directed the customer towards us.

13 Q. Who would pay you?

14 A. The customer would pay us at the time of the  
15 service.

16 Q. So who would agree on the reduced rate and  
17 authorize these coupons to be valid?

18 A. Oh, Vinnie.

19 Q. So Vinnie would make a decision whether he would  
20 agree to have the coupons sent to the customer?

21 A. Correct.

22 Q. Is that a job responsibility and duty that you  
23 have delegated to Vinnie, you as a principal of the  
24 company?

25 MR. FUSCO: Object to the form.



1 A. Yes.

2 Q. Did you know about any product information books  
3 that went to you as a dealer?

4 A. No.

5 Q. Who would know that?

6 A. I don't know.

7 Q. Well, if product information books came in where  
8 would -- who would they go?

9 MR. FUSCO: Object to the form.

10 A. It would go to the appropriate department.

11 Q. Do you get product information books on the cars  
12 you sell now?

13 MR. FUSCO: Object to the form.

14 A. We get brochures. And anything that has to do  
15 with service goes directly to service.

16 Q. What about sales information books that are more  
17 than just brochures, did you ever receive anything like  
18 that?

19 A. No.

20 Q. Did you ever when you were a Jeep dealer?

21 MR. FUSCO: Object to the form.

22 A. No.

23 Q. Now, in selling Jeep vehicles, did you feel that  
24 it was important to know how the Jeep performed on the  
25 roadway in the real world?

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

3 A. No.

4 Q. Did you ever discuss with your customers during  
5 your sales of the Jeep vehicles how the car performed in  
6 a crash?

7 MR. FUSCO: Object to the form.

8 A. Not that I'm aware of the.

9 Q. Relative to Jeeps?

10 A. Not that I'm aware of.

11 Q. Did you ever discuss with your customers crash  
12 worthiness or safety of the Jeep vis-a-vis other SUVs?

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

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

16 Q. Did any of your customers in selling these  
17 vehicles ever question the safety rating of the Jeep as  
18 opposed to other SUVs when they were coming in to buy a  
19 Jeep?

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

22 A. I don't know.

23 Q. Well, you said you sold these cars, correct?

24 MR. FUSCO: Object to the form.

25 A. My company sold the cars.

1 Q. Well, didn't you say you also -- didn't you say  
2 "You bet I would"? Wasn't that your answer to me  
3 earlier?

4 A. If I had a friend that wanted to buy a vehicle, I  
5 would be happy to sell that to them, turn them over to  
6 the salesperson who had more product knowledge than I  
7 did.

8 Q. Well, maybe I misunderstood you. Let me go right  
9 back to where we started. I thought you told me earlier  
10 in the deposition that you actually sold the Jeeps?

11 A. No, I did not actually physically sell the Jeeps.  
12 We were a dealership that sells the Jeeps.

13 Q. So you were never listed as a person who sold an  
14 individual car from 1994 to 2009 relative to Chryslers?

15 A. Correct.

16 Q. And if a person came up to you and you happened  
17 to be walking through your dealership, you would turn  
18 them over to a salesperson?

19 A. Yes.

20 Q. You never had a discussion with any prospective  
21 buyers about the features of your product?

22 A. Correct.

23 Q. Whether it be safety, whether it be parts,  
24 whether performance, anything like that, you never had  
25 any discussions?

1 A. Correct.

2 Q. And the people that were responsible for that  
3 were the sales manager and everyone under the sales  
4 manager?

5 A. Correct.

6 Q. Did you ever have any meetings with the  
7 salespeople or the sales manager about ways to improve  
8 sales?

9 A. Can you just refine that question?

10 Q. Did you ever have any meetings within your  
11 organization with any of the sales staff about ways to  
12 improve sales?

13 MR. FUSCO: Same question, so I'll Object to  
14 the form. Can you answer it?

15 A. Every once in a while.

16 Q. At these meetings what typically would be  
17 discussed?

18 A. Customer follow-up of making appointments.

19 Q. Was anything discussed about the product itself?

20 A. No.

21 Q. How to market the product to an individual  
22 customer?

23 A. No.

24 Q. Or demographic of a customer?

25 A. No.

1 Q. So it was how to follow up with leads?

2 A. Correct.

3 Q. Did you receive leads from Chrysler?

4 A. You know, I don't remember.

5 Q. Anything other than following up with the  
6 customers that you would discuss in these meetings  
7 regarding sales?

8 A. No.

9 Q. Was the Dealer Connect system available to the  
10 general public?

11 A. I don't know.

12 Q. Did you make the Dealer Connect available to the  
13 general public at your dealership?

14 A. I don't know.

15 Q. Did any of your employees ever discuss with you  
16 how to market the Jeeps to your customers in terms of  
17 what actually you would tell them about the car?

18 A. No.

19 Q. Was that something that the salespeople discussed  
20 among themselves?

21 MR. FUSCO: Object to the form.

22 MS. DE FILIPPO: If you know.

23 A. I don't know.

24 Q. Did Loman Auto Group which sold -- or the Loman  
25 corporation which sold Jeeps from 1994 to 2009 -- hold

1           itself out as knowledgeable about the workings of the  
2           Jeep itself, in other words, the functioning of the car?

3           MR. FUSCO: Object to the form.

4           A. No.

5           Q. Did Loman Auto Group or the entity which sold the  
6           Jeeps from 1994 to 2009 hold themselves out as being  
7           expert in repairing the Jeeps or servicing them?

8           MR. FUSCO: Object to the form.

9           A. No.

10          Q. It did not?

11          A. No.

12          Q. So when a Jeep was sold at Loman's, as far as you  
13          know, you did not tell the customer that you had experts  
14          in service for the Jeep?

15          A. Our technicians were trained by Chrysler.

16          Q. I'm not asking you about that.

17          MR. FUSCO: You're asking if he said those  
18          words?

19          Q. I'm asking you if you communicated to your  
20          customers the fact that in any words you want to use --  
21          the fact that Loman's held itself out as being expert in  
22          servicing the Jeeps?

23          MR. FUSCO: Object to the form.

24          A. I never did.

25          Q. Do you know if anyone did at Loman?

1 A. I don't know. I don't know.

2 Q. Were there any signs up in the service department  
3 indicating the quality of Jeep service at Loman?

4 A. No.

5 Q. Were there any signs up at Loman indicating the  
6 quality of the product and standing behind the product  
7 at Loman?

8 A. No.

9 Q. So when a customer came in, to your knowledge,  
10 they were never told that there was expert staff trained  
11 by Chrysler who could service their vehicle at Loman?

12 MR. FUSCO: Object to the form. You were  
13 never told those words?

14 MS. DE FILIPPO: Yes. Or words to that  
15 effect.

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

18 A. I don't know.

19 Q. Well, who would know that?

20 A. I didn't spend any time really in the service  
21 department interfacing and listening to what customers  
22 were saying.

23 Q. Did you spend any time in the sales department?

24 A. Occasionally.

25 Q. So did you ever hear your salesmen tell their

1 customers as they were selling these Jeeps that our  
2 service department is trained by Chrysler and has the  
3 expertise in servicing these Jeeps?

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

6 A. No, I didn't.

7 Q. You don't know whether they ever said that?

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

10 A. Correct.

11 Q. Now, I'm going to direct you to Interrogatory  
12 Answer C4, Number 3, which asks "the name and address of  
13 the person, firm, or entity that did the following with  
14 respect to the product: Designed it, manufactured it,  
15 assembled it, packaged it, distributed it, advertised  
16 it, installed it, and serviced it or otherwise  
17 maintained it."

18 Your answers were "As far as serviced or  
19 otherwise maintained, H. On the advice of Counsel the  
20 entity that serviced the subject vehicle after sale is  
21 unknown."

22 My question to you is isn't that information you  
23 could get through your computer system with Chrysler?

24 MR. FUSCO: Now?

25 MS. DE FILIPPO: No.



1 Q. Could have gotten when you were still a Chrysler  
2 dealer, isn't that information you could have gotten  
3 through your computer system?

4 MR. FUSCO: Object to the form. This is a  
5 totally improper question. But you can answer.

6 A. I don't know.

7 Q. So did you attempt to look on your computer  
8 relative to that question to determine whether or not  
9 you could find out on the computer who serviced the  
10 vehicle, the Kline vehicle?

11 MR. FUSCO: Object to the form.

12 A. I don't know. I didn't look to see anything  
13 about the Kline vehicle servicing.

14 Q. Did you ever see these questions before today,  
15 the Answers to Interrogatories that I previously showed  
16 you?

17 A. That was a while ago, wasn't it?

18 Q. The ones that were certified by Mr. Kaeser, did  
19 you ever see them?

20 A. No.

21 Q. You never did?

22 A. Never.

23 Q. So they went out and you didn't see them.

24 Did your father see them, to your knowledge?

25 A. No.

1 Q. Mother?

2 A. No.

3 Q. Your sister?

4 A. No.

5 Q. So to your knowledge, the only one who reviewed  
6 them was Mr. Kaeser?

7 A. Yes.

8 MS. DE FILIPPO: Why don't we mark this.

9 (Loman-15, Supplemental Interrogatories, marked  
10 for identification.)

11 Q. In March of 2011 supplemental interrogatories  
12 were answered or were requested by your attorney  
13 relative to certain data.

14 Are you aware of any of that information?

15 A. No.

16 MR. DE FILIPPO: Mr. Fusco, I, in reviewing this  
17 case, saw that Mindy Jayne had requested of Chrysler  
18 supplemental interrogatories relative to the FARS and  
19 State Crash Data. And we had requested copies of  
20 everything you obtained. We haven't received anything  
21 in response to the supplementals that she sent out. So  
22 I'm making a request for that now.

23 MR. FUSCO: That's fine.

24 MS. DE FILIPPO: It's a letter of March 23rd,  
25 2011. Do you know if you received any information in

1 response to that?

2 MR. FUSCO: I don't know off the top of my  
3 head.

4 MS. DE FILIPPO: I'm just going to request  
5 it.

6 MR. FUSCO: That's fine. Same instructions.

7 Q. In answer to an interrogatory of yours Number  
8 C4 -- Mr. Loman, I understand you never saw the answers.  
9 But the question had to do with -- I'll read it to you.

10 MR. FUSCO: Read him the question and answer.

11 Q. It's number 10. "State whether at any time prior  
12 to answering these interrogatories and subsequent to the  
13 date of manufacture and distribution of the product  
14 itself and similar products by this Defendant, any  
15 person complained or alleged that he/she or anyone  
16 suffered bodily injuries or death as a result of using  
17 the product in a manner in which Plaintiff claims to  
18 have used the product when the injury occurred," and so  
19 state certain items about that.

20 And your the answer which Mr. Kaeser certified to  
21 on behalf of Loman was "Unknown to this Defendant."

22 Do you know whether anybody complained of  
23 injuries or death from a rear-end hit and a fire to a  
24 Jeep vehicle?

25 A. No.

1 Q. At any time prior to 2007?

2 A. No.

3 Q. How about prior to 2009?

4 A. No.

5 Q. Since answering these interrogatories have you  
6 learned of any other instances where there has been a  
7 rear-end hit and a fire in a Jeep vehicle?

8 A. No.

9 Q. Have you ever had any lawsuits instituted against  
10 Loman regarding the Jeep vehicles for any reason?

11 A. No.

12 Q. Have you become aware of any lawsuits prior to  
13 the bankruptcy that were instituted against Chrysler for  
14 any issues involving the Jeep vehicles?

15 A. No.

16 Q. You never learned at any time that there were  
17 ever any lawsuits?

18 A. No.

19 Q. You never saw any media coverage of any lawsuits  
20 against Jeep with for any problems with the Jeeps?

21 MR. FUSCO: Object to the form. You can answer.

22 A. No.

23 Q. Now, you indicated that you were a member of a  
24 trade organization, New Jersey Car, I believe. Is that  
25 what the name of the organization is?

1 A. New Jersey Car.

2 Q. That's a trade organization?

3 A. Yes.

4 Q. What does New Jersey Car, what is their mission  
5 statement?

6 A. I don't know.

7 Q. Why are you a member?

8 A. They give us discounts on products that we buy  
9 from them.

10 Q. Such as?

11 A. Retail buy orders.

12 Q. Like, give me an example?

13 A. When you buy a car, the retail buyer order form.

14 MS. DE FILIPPO: I don't know what that is.

15 MR. FUSCO: Do you mean the forms you use in the  
16 business?

17 THE WITNESS: Yes.

18 Q. Just the actual paper?

19 A. Yes.

20 Q. Anything else?

21 A. Not that I'm aware of.

22 Q. Do they require a membership fee?

23 A. Yes.

24 Q. Do they require you to uphold any specific  
25 standard?

1 A. Not that I'm aware of.

2 Q. Do they advertise that members of that  
3 organization deal in any specific way with customers?

4 A. Not that I'm aware of.

5 Q. Did you tell me that you didn't know what NADA  
6 is?

7 A. I know what NADA is.

8 Q. What is it?

9 A. National Auto Dealer Association.

10 Q. You don't know if you're a member of that?

11 A. I don't believe we are.

12 Q. Does New Jersey Car put a plaque up in your  
13 dealership when you're a member?

14 A. No.

15 Q. Or do you put a plaque up when you're a member of  
16 New Jersey Car?

17 A. Not that I'm aware of.

18 Q. How about NADA, is there a plaque up in your  
19 dealership when you're a member of that?

20 A. I don't know.

21 Q. You never saw a plaque up in your dealership?

22 A. No, not for NADA, no.

23 Q. Do you know what the mission is of NADA?

24 MR. FUSCO: Object to the form.

25 A. I don't know the mission statement, no.

1 Q. Is there a reason why you're not a member of the  
2 National Auto Dealer Association?

3 A. I probably don't want to spend the money.

4 Q. Are there any benefits to being a member of NADA?

5 A. I don't think so.

6 Q. Do you know whether one of the purposes of NADA  
7 is to gather information and collect ideas about the  
8 market conditions in different areas of the country?

9 A. I don't know what they do.

10 Q. So Loman has never been a member of NADA?

11 A. No, not to my knowledge.

12 Q. Who would make the decision if you were? Would  
13 that be you?

14 A. They would probably send out a solicitation. And  
15 if it came across my desk, I would look at it. But I  
16 have never seen a solicitation from them.

17 Q. When you say someone is employed as an advisor,  
18 what does that mean?

19 A. I don't understand the question.

20 Q. I believe your former attorney listed some people  
21 that we have gone through their names already and  
22 indicated some were advisors.

23 Does that mean anything to you?

24 A. Just advisor, no. Not just as the advisor term,  
25 no.

1 Q. Let me see if I can find it. I show you her  
2 letter of November 11, 2010. You can look through those  
3 names. You can see that some of those names she listed  
4 advisor next to their name.

5 Does that refresh your recollection as to what  
6 she means by "advisor"?

7 A. That would be a service advisor, a service  
8 writer.

9 Q. What does that mean?

10 A. A service writer is the person who the customer  
11 talks to when they come in for service.

12 Q. They don't actually perform the service?

13 A. No.

14 Q. They're not mechanics?

15 A. Sometimes they are.

16 Q. Well, if she listed them on the sheet as just an  
17 advisor, would that make you believe that they were not  
18 mechanics?

19 MR. FUSCO: Object to the form.

20 MS. DE FILIPPO: I mean, I'm trying to  
21 decipher what was supplied to me by your former  
22 attorney.

23 A. I could not tell you the background of the  
24 advisor, if they were a mechanic or not.

25 Q. In your organization if a person is not listed as



1 a mechanic but rather listed as an advisor, would that  
2 imply to you that they're not mechanics?

3 A. Not necessarily.

4 Q. Great. Well, Maloof and Buono, Kenny Maloof and  
5 Richard Buono were listed as advisors.

6 Were they mechanics also?

7 A. Not that I'm aware of. But I don't know.

8 Q. When a person is listed as a manager, just simply  
9 manager, what does that mean?

10 A. That person would be a service manager. They  
11 would be in charge of their department.

12 Q. They're not sales managers, they're service  
13 managers?

14 A. They're separate.

15 Q. Well, if it's just listed as manager what should  
16 I take it to mean?

17 MR. FUSCO: Object to the form. You could  
18 take it for whatever it is.

19 MS. DE FILIPPO: It's produced by your  
20 client.

21 MR. FUSCO: Why don't you ask the witness  
22 instead of staring at it.

23 MS. DE FILIPPO: He saw it. I just provided  
24 it to him.

25 MR. FUSCO: Well, you took it back.

1 MS. DE FILIPPO: Well, he gave it back. He  
2 could read it as long as he wants.

3 MR. FUSCO: Ask him whatever you want about  
4 the document.

5 THE WITNESS: What is the question?

6 Q. What is a manager as listed on that document?

7 A. Oh, this would be service manager on this front  
8 page.

9 Q. Everything that's manager really should read  
10 "service manager," is that what you're telling me?

11 MR. FUSCO: Object to the form.

12 A. Yes.

13 Q. Okay. Did you provide any information to your  
14 attorney prior to this letter going out that you're  
15 aware of?

16 A. I don't remember.

17 Q. The remainder of the letter says "Those  
18 individuals designated as mechanics would have worked on  
19 any vehicles serviced at the dealership during the time  
20 Chrysler vehicles were sold, and those designated as  
21 advisors and managers were in supervisory roles."

22 Do you agree with that?

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

24 A. Can I see it? Yes, I would agree with that.

25 Q. Do you know if you have any information or did

1           you at any time have any information as to how many  
2           Jeeps came into your dealership to have their gas tanks  
3           replaced?

4           A.   No.

5           Q.   Is that information you would have had but for  
6           your computer being turned off?

7           MR. FUSCO:   Object to the form.

8           MS. DE FILIPPO:   By Chrysler.

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

11          A.   I don't know.

12          Q.   Would the service people be required to indicate  
13          that they were replacing a gas tank if they did?

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

16          A.   Yes.

17          Q.   So that would at least be part of the computer  
18          printout that went to the client, the customer?

19          A.   That, I don't know.

20          Q.   So after they replaced a gas tank they wouldn't  
21          give a customer a piece of paper indicating what they  
22          did and how much labor was involved?

23          MR. FUSCO:   Object to the form.   Asked and  
24          answered.   You can answer again.

25          A.   I don't know.

1 Q. Who knows?

2 A. Chrysler.

3 Q. Well, who at your company knows?

4 A. Nobody in my company right now.

5 Q. Again, we're back to the sales and the service  
6 manager?

7 A. Correct.

8 Q. What information did you need as a dealer to sell  
9 the Jeep effectively?

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

12 A. Inventory.

13 Q. That is all you needed?

14 A. Yes.

15 Q. So you needed nothing in the way of  
16 specifications or any other information, you just needed  
17 the vehicles themselves, is that what you're saying?

18 A. Yes.

19 Q. In selling the Jeep is it your testimony that you  
20 didn't have to know everything about the car itself?

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

23 A. Are you talking about myself?

24 Q. I'm talking about your salespeople.

25 A. They were educated by Chrysler.

1 Q. So as far as you as the owner of Loman's were  
2 concerned, they knew what they had to know based on  
3 whatever Chrysler told them, correct?

4 A. Correct.

5 Q. And you as the owner of Chrysler didn't have  
6 personal knowledge about the Jeeps themselves even  
7 though you were the owner selling them?

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

10 A. Correct.

11 Q. How often did you communicate with Chrysler about  
12 the Jeep?

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

15 A. Hardly ever.

16 Q. Once a year?

17 A. Only when I wanted more product.

18 Q. Did you or anybody, your sales crew or service  
19 crew, have any questions about the Jeep that the  
20 manufacturer refused to answer?

21 A. No.

22 Q. Did Chrysler refer to you as the dealer as a  
23 member of the Chrysler family?

24 MR. FUSCO: Object to the form.

25 MS. DE FILIPPO: That you're aware of.

1 A. I have no idea.

2 Q. Were you ever rewarded for selling Jeeps?

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

4 answer.

5 MS. DE FILIPPO: By Chrysler.

6 A. No.

7 Q. Were there ever any incentives that Chrysler gave

8 you for sales?

9 A. They would have rebates, those typical rebates.

10 Q. Typical rebates?

11 A. The normal rebates.

12 Q. Was that the only incentive they gave the dealers

13 for selling your Jeeps?

14 A. Yes, as far as I know.

15 Q. There were no other type of monetary rewards?

16 A. Not that I'm aware of.

17 Q. The rebates went to the customer, correct?

18 A. Yes.

19 Q. What went actually to salespeople, if anything?

20 A. I don't understand. What do you mean?

21 Q. What rewards or incentives did Chrysler give to

22 the salespeople for selling Jeeps?

23 A. I don't know.

24 MR. FUSCO: Object to the form.

25 Q. You don't know?

1 A. No.

2 Q. You never learned, that was between Chrysler and  
3 the salespeople? So there might have been rewards and  
4 incentives but you're not aware of them?

5 A. Correct.

6 Q. You didn't keep any records about it?

7 A. No.

8 Q. You never sold a car, so you never got any reward  
9 or incentive, correct?

10 A. Correct.

11 Q. Were you ever surveyed by Chrysler regarding  
12 customer preferences in car items?

13 A. No.

14 Q. By you I mean your dealership?

15 A. Not that I'm aware of.

16 Q. Did Chrysler ever review the warranty work that  
17 your dealership performed on Jeeps?

18 A. How so?

19 Q. In any way.

20 A. We did the work and they paid us.

21 Q. Well, did they question anything at any time that  
22 you're aware that you did with respect to repairs or  
23 warranties?

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

25 answer.

1 A. Can you just repeat the question?

2 (Previous question read.)

3 THE WITNESS: Not that I'm aware of.

4 Q. Was there ever a program that Chrysler had where  
5 you had a specific sales goal and then they paid you a  
6 certain flat amount based on the number of units you  
7 sold?

8 A. Not that I remember.

9 Q. Did they ever allow you to keep their vehicles on  
10 your lot for a certain amount of days without any  
11 interest being paid?

12 A. Not that I'm aware of.

13 Q. Did you supply any information to a Robert Banta?

14 MR. STOCKWELL: Object to the form. You  
15 already asked it. Now you're asking if he furnished  
16 information to him?

17 MS. DE FILIPPO: Yes.

18 MR. STOCKWELL: You can answer to him if you  
19 can.

20 A. No.

21 Q. Do you know how the Kline vehicle was equipped?

22 A. No.

23 Q. Do you know as you sit here today?

24 MR. STOCKWELL: Late objection. Can you  
25 define what you mean by "equipped"?



1 MS. DE FILIPPO: Parts.

2 Q. Do you know what parts were on the Kline vehicle?

3 MR. STOCKWELL: Each and every part on the  
4 vehicle? What do you mean?

5 MS. DE FILIPPO: No.

6 Q. In general do you know what package it was,  
7 whether it was a sports package? Do you know anything  
8 about the Kline vehicle and the parts it came with? Was  
9 it a stripped down Jeep? How would you describe it?

10 MR. STOCKWELL: Over objection you can  
11 answer.

12 A. I have no idea.

13 Q. As you sit here today have you ever learned what  
14 the Kline vehicle was equipped with in the way of parts,  
15 either optional or factory?

16 A. No.

17 Q. Do you know what an impact deflection structure  
18 is?

19 A. No.

20 Q. Do you know what a brush guard is?

21 A. No.

22 Q. Do you know whether the Kline gas tank had  
23 anything covering it?

24 MR. STOCKWELL: Object to the form.

25 A. I have no idea.

1 Q. Do you know whether the Kline fuel tank had any  
2 protection in the event of a rear-end collision?

3 MR. STOCKWELL: Object to the form.

4 A. No, I'm not aware of anything.

5 Q. You sold minivans, correct?

6 A. Yes.

7 Q. Did the nose of the minivan, for instance, the  
8 Town & Country sit lower than the fuel tank of the Jeep?

9 MR. STOCKWELL: Object to the form. If you  
10 could possibly know that you can answer.

11 A. I have no idea.

12 Q. Did you ever have any correspondence with the  
13 Kline family?

14 A. No.

15 Q. Do you have any information about the location of  
16 the fuel tanks in any of the vehicles which you sold in  
17 your whole life?

18 A. No.

19 Q. In 2005 Jeeps relocated their tank in front of  
20 the axle. Did you receive any literature describing the  
21 new location as a safety feature?

22 MR. STOCKWELL: Object to the form. You can  
23 answer if you can.

24 A. Not that I'm aware of.

25 Q. Did you know when the tanks were relocated in

1 2005?

2 A. No.

3 Q. Did you ever have any discussions with anyone  
4 regarding the tank relocation and marketing that feature  
5 to your customers?

6 A. No.

7 Q. Do you know why the tank was relocated to the  
8 midship position in 2005?

9 MR. STOCKWELL: Object to the form.

10 A. No.

11 MR. STOCKWELL: Midship position, we haven't  
12 established that he understands what that means. But  
13 that's okay, you answered the question.

14 Q. Did you ever have any discussions with Chrysler  
15 about their tank relocation?

16 A. No.

17 Q. And the reasons why Chrysler relocated the tank?

18 A. No.

19 Q. Do you know whether there were any fire jets in  
20 the rear-end collision of the Jeep Grand Cherokee in  
21 models after 2005?

22 A. No.

23 Q. Are you aware of the Center for Auto Safety  
24 Petition for Recall of the 1993 to 2004 Jeep Grand  
25 Cherokee currently?

*←  
add this*

1 A. No.

2 Q. Do you know of a governmental entity called the  
3 National Highway Traffic & Safety Administration?

4 A. I've heard of it.

5 Q. Did you read any literature that was promulgated  
6 by the National Highway Traffic & Safety Administration  
7 at all?

8 A. No.

9 Q. During the pendency of this litigation did you  
10 have any discussions with any individuals at Chrysler?

11 A. No.

12 Q. When you first learned that you were served with  
13 a complaint in this matter, did you have any discussions  
14 with anyone at Chrysler?

15 A. No.

16 Q. You sold Fords from 1989 to the current, to the  
17 present time?

18 A. Yes.

19 Q. Were you aware of the Crown Victoria kit which  
20 would fix the issue regarding post-collision fuel fed  
21 fires?

22 MR. FUSCO: Object to the form.

23 A. No.

24 Q. Ford never advised you of a kit that was  
25 available for the Crown Victoria?

1 A. Not me.

2 Q. How about your dealership?

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

5 A. I don't know.

6 Q. You still sell fords, correct?

7 A. Yes.

8 Q. Do you have information with respect to how Ford  
9 deals with the Crown Victoria fuel tank?

10 A. I'm not aware of it.

11 Q. But somebody in your organization would be,  
12 correct?

13 MR. FUSCO: Do you mean now?

14 MS. DE FILIPPO: Yeah, right now.

15 A. I can't answer that. I don't know if we have it.  
16 The service manager would have it.

17 Q. Your current service manager, did you tell me who  
18 that was? Is that Cloud?

19 A. Yes.

20 Q. Did you also sell Ford Explorers during the time  
21 that you were selling Jeeps?

22 A. Yes.

23 Q. And were you aware of the location of the fuel  
24 tank in the Ford Explorer?

25 A. No.

1 Q. I may have asked you this, but I'm not really  
2 sure what the extent of your answer was.

3 Did you rely solely on Chrysler's advertising the  
4 Jeep Grand Cherokee or did you as Loman's also do your  
5 own advertising?

6 A. We did some advertising.

7 Q. Was your advertising different than the Chrysler  
8 advertising or from a different angle or aspect of the  
9 vehicle?

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

12 Q. Or would you just say it was more advertising or  
13 something else?

14 A. It was very similar.

15 Q. Did you pay Chrysler for their advertising?

16 A. No.

17 Q. What was the reason for you doing similar  
18 advertising to Chrysler in addition to what they did?

19 A. Other dealers do it all the time.

20 Q. I understand that. But what was your thinking on  
21 that issue?

22 A. To be for people to know we sell the product. To  
23 bring awareness of my dealership.

24 Q. During the time that you were selling the Jeeps  
25 were you able to service any part in the car?

1 MR. FUSCO: Object to the form.

2 A. Yes. I'm sure we were.

3 Q. Did Chrysler ever ask you to ship a car back to  
4 be repaired or serviced or redone?

5 A. Not that I'm aware of.

6 Q. Were you aware of any customers who asked you to  
7 remove a trailer hitch?

8 A. No.

9 Q. Were you aware of the fact that you would add a  
10 trailer hitch to a vehicle if a customer desired?

11 A. If the customer desired.

12 Q. But you never remember any customer who wanted a  
13 trailer hitch removed?

14 A. No.

15 Q. That would be something your service manager  
16 would also know, correct?

17 A. Yes.

18 Q. Do you know anything about any brackets that were  
19 provided by Chrysler to reenforce the rear of the  
20 vehicle of the Jeeps?

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

23 A. No.

24 Q. In this lawsuit you know you filed an answer to  
25 the complaint through your attorney, correct?

1 MR. FUSCO: Are you representing that to  
2 him?

3 Q. I'm representing that to you. Do you know that  
4 you did?

5 A. Okay.

6 Q. Did you ever see it?

7 A. I don't remember.

8 Q. I'm going to show you what's been marked Loman-3  
9 and ask you to look at that document.

10 A. What is the question?

11 Q. Have you ever seen that document?

12 A. I don't remember. It's been a long time.

13 Q. Okay. In your answer Separate Defense Number 18  
14 you indicate that you obtained a manufactured product  
15 from a reputable manufacturer, and any defect in said  
16 product was latent and not ascertainable upon a  
17 reasonable inspection, so there can be no imposition of  
18 liability upon this Defendant."

19 Did you provided any facts to anyone to support  
20 Number 18 that I have just read?

21 MR. FUSCO: Objection. Don't answer that  
22 question.

23 MS. DE FILIPPO: You're directing him not  
24 answer about facts?

25 MR. FUSCO: Yes.



1 Q. Without reference to your answer, do you have any  
2 facts which support a conclusion at any time that any  
3 defect that was claimed in the plaintiff's vehicle was  
4 latent and not ascertainable?

5 MR. FUSCO: Objection. Don't answer that  
6 question.

7 MS. DE FILIPPO: Why can't he answer that  
8 question?

9 MR. FUSCO: Because it calls for a legal  
10 conclusion.

11 MS. DE FILIPPO: No, it doesn't. I'm asking  
12 for facts.

13 MR. FUSCO: Ask him questions.

14 Q. Can you tell me if you believe that any defect  
15 alleged in the plaintiff's action included a defect  
16 which was not ascertainable on a reasonable inspection?

17 MR. FUSCO: Objection. Don't answer that  
18 question.

19 MS. DE FILIPPO: Why can't he answer that  
20 question?

21 MR. FUSCO: Because you haven't defined what  
22 is alleged.

23 Q. Okay. In the plaintiff's complaint, which has  
24 been marked Loman-2, the plaintiff alleges in the 11th  
25 Count that "The Jeep was defective in several ways,

1 including but not limited to the fact that the gas tank  
2 was located behind the axle and left unprotected in a  
3 foreseeable rear-end collision." That's the allegation.

4 MR. FUSCO: So what is the question?

5 Q. And your answer was that "Any defect alleged was  
6 latent and not ascertainable upon a reasonable  
7 inspection."

8 Do you believe that the defect as alleged by the  
9 plaintiff, meaning that there was an unprotected gas  
10 tank in a location which was vulnerable to rear-end  
11 collisions, was something that was not ascertainable?

12 MR. FUSCO: Object to the form. Can you  
13 answer that question?

14 A. We rely upon Chrysler engineers to design the  
15 vehicles. We don't design the vehicles. It's beyond me  
16 really.

17 Q. Okay. But when we look at your answer and your  
18 answer indicates the defect in the product, any defect,  
19 was latent and not as ascertainable, did you provide any  
20 facts to say that the defect as alleged was latent and  
21 not ascertainable?

22 MR. FUSCO: Don't answer that question.

23 MS. DE FILIPPO: Earmark that.

24 Q. Did you provide any facts whatsoever to your  
25 attorney prior to the answer being filed?

1 MR. FUSCO: Objection. Don't answer that  
2 question.

3 MS. DE FILIPPO: He can answer. He doesn't  
4 have to tell me what they were. He can certainly  
5 answer.

6 MR. FUSCO: Your next question is going to  
7 be what are those facts?

8 MS. DE FILIPPO: No, I'm not. I'm just  
9 asking if he provided any facts.

10 MR. FUSCO: Go ahead and answer.

11 A. We rely upon the engineers to design --

12 MR. FUSCO: No. Her question is did you  
13 provide any facts -- well, you ask your question.

14 Q. Did you provide any facts whatsoever to your  
15 attorney prior to your answer being filed with the  
16 court?

17 MR. FUSCO: You know what, don't answer that  
18 question. He's not answering that question.

19 Q. Do you have any facts that indicate that the gas  
20 tank was protected?

21 MR. FUSCO: Objection. Don't answer that  
22 question.

23 Q. Is it your allegation that the gas tank was  
24 protected by any structure of the vehicle?

25 MR. FUSCO: Objection. Don't answer the

1 question.

2 MS. DE FILIPPO: Earmark that.

3 Q. Do you have any facts which support an allegation  
4 that the unprotected gas tank was not known to Loman?

5 MR. FUSCO: Objection. Don't answer that  
6 question.

7 MS. DE FILIPPO: Earmark that also.

8 Q. Do you have any facts which support any  
9 allegations in your separate defenses?

10 MR. FUSCO: Objection. We don't make  
11 allegations. Don't answer this question.

12 MS. DE FILIPPO: Yes, you do. Fine.

13 Q. Do you have any facts to support your separate  
14 defenses?

15 MR. FUSCO: Objection.

16 MS. DE FILIPPO: Earmark that.

17 I'll tell you one thing, Mr. Fusco, if you  
18 intend to present any defenses in accordance with  
19 your answer and you're not letting him answer these  
20 questions, I'm objecting to anything he says.

21 MR. FUSCO: Any question you're asking is  
22 wholly improper. It calls for a legal conclusion.

23 MS. DE FILIPPO: It is not. No.

24 MR. FUSCO: You're mischaracterizing. I have  
25 never seen such a thing.

1 MS. DE FILIPPO: I'm asking for facts.

2 MR. FUSCO: Then ask.

3 MS. DE FILIPPO: I did. I asked him for  
4 facts that support his defenses. If he can't tell me  
5 --

6 MR. FUSCO: They're not his defenses. It's  
7 not his answer.

8 MS. DE FILIPPO: Whose defenses are they?

9 MR. FUSCO: Loman Auto Group.

10 Q. Do you have facts to support any of Loman Auto  
11 group's defenses?

12 MR. FUSCO: Objection. Actually, you can  
13 answer that question if you can.

14 A. I, we, the dealer body relies upon the  
15 manufacturer.

16 MR. FUSCO: Do you want specify any defenses  
17 you're talking about or just in general?

18 Q. Let's start with 18. Do you have any facts to  
19 support the defense in Number 18 on behalf of Loman Auto  
20 Group?

21 MR. FUSCO: Can you tell him what the defense is?

22 Q. "The Defendant obtained a manufactured product  
23 from a reputable manufacturer, and any defect in said  
24 product was latent and not ascertainable upon a  
25 reasonable inspection, so there can be no imposition of

1 liability upon this Defendant."

2 MR. FUSCO: He's already testified that he relied  
3 on --

4 MS. DE FILIPPO: I'm asking his facts. I said do  
5 you have any facts or does Loman Auto Group have any  
6 facts to support your defense.

7 MR. FUSCO: That's not what you asked him.

8 MS. DE FILIPPO: Well, that's what I'm  
9 asking.

10 Q. Do you know of any facts that relate to that  
11 defense as you sit here today?

12 A. Just specify exactly what the question is. I  
13 don't understand the question.

14 Q. The defense that I just read you.

15 MR. FUSCO: Do you know what a latent defect  
16 is?

17 THE WITNESS: No.

18 MR. FUSCO: Okay. He can't answer it. Then  
19 he can't answer it.

20 Q. How about a defect that's not ascertainable upon  
21 a reasonable inspection?

22 Do you understand that?

23 MR. FUSCO: Do you know what "reasonable  
24 inspection" means?

25 THE WITNESS: I'm not sure.

1 MR. FUSCO: Then he can't answer that one.

2 MS. DE FILIPPO: Well, then I guess he can't  
3 answer at trial either.

4 MR. FUSCO: I think he can.

5 MS. DE FILIPPO: No, he can't. If you're  
6 going to direct him and coach him not to answer now,  
7 then I'm telling you now --

8 MR. FUSCO: This line of questioning --

9 MS. DE FILIPPO: This line of questioning is  
10 about facts and is totally permissible.

11 MR. FUSCO: Ask him about the car.

12 MS. DE FILIPPO: No. I'm asking about facts  
13 to support his defenses. If I have a complaint, you  
14 can certainly ask for facts to support my  
15 allegations. I'm asking for facts to support your  
16 defenses in your affirmative defenses.

17 MR. FUSCO: I can ask facts about what  
18 caused the legal conclusions in your complaint?

19 MS. DE FILIPPO: No. I'm not asking legal  
20 conclusions. I'm asking facts to support what the  
21 allegations are or the defenses. And that's  
22 perfectly permissible. If you're not going to have  
23 him testify in court about it, fine.

24 MR. FUSCO: That's not going to...

25 MS. DE FILIPPO: I'm asking him what facts,

1 upon what facts does he base any of his defenses.

2 MR. FUSCO: It's not his case. He's not  
3 being sued.

4 MS. DE FILIPPO: What are Loman's defenses.

5 MR. FUSCO: That's an improper question.  
6 This is a corporate defendant.

7 MS. DE FILIPPO: You understand I'm talking  
8 about Loman. Is he the corporate defendant  
9 representative or not?

10 MR. FUSCO: He's one of them, yeah.

11 Q. As a representative of the corporation do you in  
12 the name of your corporation have any facts to support  
13 any defenses which you have put forth?

14 MR. FUSCO: Objection. Don't answer that.

15 MS. DE FILIPPO: Fine. Then if you don't  
16 want him to answer what facts support your allegation  
17 that there were defects that were not ascertainable,  
18 then fine.

19 MR. FUSCO: It's not his allegation.

20 MS. DE FILIPPO: It's his defense.

21 MR. FUSCO: It's not his defense. It's the  
22 corporation.

23 MS. DE FILIPPO: It's Loman's defense. He's  
24 here as a Loman's representative.

25 MR. FUSCO: It is a legal defense.



1 MS. DE FILIPPO: I didn't ask for the  
2 defense. I asked for the facts that support. You  
3 can make a conclusion any way you want.

4 MR. FUSCO: You won't define what a latent  
5 defect is.

6 MS. DE FILIPPO: No. I said unascertainable.  
7 You told him he didn't know.

8 MR. FUSCO: I asked him if he knew.

9 MS. DE FILIPPO: Is there something about the  
10 word "reasonable inspection" that a normal English  
11 speaking person wouldn't understand?

12 MR. FUSCO: Yes.

13 MS. DE FILIPPO: What is that?

14 MR. FUSCO: It's a legal defense. You're  
15 asking him to act as an attorney.

16 MS. DE FILIPPO: No, I'm not. No, I'm not.  
17 I'm asking for the facts.

18 MR. FUSCO: You've been wasting our time all  
19 afternoon.

20 MS. DE FILIPPO: If he's not going to provide  
21 facts at trial, I don't care.

22 MR. FUSCO: Ask him anything you want about  
23 the car.

24 MS. DE FILIPPO: I'm not asking about the  
25 car.

1           MR. FUSCO: You can ask him anything about  
2 the car, about the dealership. Go ahead. You're not  
3 being stopped.

4           Q. Mr. Loman, do you believe that your car, the  
5 Jeep, the 1996 Jeep that you sold to Susan Kline, did  
6 not have any defect that you, Loman's, or anyone at  
7 Loman's could ascertain by reasonably inspecting it?

8           MR. FUSCO: Object to the form.

9           Q. Or inspecting it?

10          MR. FUSCO: Object to the form. You can  
11 answer that question.

12          A. We rely upon the manufacturer to give us a  
13 product that is safe to sell.

14          Q. Does Loman's inspect the product prior to the  
15 customer taking it off its lot?

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

18          A. I don't understand what you mean by "inspect."  
19 That's a very broad question.

20          Q. What type of vehicle prep does Loman do when a  
21 customer is buying a new car?

22          A. We make sure the fluids are correct, take the  
23 plastic off the inside.

24          Q. Anything else?

25          A. That's basically it. And the technicians would

1           have -- they're trained by Ford on what --

2           MR. FUSCO: She's not talking about Ford.

3           THE WITNESS: I'm sorry. Whatever the

4 manufacturer trained us to do we would do.

5           Q. All right. What is that?

6           A. I don't know.

7           Q. You don't know what you do to prep a car prior to  
8 the person coming and driving it off the lot?

9           A. The technicians are trained by the manufacturer.

10          Q. Is that including an inspection of the car to  
11 make sure everything is in working order?

12          MR. FUSCO: Object to the form.

13          A. I've never gone to a training course. The  
14 technicians have. If it was required, they will do it.

15          Q. So are you saying that you don't know whether an  
16 inspection of the vehicle is done before it goes off  
17 your lot?

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

20          A. The required manufacturer prep is done by our  
21 technicians.

22          Q. Let me ask you something. Let's forgot about the  
23 manufacturer required prep.

24                 Does Loman Auto Group do anything in particular  
25 to make sure that the product they're selling is in good

1 condition when it leaves their lot?

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

4 A. We follow the manufacturer's guidelines. And the  
5 a technicians are trained on how to do this.

6 Q. That's nice. Thank you very much for that.

7 MR. FUSCO: Please don't argue with this  
8 witness.

9 Q. My question is apart from what the manufacturer  
10 tells you, apart from what the manufacturer trains, does  
11 Loman Auto Group do anything to ensure that a vehicle  
12 driven from their lot, a new car, is in good condition?

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

15 A. We follow the manufacturer's guidelines.

16 Q. That was not responsive so let me ask it again.

17 Apart from the manufacturer guidelines, does  
18 Loman Auto Group do anything to ensure that a vehicle  
19 driven from their lot as a new car is in a proper safe  
20 condition?

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

23 A. The manufacturer is the expert. They design the  
24 vehicle. They know how it works. They know what is  
25 required. We rely upon what they train our technicians

1 to do regarding the proper preparation of a vehicle.

2 Q. Is there something about my question that you  
3 didn't understand?

4 A. It's like this, if a person goes to medical  
5 school, they learn from the teacher. The manufacturer  
6 is the teacher. We are the student.

7 Q. Now, Mr. Loman, I appreciate that.

8 MR. FUSCO: Just listen to her question.  
9 Don't argue with her.

10 Q. Take away all the manufacturing information.  
11 Does Loman Auto Group do anything or require anything to  
12 be done by its service people prior to the vehicle  
13 leaving your lot to make sure that the new car that this  
14 customer is buying is in proper and safe condition?

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

17 A. I've told you everything I know already. We  
18 follow the manufacturer's prep guidelines. We don't  
19 invent them. We just follow them.

20 Q. So is your answer no with respect to the car,  
21 apart from the manufacturer there's nothing that Loman's  
22 does apart from what the manufacturer requires?

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

25 A. To my knowledge, yes.

1 Q. Yes? Your answer is no, right? The answer is  
2 no, can we agree on that?

3 A. Yes, that's right.

4 MR. FUSCO: Yes, the answer is no. I think you  
5 got that. All right. No question.

6 Q. Again, to find out what is done to the vehicle  
7 prior to it leaving your lot I have to take the  
8 deposition of the service manager who was the service  
9 manager when you sold Jeeps, that's what you're saying?

10 MR. FUSCO: Object to the form. You can answer.  
11 You can do whatever you like. Answer her question.

12 Q. Well, that is the person with the knowledge,  
13 correct?

14 A. Yes.

15 MS. DE FILIPPO: I don't have any other  
16 questions.

17 (Loman-15, Document, marked for identification.)

18 (Wherein the deposition is concluded at 3:45  
19 p.m.)

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## C E R T I F I C A T E

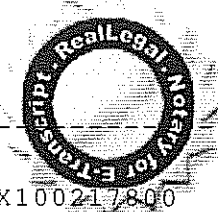
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3 I, RONDA L. REINSTEIN, a Certified Court Reporter  
4 of the State of New Jersey, authorized to administer  
5 oaths pursuant to R.S.41:2-2, do hereby certify that  
6 prior to the commencement of the examination, JOHN  
7 LOMAN, was sworn by me to testify to the truth, the  
8 whole truth and nothing but the truth.

9 I DO FURTHER CERTIFY that the foregoing is a true  
10 and accurate transcript of the testimony as taken  
11 stenographically by and before me at the time, place and  
12 on the date herein before set forth, to the best of my  
13 ability.

14 I DO FURTHER CERTIFY that I am neither a relative  
15 nor employee nor attorney nor counsel of any of the  
16 parties to this action, and that I am neither a relative  
17 nor employee of such attorney or counsel, and that I am  
18 not financially interested in the action.

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20  
21 *Ronda Reinstein*

RONDA L. REINSTEIN, CCR No. 30X100217800



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